



1 including the stenographers who listen to you through  
2 the sound system, can hear you clearly, so could I ask  
3 you to try to make sure that you're using the  
4 microphone. People typically drift away from the  
5 microphone once they start talking, so if you can guard  
6 against that, and, if necessary, move the arm of the  
7 microphone into a comfortable position. It's the one  
8 that has the red light on it I particularly need you to  
9 be aware of, that one.

10 You have a red folder in front of you as well. That  
11 has a hard copy of your statement in, so you can use  
12 that if you find it helpful, but you will also see your  
13 statement coming up on the screen in front of you. It  
14 will take you to any particular parts that we're looking  
15 at as we go through your evidence, so do feel free to  
16 use either or neither, as you find most helpful, as we  
17 progress this morning.

18 One last thing, 'James', and this is important. If  
19 you have any queries or concerns at any time while  
20 you're giving your evidence, please let me know, don't  
21 stay silent and don't feel you can't interrupt. It  
22 matters if there's anything that's troubling you and  
23 I want to know that and I'll see what we can do about  
24 it. If you need a break, just ask. If it works for  
25 you, it works for me.

1           If you're ready, I'll hand over to Mr Brown and  
2           he'll take it from there. Is that all right?  
3   A. Thank you.  
4   LADY SMITH: Mr Brown.  
5                       Questions from Mr Brown  
6   MR BROWN: My Lady, thank you.  
7           'James', good morning again.  
8   A. Good morning.  
9   Q. It is important that we hear you, so if you could  
10       perhaps position yourself a little nearer the  
11       microphone, that would help. It's just, I'm afraid,  
12       from experience people start off near the microphone and  
13       then lean back and we lose --  
14   A. Is this better?  
15   Q. It is better, thank you.  
16       You're 'James', you're 81?  
17   A. (Witness nods)  
18   Q. And you were born in 1940?  
19   A. (Witness nods)  
20   Q. You are perhaps particularly well qualified to speak  
21       about Merchiston because you were a pupil there between  
22       1954 and 1959 and then, having been to university, and  
23       we'll come onto that in a moment, you then taught at  
24       Merchiston from 1966 to 1979?  
25   A. Yes.

1 Q. You have provided a very helpful statement, which has  
2 a reference number WIT-1-000000497 and as you've had it  
3 explained to you it's in front of you on the screen and  
4 in paper form.

5 If we could just begin by going to the final page of  
6 the statement, page 20, which appears on the screen in  
7 front of you for ease, you signed that statement on  
8 6 November 2020, correct?

9 A. Yes.

10 Q. The last paragraph of the statement reads:

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

15 Obviously you will have read the statement and been  
16 content that it was accurate when you signed it?

17 A. Yes, that's so.

18 Q. Did you read it again in advance of today's hearing?

19 A. I did.

20 Q. Is there anything that struck you as being perhaps  
21 a typographical error or anything you wanted to add or  
22 retract?

23 A. I didn't know I was going to be asked that.

24 Q. Did anything leap out at you?

25 A. Sometimes the balance was a wee bit more on one thing



1       than another.  Nothing major, I'd say.

2   Q.  All right.  Factually you're content it's accurate?

3   A.  Yes.

4   Q.  Thank you.  As you will understand, we don't have to go

5       through every last detail of it because the statement is

6       in evidence, but much of the statement is about your

7       time as a teacher, but if we may, could we start with

8       your time as a pupil?

9       I think, having spoken with you a moment ago just by

10      way of introduction, you recognise that as a pupil you

11      probably had a better sense of what was going on,

12      because as a member of staff you were one stage removed;

13      is that correct?

14  A.  That's what I said, yes.

15  Q.  What did you mean by "one stage removed"?

16  A.  Well, if you really want to know what's going on in

17      a boy's life, I'll be referring to pupils as "boys" for

18      this situation here -- what was I saying?

19  Q.  It was about as a teacher you were one stage removed?

20  A.  Yeah, if you wanted to know what's going on in a boy's

21      mind, I think the other boys know better than the

22      teachers.  Certainly as I grew older as a teacher,

23      I was -- felt I had less and less of a clue as to what

24      was going on in pupils' minds as they sat at their desks

25      in front of me than in the early years, when I felt they

1        were still thinking the same way as I did when I was  
2        a youngster.

3        So -- am I making sense?

4    Q.   Yes.   When you started teaching at Merchiston, I think  
5        as we read from the statement you'd been away to both  
6        Oxford and then Glasgow universities for degrees, but  
7        then you went straight back to Merchiston as a first job  
8        so you'd been away for seven years.

9    A.   Yeah.

10   Q.   Had very much changed when you started again?

11   A.   I can't remember, but my impression was no at the time.

12   Q.   Right, so you were going back to the familiar and where  
13        you understood the system, I suppose?   But is what  
14        you're saying over the next --

15   A.   Yes.

16   Q.   -- 13 years, the system that you were accustomed as  
17        a pupil and in the early years as a teacher changed?

18   A.   Yes.

19   Q.   Is that right?

20   A.   Yes.

21   Q.   And presumably boys changed, society changes?

22   A.   Yes.

23   Q.   Is that the distance you are talking about?   You felt  
24        more distant from the boys for that reason too?

25   A.   I think in the earliest years I didn't feel distant at

1       all. I think I thought I knew exactly where they were  
2       in their world view. I became aware in the last, say,  
3       five years, three years, that the times they were  
4       a-changing, yeah.

5   Q. And were you changing with the times?

6   A. That's the problem. No, I don't think I was. I was  
7       disapproving. I was going to put the brakes on.

8   Q. Well, let's talk about your first experiences at  
9       Merchiston in the 1950s. Why was Merchiston selected  
10      for you? Do you know?

11  A. Yes, I -- dad had put my name down for King's School,  
12      Canterbury, because that's where he'd been. He was  
13      working in Glasgow. His chairman sent his boys to  
14      Merchiston, the prep school that he'd picked for us sent  
15      a lot of boys to Merchiston, so he submitted to  
16      Merchiston, being nearer and still okay.

17  Q. Okay.

18  A. That was the sort of version I got from my father.

19  Q. From your perspective, had you boarded before  
20      Merchiston?

21  A. Yes. My prep school experience was at two prep schools.  
22      There was a day prep school 15 minutes' walk from home  
23      that we went to most of the time, but there was a gap  
24      between when I was 9 and 11 and a half when we were sent  
25      down to a prep school in Dumfriesshire, which was

1       totally boarding.

2   Q.   Right. Which prep school was that?

3   A.   It was called Crawfordton House.

4   Q.   What was your experience there? A happy one?

5   A.   Not 100 per cent. Missing my parents. There was no

6       such thing as leave out. There was a half term, which

7       was -- parents came down into Dumfriesshire and took you

8       out for about six hours on Saturday and six hours on

9       Sunday, and then it was another eternity. It was

10      spartan as well.

11  Q.   In terms of discipline, firm?

12  A.   Firm.

13  Q.   If we'd spoken to you then, would you have complained

14      about anything?

15  A.   No. Just accepted it.

16  Q.   That was the way it was and you got on with it?

17  A.   That's right.

18  Q.   You then moved on to Merchiston. Was that from

19      Crawfordton or was that --

20  A.   No, that was back at Belmont House.

21  Q.   Right, which is a day school?

22  A.   Yeah.

23  Q.   Had the experience at boarding school, however, or did

24      it help when you went to Merchiston?

25  A.   Probably did, didn't it? Yeah.

1 Q. You had some experience of being away?

2 A. I'd been away, yeah.

3 Q. And the regime that you were going into in a sense?

4 A. Was much easier. We were seeing our parents every

5 fortnight, going home every fortnight for a few hours.

6 Q. So on that practical level, Merchiston was easier --

7 A. Oh yes.

8 Q. -- because there was much more family contact?

9 A. Yeah.

10 Q. But in terms of Merchiston, if you can remember back to

11 day 1, did you know what you were going into in any way

12 or did you just pick it up as you went along?

13 A. The latter.

14 Q. I think you mention that you had a housemaster -- and we

15 know about the order of houses from many witnesses. You

16 would have started in Chalmers West; is that right?

17 A. Yeah.

18 Q. Who was the housemaster there?

19 A. Mervyn Preston.

20 Q. And you say in your statement at one point you took

21 a scunner to him, because of a decision about --

22 A. It was a little boy's scunner, wasn't it, but it marked

23 my relationship with him. I was always careful with

24 him.

25 Q. I think that's talking about he was critical of

1       a headmaster's decision about --

2   A.  I didn't think he should do that.

3   Q.  He was disloyal?

4   A.  I was pious.

5   Q.  And he was disloyal?

6   A.  Yes.

7   Q.  Chalmers West would have been your first year at

8       Merchiston?

9   A.  (Witness nods)

10  Q.  You would be 14?

11  A.  Yeah, I turned 14 in the first term.

12  Q.  All right.

13       As compared with your experience at Crawfordton, was

14       Merchiston spartan too?

15  A.  It was -- the 1950s were spartan times.  There was still

16       rationing, for instance, but Merchiston was much more

17       bearable.

18  Q.  Though what you seem to focus on is --

19  A.  I think I was growing older as well.

20  Q.  Of course.  But what the thing you've talked about both

21       schools is access to home?

22  A.  Yeah, that's what I'm thinking of this morning.  I don't

23       know what I'd tell you tomorrow.  Did I find the work

24       more interesting at Merchiston too?  Was there -- there

25       were more activities for you in your free time.  Free

1       time was forever and boring at Crawfordton.

2   Q.   Okay.   Going back to your comment about perhaps having

3       a better sense of what's going on as a pupil than as

4       a teacher, obviously as a pupil you're in the pupil

5       body, there'll be a great deal of talk, what was the

6       pupil view of Mervyn Preston, can you remember, when you

7       were in Chalmers West?

8   A.   Well, in these dorms of 16 of us, after lights out was

9       when the day's news was spread around, so that's how we

10      got to know roughly what the score was ever.   Views of

11      Mervyn Preston?   He was a given.   You handled him and

12      that's fine.   As with all the staff.   I mean, the

13      conversation would always be about the teachers and what

14      to laugh about, what to be aware of and things like

15      that.

16   Q.   Was there anything to be aware of so far as

17      Mervyn Preston was concerned?

18   A.   Nothing -- nothing particularly.

19   Q.   We've heard evidence of his interest in boys.

20   A.   Yes.

21   Q.   He had a nickname, we understand, certainly at one

22      stage, which was Merve the perve.

23   A.   No, that was after my time.

24   Q.   That wasn't something that you were conscious of?

25   A.   No.

1 Q. You say at paragraph 79:  
2 "I have since heard some stories [this is page 17]  
3 about Mervyn Preston being in the showering area after  
4 games supervising the boys. It was not  
5 inappropriate ..."  
6 A. Hang on a minute? Since heard? That's how it was when  
7 I was there.  
8 Q. That's what I was going to ask. If we look at the  
9 paragraph which is on the screen in front of you, if  
10 that's easiest --  
11 A. I'm not seeing the screen at all. What paragraph are we  
12 talking about?  
13 Q. 79, please, page 17.  
14 A. I'm much more comfortable with paper as well.  
15 LADY SMITH: Absolutely, that's why I said at the beginning,  
16 'James', do use what works for you. Don't feel obliged  
17 to use the screen if it doesn't help.  
18 A. Right, so what did I mean when I said all that?  
19 MR BROWN: Well, what you seem to be saying is it was  
20 appropriate that he was there because he was  
21 supervising.  
22 A. And I'd learnt that, I suppose, in Dumfriesshire, at  
23 prep school. And when I went back as a teacher, one was  
24 aware stuff needs to be supervised to make sure there's  
25 no misbehaviour amongst the pupils. So that would seem



1       to me to be a -- at the time it would have seemed to me  
2       to be absolutely okay for the housemaster to be  
3       supervising the showers.

4   Q.  Is that something you would have done as a teacher at  
5       Merchiston?

6   A.  Not on a regular basis.  I can't remember whether I ever  
7       did it or didn't do it.

8   Q.  Would it have been something that you would have in any  
9       sense been worried to do?

10  A.  No.

11  Q.  You mention at paragraph 80 that he would do the sex  
12       education with the boys and it was called a pep talk?

13  A.  Yeah.

14  Q.  "These talks always took place in his own sitting room  
15       on a one-to-one basis.  He would call the boys out  
16       during prep.  He would speak to all the boys about sex  
17       and some of the boys said that Mervyn Preston had asked  
18       them questions about their own bodies and whether they  
19       had erections.  I suspect that some of the boys  
20       embellished their stories."

21  A.  (Witness nods)

22  Q.  Why do you say that?

23  A.  We all do, don't we?  Well, in my day as a boy, you  
24       would make as good a story as you could of stuff.  But  
25       for some reason I never got this pep talk, so I don't

1 know what the reality was.

2 Q. All right. Do you know why he was doing it one to one?

3 A. How else would you do it?

4 Q. To a class.

5 A. I suppose so.

6 LADY SMITH: Did you know he was doing it in his sitting

7 room?

8 A. Yeah, but that was also his office and that was where

9 you -- if you wanted to go and see the housemaster, that

10 was the room. So --

11 LADY SMITH: Sorry, it's just the statement says "sitting

12 room", which gave me the impression that that was

13 a different room from a room he might use with a desk in

14 it to be -- in the role of being a housemaster.

15 A. No, that was where his desk was as well.

16 LADY SMITH: Okay. Thank you.

17 A. He had two rooms. He had this bigger room and then he

18 had his bedroom, and across the general corridor he

19 would have his washing and stuff.

20 LADY SMITH: So just two rooms allocated to him as

21 housemaster?

22 A. Mm.

23 LADY SMITH: Thank you.

24 MR BROWN: Thank you.

25 You make the point in paragraph 81 that you were at

1 a reunion dinner of your fellow pupils and stories about  
2 him were mentioned which you found somewhat distasteful?  
3 A. Mm.  
4 Q. You end that part of your statement saying:  
5 "I suspect that there was nothing concrete proved  
6 against [him] or the speaker ... would not be making  
7 jokes about it."  
8 A. Mm.  
9 Q. From your experience, there is nothing untoward to  
10 report?  
11 A. Correct.  
12 Q. Although you didn't like his disloyalty to the head?  
13 A. On that one occasion. It put warning flags up for me,  
14 didn't it? Handle with care.  
15 Q. When you came back as a teacher, he was still present?  
16 A. (Witness nods)  
17 Q. Were the warning flags still flying?  
18 A. Yes, yes, and he was acting headmaster for a while.  
19 Q. And albeit, using your phrase, you were one stage  
20 removed as a teacher, did you have any sense in the 13  
21 years between 1966 and 1979 of adverse comment about  
22 Preston?  
23 A. No, I didn't pick anything up.  
24 Q. You didn't pick anything up?  
25 A. No.

1 Q. How was he viewed by the staff, thinking of your time as  
2 a teacher?

3 A. (Pause)

4 Sorry. (Pause)

5 I don't quite know how to put it.

6 Q. All right.

7 A. I was about to say: as a good efficient teacher. He was  
8 efficient and all that. I felt -- he was my history  
9 teacher and he put me off history, I found him a very  
10 bad teacher, so I was trying not to let that colour  
11 things. I think the historians found him a good  
12 teacher, because I never heard anything else.

13 I suppose that was the first concern of a teacher,  
14 when you're looking at your colleagues: are they doing  
15 their job right? And I thought, I would say to this  
16 day, probably, that in all major respects he was doing  
17 his job right. Now, why do I say in "all major  
18 respects"? It's because I have this wee reservation  
19 about him, I can't quite put my finger on it.

20 Q. Can you remember anything from your time as a teacher  
21 where that reservation was --

22 A. It was about loyalty, actually, if I think about it. He  
23 used to have a pet phrase, "not our world" would be  
24 a damning phrase to describe either a pupil or a parent  
25 or a colleague, so he was a snob.

1 Q. He spent his entire career pretty much at Merchiston?  
2 A. Yes, he did.  
3 Q. Was Merchiston --  
4 A. He was living his dream, perhaps.  
5 Q. Why do you say that?  
6 A. Well, he could still be a snob, couldn't he?  
7 Q. We've heard evidence that when he retired he moved to  
8 the New Club. Is that something that you were aware of?  
9 A. Yes, he would take me there for lunch on Sundays,  
10 sometimes. Currying my favour. Isn't that unkind of  
11 me.  
12 Q. Did you ever hear of him taking pupils to the New Club?  
13 A. No. Well, he might have taken senior pupils, he might  
14 have taken his senior prefect or something like that.  
15 I have no idea. But that would have been okay in our --  
16 at the time. You know, there would be no problem with  
17 that. It wouldn't arouse -- you wouldn't notice it is  
18 perhaps what I'm saying.  
19 Q. Going back to your time in the 1950s at school, we  
20 talked a moment ago about sex education. It's an all  
21 boys' school. As you moved up the school, obviously  
22 puberty is hitting boys. They become more sexualised.  
23 Do you remember within the school community homosexual  
24 relations between boys?  
25 A. It depends what you mean by "homosexual relations".

1 I know a lot more now than I did then. I never knew  
2 anything more than interfering with each other's private  
3 parts for mutual pleasure.

4 Q. That's what I was alluding to, so thank you for focusing  
5 it. Was that felt to be acceptable? There's no other  
6 outlet?

7 A. You weren't sent to Coventry. Was it acceptable?  
8 (Pause)

9 Perhaps it was, perhaps it wasn't. I think it was  
10 a grey area.

11 Q. Your phrase, "sent to Coventry", pupils could be sent to  
12 Coventry if their behaviour wasn't considered by the  
13 student body --

14 A. I was using that in a general sense. I don't remember  
15 anyone literally being no one spoke to them, which  
16 I understand is the real meaning of the phrase.  
17 I mean ... (Pause)

18 I think we were all aware that we needed to be each  
19 other's friends and I don't think, if you indulged in  
20 that kind of sexual activity, that that would interfere  
21 with you being part of the crowd.

22 Q. We've heard evidence that there were on the attic floors  
23 kilt rooms where the kilts for Sunday would be kept; is  
24 that right?

25 A. Yes.

1 Q. And that that was a place people might go to to indulge  
2 that sort of practice; does that ring true?  
3 A. Yes.  
4 Q. You're aware of that?  
5 A. Well, it was out of bounds, so you wouldn't be -- you  
6 wouldn't be interrupted.  
7 Q. Yes. Would the teachers have been aware of this; do you  
8 think?  
9 A. I think not.  
10 Q. Because thinking about the 1950s when you were there,  
11 would I be wrong in saying it's a disciplined  
12 environment?  
13 A. Yes.  
14 Q. Your point of contact would be the housemaster and  
15 perhaps prefects?  
16 A. Yes.  
17 Q. What was the role of the housemaster for you as a pupil?  
18 A. In loco parentis.  
19 Q. How much would you see of a housemaster?  
20 A. Quite a lot.  
21 Q. We've heard in terms of Merchiston but other schools  
22 that the culture of a particular house would be very  
23 much determined by the personality of the individual  
24 housemaster. Is that something that you saw?  
25 A. No, I thought the four houses were -- the culture was

1        pretty similar. I think perhaps in the senior house,  
2        Rogerson West, it was Mr Humphries was the housemaster,  
3        you saw less of him around. With Ian Balfour-Paul and  
4        Mr -- what was his name? Gilbert? Mr Mair in Chalmers  
5        East, they were around and you -- talking with you.

6            The main social time was bedtime, when housemasters  
7        and house tutors would walk around the dorms and have  
8        chat, and that would be a very easy opportunity for  
9        pupils to ask, "Sir, what do you think about this or  
10       that?" and so on. A general relaxed atmosphere for  
11       exchanging views and stuff.

12    Q.    The reason I ask is in some schools -- I'm speaking  
13           generally, not just focusing on Merchiston -- we've  
14           heard that housemasters could be quite remote and that  
15           really day-to-day responsibility fell on the prefects.  
16           Is that accurate for Merchiston or not?

17    A.    It's not accurate because -- I've not been at the other  
18           schools -- the prefects weren't around during the  
19           daytime. They lived in their studies, which was in the  
20           central block. It was the housemaster, the house tutor  
21           and the dorm captains and seconds, who were our own  
22           peers.

23    Q.    You say in context that bullying is not something you  
24           remember as a pupil; is that correct?

25    A.    That's correct. I've agonised about bullying over the



1       years because in some of the schools I was teaching in  
2       later on bullying was quite a significant issue, and  
3       I've thought back and asked one or two contemporaries,  
4       and -- probably what we're saying is the bottom line --  
5       the minimum of what we're saying is we were not  
6       experiencing bullying. None of us thought that we ever  
7       saw someone else amongst our contemporaries being  
8       bullied. So -- and strange as it seems, somehow  
9       Merchiston -- my experience of Merchiston was  
10      a bullying-free environment.

11   Q. Again thinking of some of the evidence we've heard  
12      already about Merchiston, one perhaps theme that has  
13      come out is it is very much a rugby school, rugby  
14      mattered.

15   A. Yes.

16   Q. Is that correct in the 1950s?

17   A. I have a younger brother who was very unhappy at  
18      Merchiston and he used to talk about the rugger buggers,  
19      aggressively, you know, they dominated, they were the  
20      loud ones, they were the blah, blah, blah. He wasn't  
21      non-sporty, but he didn't like that.

22           To me, that wasn't a huge issue. There were those  
23      who were good at rugby and those who weren't.

24   Q. From your experience, those who weren't, were they  
25      treated any differently by the student body?

1 A. No, I didn't think so.

2 Q. But your brother clearly --

3 A. He did.

4 Q. He did. When was he there?

5 A. He was there 1955 to 1960/1961?

6 Q. So with a degree of overlap?

7 A. Yeah, virtual contemporaries.

8 Q. And that was something he wasn't --

9 A. He had a different experience from me.

10 Q. Yes. Your experience, it wasn't a negative. For him,

11 it was?

12 A. That's right.

13 Q. Did he feel bullied, out of interest, because he wasn't

14 sporty?

15 A. No, he didn't -- oh gosh, I have never asked -- or have

16 I? I don't remember what he said. He didn't -- he had

17 a clever wheeze. He became early on a member of the

18 aeronautical society, which had a room in the bottom of

19 Gibson House and there were about 10/12 members, and

20 that's where they made their model aeroplanes out of

21 balsa wood and things and then they went out to the back

22 field and flew them, that sort of thing. And he -- and

23 there was another one in his year -- somehow ... you

24 weren't meant to become members until you were in

25 Rogerson, but they in Chalmers East got to be members,

1       so he spent his whole life down in this aeronautical  
2       society room and that was his way of fleeing the horrors  
3       of boarding school.

4   Q.   It was an escape mechanism?

5   A.   Yes.  It kept him afloat.

6   Q.   Were you aware of boys from your experience, your year,  
7       who didn't float, but sank?

8   A.   In the first term three boys ran away and were brought  
9       back and settled.

10  Q.   Sorry, and settled?

11  A.   And settled.

12  Q.   Why did they run away?

13  A.   They were unhappy.

14  Q.   And why were they unhappy?

15  A.   I can't tell you.

16  Q.   All right.

17  A.   One knew that they had run away, they were not there for  
18       a day or two, and then they were back.

19  Q.   Okay.  How were they treated, having run away?

20  A.   I wasn't aware of any change.

21  Q.   Okay.  They obviously ran away for a reason, whatever it  
22       was.

23  A.   Mm.

24  Q.   That leads on to perhaps the issue of what we would now  
25       describe as pastoral care.  You've talked about engaging

1 with the housemaster, particularly as he came around at  
2 the end of the day. Thinking back to your experience at  
3 school, did you know there were people you could go and  
4 speak to if you had a problem?

5 A. I think the answer to that is obviously yes. It was not  
6 formalised, it was never spelt out to you. You would  
7 probably start by talking to those you were closest to.  
8 Now, if you were a bit of a loner, which I was, I might  
9 have more quickly gone to a prefect/a member of staff.  
10 I would have probably gone to one of my teachers whom I,  
11 as a boy would say, liked most. That would have -- but  
12 it was never spelt -- you know, you worked it out for  
13 yourself, I would say.

14 Q. Well, so from that you're saying there was no formal  
15 system in place?

16 A. No.

17 Q. Was anything ever, from your recollection of Merchiston  
18 in the 1950s, said to boys? You know, you know that you  
19 were unhappy when you went away, or presumably you were  
20 homesick, thinking of Crawfordton. Was anything done to  
21 address perhaps the inevitable unhappiness of some being  
22 away from home, for example?

23 A. No. You get on with it.

24 Q. That was the outlook?

25 A. You're growing up. It's a tough experience.

1 LADY SMITH: There's an expression we use in the modern  
2 world of having to just "man up". Was there a tinge of  
3 that?  
4 A. It was still very post-war-y, and if you'd been away to  
5 the wars -- so we all thought that way. I don't know if  
6 that's true, but that's my way of putting it, perhaps.  
7 LADY SMITH: Thank you.  
8 MR BROWN: I think a number of -- sorry, were you going to  
9 add something?  
10 A. Yeah, I was just trying to think what did we say instead  
11 of "just man up"? I don't remember what our phrase was,  
12 sorry.  
13 Q. But the same meaning?  
14 A. Yeah.  
15 Q. Presumably amongst the staff many would have served and  
16 some were decorated; is that correct?  
17 A. Yes. I don't remember any fuss about which were the  
18 decorated ones.  
19 Q. No, but it was known that people had done --  
20 A. Yeah.  
21 Q. -- "good things" during the war, because they had been  
22 decorated?  
23 A. Yeah, when Alan Bush came as headmaster, it was known  
24 that he had the Military Cross, which we thought was  
25 a high one.

1 Q. Yes, so it was recognised life the decade before had  
2 been very tough and perhaps one didn't complain too  
3 much?

4 A. No, that wasn't the way we interpreted it. We  
5 interpreted it as, "Right, here's someone who's a big  
6 man".

7 Q. Okay. As you have said, there would be some teachers  
8 you would speak to, others you might not.

9 A. Sure.

10 Q. I think we've all been pupils, we all remember teachers  
11 fondly, we all remember teachers we wouldn't have  
12 crossed. One teacher you mention -- this is obviously  
13 thinking about your time at school -- was the highland  
14 dance teacher, and this is paragraph 61, and --

15 A. Ian Robertson.

16 Q. Yes. Who was dismissed, I think, the term after you  
17 left school.

18 A. I don't know when it was. It was between my being a boy  
19 and being a teacher.

20 Q. I think we know from other sources it was perhaps  
21 December 1959.

22 A. Right.

23 Q. He was dismissed --

24 A. December 1959? I was still at school.

25 Q. Was that the end of your Oxbridge term?

1 A. December 1959, yes, yes. That was the wrong date --  
2 Q. Okay. Thank you.  
3 A. -- by my version of events.  
4 Q. That's fine. Whatever the date, he was dismissed and  
5 the phrase I think we've heard is he was sent down  
6 the --  
7 A. My expression was he was sent down the drive.  
8 Q. Down the drive, yes. That was a phrase -- did that have  
9 currency as a pupil?  
10 A. If a boy were ever to have been expelled, we would have  
11 said he'd been sent down the drive. Perhaps there  
12 were, I can't remember an example.  
13 Q. But so far as Robertson was concerned, he as a teacher  
14 was sent down the drive because it was discovered, as  
15 you describe it, some allegations of child abuse?  
16 A. So I have heard on the grapevine.  
17 Q. Right. Again from your experience, as a pupil, was that  
18 a known quantity amongst the boys that he had such  
19 predilections?  
20 A. (Pause)  
21 I'm surprised it happened, because he'd been  
22 a teacher a long time without its happening.  
23 Q. Well, my question was: were you aware --  
24 A. Sorry, I wasn't answering your question.  
25 Q. Not at all. It's just from your perspective being

1 a schoolboy in the five years in the 1950s, was he  
2 someone you would have been aware of from pupil  
3 conversations who may or may not have had such  
4 interests?

5 A. It wasn't completely beyond the bounds of possibility.

6 Q. Does that mean it was discussed by the boys?

7 A. It was noticed by me.

8 Q. All right.

9 A. Discussed by boys? Perhaps it was, perhaps it was,  
10 I won't deny it. Don't know. Can't remember.

11 Q. I think to focus in on what you just said, and  
12 remembering that you were, to use your word, a bit of  
13 a loner, you thought that yourself?

14 A. Yes. I had quite a lot of contact with him, I had  
15 a quite a lot -- gained a lot from him, was very glad  
16 that he worked -- I am still very glad he was a teacher  
17 when I was there. He was the choirmaster and I was in  
18 the choir all the time there. That was three times  
19 a week -- was it three times a week or four times  
20 a week? I had contact with him in that context and  
21 there was -- every Sunday night there was the country  
22 dancing and then later on there was a little group of us  
23 that were the highland dancers, so I saw quite a bit of  
24 him. Oh, and he was our art teacher. He was no good  
25 for me in that context.



1 Q. Why did you have your suspicions?

2 A. His use of language in choir, in art. Yeah. Perhaps he

3 talked about relationships a bit more than a teacher

4 would normally do.

5 Q. So it was inference on your part rather than anything

6 else?

7 A. My astute antennae.

8 I was not astute at the time, that was self-mocking.

9 Q. Okay. One person we will talk about more with your time

10 as a teacher is James Rainy Brown.

11 A. We were also boys at school together.

12 Q. He, I think, was three years ahead of you?

13 A. I think that's about right.

14 Q. From the timings we would understand. Do you remember

15 him as a pupil?

16 A. Yes.

17 Q. Is that because he was a gifted sportsman?

18 A. Yes.

19 Q. He stood out?

20 A. Yes.

21 Q. Was he one of the top dogs in the school?

22 A. Well, he ended up as a senior prefect.

23 Q. Yes.

24 A. But never in the house that I was a boy at.

25 Q. Right. What do you remember of him as a pupil?

1 A. I remember him running the mile, fantastic runner.  
2 Beautiful to watch.  
3 Q. So as a boy you would have admired him, I take it?  
4 A. Admired him as an athlete. Yeah, he was in the First  
5 XV, I think he was fullback, something like that.  
6 Q. Within the Merchiston world, he was well regarded?  
7 A. Yes.  
8 Q. He fitted very well?  
9 A. Whether his contemporaries would have said so I don't  
10 know, but yeah, yeah, from a wee boy's big hero.  
11 Q. Yes. One final thing about your school career.  
12 Discipline when you were a pupil, we've heard about blue  
13 papers. Were blue papers extant when you were a pupil?  
14 A. Frequent. Very effective.  
15 Q. Belting or beating?  
16 A. We called it beatings.  
17 Q. Yes?  
18 A. Regular. Very effective.  
19 Q. Did you feel as a pupil the beating was overdone?  
20 A. No. Accepted it. That's me personally.  
21 Q. I think again as a pupil, there are many things we can  
22 probably all remember back feeling somewhat aggrieved  
23 that the world was unfair.  
24 A. Uh-huh.  
25 Q. Did you ever feel that a beating was unreasonable?

1 A. I got one for having brought food back to school. It  
2 was all to do with rationing and stuff, there were rules  
3 about it. I knew I'd broken the rules, but we all did.  
4 And the prefects searched our suitcases one night after  
5 we'd gone to bed and found my food on me so I was beaten  
6 for that. I just thought: pathetic. But you didn't  
7 worry about it.

8 Q. Did you understand there was a maximum number of blows  
9 you could receive?

10 A. Oh yes.

11 Q. What was that?

12 A. What was?

13 Q. What was the maximum number?

14 A. It depended which house you were in.

15 Q. Mm-hmm?

16 A. So on that occasion I think I got six and seven or  
17 something like that.

18 Q. On either hand?

19 A. (Witness nods)

20 Q. Could it be higher than six and seven?

21 A. Do you know, I'm not -- I've thought about that during  
22 the night just before today and I don't remember what  
23 the rule was for the senior house. I was in Rogerson  
24 East at that stage. I don't think it will have gone  
25 much more.

1 Q. All right. So were you sorry to leave Merchiston?

2 A. Yes. That's a -- it was time to go, I'd stayed too

3 long. I think because I did the extra term, all my year

4 had left and I was ... the others who had come up the

5 year after me were my contemporaries, but it was a term

6 for head down and get some work done. So, yeah, it was

7 time to go.

8 Q. You then went on and did [REDACTED] as a first degree and

9 [REDACTED] as a second?

10 A. Mm-hmm.

11 Q. And, having come out of university, you went back to

12 Merchiston?

13 A. Mm.

14 Q. We see the process discussed on the second page of your

15 statement, page 2 at paragraphs 5 and 6, and there was

16 no formal interview. You had no previous teacher

17 training when you took up the position and you'd been

18 told that teacher training was a waste of time. Looking

19 back now, do you find that surprising or was that just

20 the 1960s?

21 A. I can't possibly comment on teacher training today.

22 Q. But you go on to say:

23 " ... the best part of it was the placements at

24 school during the course of the training."

25 You had no official teaching qualification so was

1       the perception really you learnt on the job?

2   A. I don't know why, but I can remember one time at one of

3       my parents' dinner parties there was a man present, what

4       his title and position was, but he seems to have been

5       high up in teacher training, and I remember having

6       an argument with him -- this was just before I started

7       teaching and he was arguing that I should go and do

8       teacher training first and I was giving him the stuff

9       about, "It's a waste of time, it's the practice that

10      helps you to become a good teacher, you learn on the

11      job".

12   Q. Have you changed your view on that, having been

13      a teacher?

14   A. In part, yes. But I'd been three extra years before

15      going back to starting teaching. I was just roaring to

16      do a job, mucking around studying and so on, not another

17      year, please. And I don't know how many people there

18      were at Merchiston who had official teacher

19      qualifications. It was just at the turnover time, so it

20      wasn't exceptional that I got a job in spite of not

21      having a qualification.

22   Q. I was going to ask about that. Was it still quite

23      common for --

24   A. Yeah.

25   Q. -- appointments to be made simply because the person was

1 known and thought would probably do a good job?

2 A. Would have good references.

3 Q. Although we see that you were -- and this is arranged

4 through Mervyn Preston -- sent to [REDACTED]

5 for a couple of terms to actually get some experience?

6 A. That was to find out whether I was actually right to

7 think that teaching would be good fun.

8 Q. Was that for you --

9 A. (Witness nods)

10 Q. -- or for the school?

11 A. No, for me.

12 Q. For you?

13 A. For me. Dad's plan for my life.

14 Q. So [REDACTED] was really a testing ground for you?

15 A. Yeah.

16 Q. How did you find [REDACTED]?

17 A. Fabulous. It worked for me at the time.

18 Q. In terms of the regime at [REDACTED]? Where did it stand

19 as compared with Merchiston for example, or Crawfordton?

20 A. Oh, it was much better than Crawfordton by a long way.

21 It was a happy place, I thought. You know, what

22 boarding school is happy?

23 LADY SMITH: 'James', at the time you went to [REDACTED], had

24 you secured the job at Merchiston?

25 A. Could you say that again, please?

1 LADY SMITH: At the time you went to [REDACTED], had you  
2 already secured your job at Merchiston?  
3 A. No, no. I went to [REDACTED] straight from being a boy  
4 at Merchiston for two terms.  
5 LADY SMITH: Oh, I see. Before you went to university?  
6 A. Before Oxford.  
7 LADY SMITH: Because you did your Oxford exams in the winter  
8 term?  
9 A. That's it.  
10 LADY SMITH: Then you had time?  
11 A. I had time. What was I to do that time?  
12 LADY SMITH: You were waiting to hear, no doubt, from Oxford  
13 their response at first?  
14 A. Well, you heard that within two or three weeks over the  
15 Christmas holidays.  
16 LADY SMITH: Oh right, so at the beginning of the following  
17 year you knew what was going to be happening, but that  
18 wouldn't be until October that year?  
19 A. That's it.  
20 LADY SMITH: You got in touch with Mervyn Preston and he  
21 organised the [REDACTED] experience; is that right?  
22 A. During the autumn term 1959.  
23 LADY SMITH: Yes, all right. Thank you.  
24 A. There were one or two other schools I might have gone  
25 to, like Crawfordton.

1 LADY SMITH: But [REDACTED] was [REDACTED]  
2 for Merchiston?  
3 A. It was.  
4 LADY SMITH: I think it still is.  
5 A. Is it still there?  
6 LADY SMITH: I think so. Oh yes, both schools are still --  
7 A. Crawfordton's gone.  
8 LADY SMITH: Thank you.  
9 Mr Brown.  
10 MR BROWN: Thank you, my Lady.  
11 I think, as you say in paragraph 6, it was before  
12 you went to university to see if you enjoyed it and you  
13 clearly did?  
14 A. Yes.  
15 Q. And that lamp was undimmed six years later?  
16 A. Yeah. Yes, I was -- this going to Glasgow to read  
17 [REDACTED] was about going into the [REDACTED] and I wasn't  
18 looking forward to that. That wasn't my idea of fun.  
19 I wanted to be a teacher. So when the Merchiston door  
20 opened up, that was good news.  
21 Q. I think you felt that -- or the feeling within the  
22 [REDACTED] at the time was going into a school  
23 could equate to [REDACTED]?  
24 A. Could you say that again?  
25 Q. I think we may have read in some papers provided by the



1 school that you were satisfied that being at  
2 Merchiston --

3 A. I was satisfied.

4 Q. -- would amount to [REDACTED]?

5 A. Well, it turned out not to be so. They thought it was  
6 acceptable, but when -- at that stage I was, in [REDACTED]  
7 [REDACTED] which was kind  
8 of halfway there.

9 If I did a satisfactory year, I would then be  
10 [REDACTED] So when  
11 the year was over I applied to [REDACTED]  
12 [REDACTED] I did it three times over six or seven  
13 years, and they said:

14 "We'll [REDACTED] you if you're ever going into  
15 [REDACTED] but you don't need to be [REDACTED] where you  
16 are because you're in the [REDACTED] and the  
17 [REDACTED]  
18 requirements at Merchiston."

19 And I had a good relationship with that [REDACTED] so  
20 that was all right.

21 Q. Thank you very much. You go to Merchiston and I think  
22 I would be right in saying Rainy Brown is back as  
23 a teacher?

24 A. Yes, he's been there for a while.

25 Q. Was that common for old boys to come back as teachers?

1       That's two of you.

2   A.  It happened.  There was a steady trickle, yes.  It was

3       not common.  I don't know who the next one was after me.

4   Q.  Was it in any way encouraged?

5   A.  No.

6   Q.  So it wasn't part of a plan, it was just --

7   A.  No, there were -- there weren't special deals or

8       whatever one would do, or pep talks or anything, no.

9   Q.  You say in paragraph 8:

10       "I was a bachelor and so I was given a room in

11       Chalmers East which was one of the boarding houses ..."

12       You make the point throughout the statement, and

13       just thinking of your time as a teacher, there is

14       a group of bachelor teachers who seemed to socialise.

15       Is that correct?

16  A.  Yes.  Yes.  My understanding is when the buildings were

17       built in the 1930s, these brand new Merchiston moving

18       out from Holy Corner zone, Napier, a chance to build

19       a purpose-built boarding school, the assumption the way

20       the buildings were built was that most masters would be

21       bachelors.  Like we've just been discussing the

22       housemaster's accommodation, that was purpose built,

23       spanking brand new of the latest theories and traditions

24       and stuff.

25       Now, during my time -- during the 1970s, that

1        started to break down. Two of our bachelor group  
2        married and they hurriedly tried to arrange how to make  
3        married accommodation for them. And after that, the  
4        days of relying on bachelors for the boarding house  
5        supervision were finished.

6    Q. I appreciate what you say about that -- when the school  
7        was built it was purpose built, that was the latest  
8        thinking, and it was assumed that housemasters would be  
9        bachelors.

10   A. Yeah, and house tutors. The rooms I had as a house  
11       tutor all my days, the first year in Chalmers East,  
12       after that between -- in Rogerson, between the two  
13       Rogerson houses.

14   Q. Did that attract a particular type of person, though,  
15       because presumably -- you married?

16   A. After I'd left Merchiston.

17   Q. It was after you left Merchiston. Did that expectation  
18       of bachelorhood go with the job?

19   A. No. I think the expectation was that the people who  
20       were coming to Merchiston because it was their first job  
21       from university or teacher training would get married in  
22       the next few years. While they're not married, they can  
23       be house tutors.

24   Q. In fact, someone like Rainy Brown, though, never  
25       married, he remained a bachelor, and was that true of

1 quite a number of the teachers?

2 A. Well, when I was there in the 1950s, all four were  
3 confirmed bachelors all their lives, yeah, none of them  
4 married to the end of their days.

5 Q. The reason I ask this is you talk in your statement,  
6 when discussing James Rainy Brown, you asked him on one  
7 of your trips together, or you had been thinking clearly  
8 about his sexuality, and I think from what you say, you  
9 don't get an answer.

10 A. I don't know that I asked him about his sexuality. We  
11 were going to visit a former colleague who was in a care  
12 home and the issue came up about why he had never  
13 married, and we talked about why people don't marry and  
14 do marry, and this conversation will have happened in  
15 the 1990s, I would think.

16 So the way we were thinking in the 1990s was  
17 considerably more advanced. Much more aware of these  
18 things.

19 Q. What did you think his sexuality was?

20 A. What did I think my sexuality was?

21 Q. No, no, James Rainy Brown's sexuality. Did you have  
22 a view?

23 A. Yes. I thought there was a question mark and that he  
24 might be homosexual.

25 Q. And was that a question mark that you had over other

1 bachelor teachers?

2 A. No -- sorry, over some, but not others.

3 Q. No. What I'm wondering is --

4 A. I mean, I would have to say, I didn't know about

5 homosexuality for a long time. I was naive, naive,

6 naive. When did I start to become aware of it? I'm not

7 sure it was even at university. I don't know.

8 Q. Looking from today's standpoint, do you think it was

9 possible that the nature of the bachelor housemaster

10 attracted homosexuals?

11 A. Well, the whole independent boarding schools' set-up

12 certainly would have attractions to -- it depends on

13 which kind of homosexuality you subscribe to. You know,

14 is it little boys, bigger boys, grownups? You know.

15 Most people are able nonetheless to live with their

16 sexuality and control it in a way that is acceptable to

17 society and themselves. The question is what about the

18 ones who can't?

19 Q. Well, indeed. But thinking back to the 1950s, and

20 you've talked about yourself even at university being

21 naive, do you think that naivety was shared by the

22 schools themselves? It's just --

23 A. No, I think probably I was unusually naive.

24 Q. You thought you were unusually naive?

25 A. I think from my perspective today.

1 Q. Right. Do you think it was something -- you joined  
2 Merchiston in the mid-1960s. Is it something that would  
3 have been in the school's consciousness at that stage  
4 from a management point of view?

5 A. Yes, oh yes, because all through boarding school  
6 history, I would say, this must go back to the 19th  
7 Century, there would be incidents where someone would --  
8 a teacher would be down the drive, and that would happen  
9 regularly in this school one year and that school  
10 another year, that sort of stuff. It was a known risk  
11 and danger. That would be my way of putting it.

12 Q. Was anything formally done to address that danger or was  
13 it just something that it was assumed would be spotted?

14 A. That's it. Because, by and large, it is spotted.

15 Q. The reason I ask about assumption is because when you  
16 get to Merchiston, had it changed at all?

17 A. When I came back to Merchiston?

18 Q. Yes, in the seven years since you left in 1959?

19 A. I suppose we'd recently had the Ian Robertson event,  
20 hadn't we?

21 Q. Yes.

22 A. So that puts you on your toes.

23 Q. Yes, indeed, but I'm talking more broadly. When you  
24 went as a pupil, you learn as you go.

25 A. Yes.

1 Q. Coming in as a teacher, was it the same thing?

2 A. Yes.

3 Q. You learnt -- you knew because you'd been a pupil, you

4 understood the setup. Was anything done to introduce

5 you to the school to say: this is how we operate, here

6 are the rules on a piece of paper, this is what is

7 expected of you?

8 A. No.

9 Q. No.

10 A. No.

11 Q. So is it the same thing repeating, you just pick it up

12 as you go?

13 A. Yes.

14 Q. Did that ever change in your time at Merchiston?

15 A. Well, going back to 1966, that's the way -- that was how

16 life was in those days in the UK. Going back to 1979,

17 had it changed? I think you need to ask someone who was

18 more alert at that time. Had it changed? Yes. Yes, it

19 had. What were we doing about it? Being more alert,

20 being more observant. Not always successfully. Can you

21 do it always successfully? That's the purpose of the

22 Inquiry, isn't it?

23 Q. I think you say in your statement, for example, child

24 protection as a concept really didn't exist.

25 A. I can't remember which decade I first came across that

1 phrase. Was it in the 1980s or 1990s, child protection?

2 Q. Was it a combination of really perhaps two things. One,

3 the assumption it wouldn't happen, bad things wouldn't

4 happen, and the assumption if it did, it would be

5 spotted?

6 A. Yes. Yes.

7 Q. I don't mean to be pejorative. It was the times you

8 were living in, but was it, compared with what you saw

9 later, really quite amateurish?

10 A. Yes. Yes.

11 Q. You talked about being able to talk to your housemaster

12 or particular teachers. You would work your way up

13 a chain of hierarchy. You might start with senior boys,

14 prefects, et cetera, and there would be some teachers

15 that you would consider going to speak to. Had anything

16 been done when you went back as a teacher to formalise

17 that?

18 A. No. I'm now asking myself, say a boy had come to me in

19 1970 to say they had had a bad experience from

20 a colleague of mine, a sex experience, an attack.

21 I would have had to work out from scratch what to do

22 about that, and I think my answer at the time would have

23 been, "i must go to the headmaster and talk this through

24 with him, inform him, and it's his decision after that".

25 And that his decision would be down the drive.



1           That would -- I'm trying to imagine myself in 1970.  
2           Does that help?  
3   Q.   Yes. But thinking back to your time as a teacher, did  
4           boys come to speak to you about problems?  
5   A.   Yes -- what problems? I can't remember. Yeah, I can  
6           remember boys coming and seeing me. What would the  
7           problems be? I can't think of any big-time one, major  
8           one, headline one.  
9           Mainly it would be [REDACTED] stuff about  
10          [REDACTED].  
11   Q.   All right. It's just you talked and had an exchange  
12           with her Ladyship about the toughness of school, and it  
13           would be a time to be toughened up. Was that ethos  
14           still present when you were a teacher?  
15   A.   No. No. The war was far away.  
16   Q.   Yes, but in terms of just getting on with things,  
17           putting up with things, was that not still the ethos in  
18           Merchiston when you came back in the 1960s?  
19   A.   Well -- and I think this was in my first couple of  
20           years -- there was a boy from -- from a Glasgow day  
21           school who was very unhappy during his first term in  
22           Chalmers West. He did not run away, but talked about it  
23           a lot and actually I knew about it and talked about it  
24           with his parents, who knew about it as well, and it was  
25           on the balance whether they would withdraw him after his

1 first term and I can't remember what the reasoning was,  
2 he came back the second term and it was all okay after  
3 that.

4 So it was much more open and it was discussed and  
5 the boy was aware it was being discussed with his  
6 parents, principally. So better times.

7 Q. Again, going back to your experience, which was a happy  
8 one, but you obviously had spoken to your brother, who  
9 didn't have the same experience, found escape in the  
10 aeronautical society. Coming back as a teacher in the  
11 mid-1960s into the 1970s, had that stuck with you so you  
12 were looking out for --

13 A. Yes, I'm sure that had. Yes, that had marked me. And  
14 he had been very -- millions more unhappy than me at  
15 Crawfordton.

16 Q. Yeah.

17 A. And his parents knew that and misjudged it.

18 Q. Presumably there would be, to use a cliché, he was  
19 a round peg in a square hole, potentially?

20 A. Mm.

21 Q. There will always be pupils like that.

22 A. Mm-hmm. He didn't manifest -- he didn't present, as  
23 they say nowadays, as a round peg in a square hole.  
24 I mean his work was okay, his games were okay and all  
25 that sort of stuff. He didn't go around blubbing all

1       the time --

2   Q.   He wouldn't talk --

3   A.   -- or sitting in corners.  He probably talked about it

4       at home with mum and dad.

5   Q.   Would he have talked about it at school?

6   A.   I wasn't in the same house as him, because I was two

7       years older than him.

8   Q.   Well, did people talk about such things at school when

9       you were there?

10  A.   Not with me.

11  Q.   No.  But that had stayed with you, so you would look out

12       for it, presumably?  The unhappy child who doesn't

13       necessarily fit?

14  A.   Yes.  You're being helpful.  I think the answer is

15       I hope I would have, but I can't remember.

16  Q.   Was anything formal done by the school to achieve that

17       end or was that just you --

18  A.   Perhaps that's why the headmaster was wanting the school

19       to have a [REDACTED] something more than the pastoral

20       care setup that he inherited when he came, Alan Bush.

21  Q.   Was that ever formalised or was it still just understood

22       that a [REDACTED] could be there to talk to if the

23       children wanted to?

24  A.   You're pressing me and I'm not helpful.

25  Q.   That's all right.

1 A. No, I think the idea of stuff being formalised and  
2 written down in a document like this sort of document  
3 thing, I'm not sure if that was how things had started  
4 to work yet.

5 Q. I see. But I think looking at the culture of the  
6 school -- this is on page 8 -- you thought it was a good  
7 school?

8 A. I thought it was a good school at the time, yes.

9 Q. And --

10 A. No, at the time I thought it was a mighty good school.  
11 I didn't have any qualms about it. Of any kind. On any  
12 area.

13 LADY SMITH: 'James', I see that during your period as  
14 a teacher there were five different headmasters. Do  
15 I have that right?

16 A. That's what it looks like. It's not true, no.  
17 Cecil Evans died of cancer at the end of my third year  
18 as a pupil.

19 LADY SMITH: Ah, so that's your whole association with  
20 Merchiston --

21 A. Yes.

22 LADY SMITH: -- not just your time as a teacher?

23 A. Yeah. Then between him and -- who was the next one?

24 LADY SMITH: Humphries.

25 A. No, who was the one after Humphries in my --

1 LADY SMITH: Alan Bush.

2 A. That's right. Humphries was the housemaster of Rogerson  
3 West. He was the senior master. So in the absence --  
4 there were two terms between the death of Cecil Evans  
5 and the appointment of Alan Bush -- it may have only  
6 been one term, I can't remember -- Humphries was the  
7 acting headmaster. So that was a short-term thing.

8 LADY SMITH: So in your time as a teacher, there were three  
9 heads, do I have that right?

10 A. Yes.

11 LADY SMITH: Alan Bush, Mervyn Preston and Donald Forbes?

12 A. And Mervyn Preston, like Mr Humphries, was a temporary  
13 bridge.

14 LADY SMITH: Of course, yes. Thank you.

15 Sorry, one other question. Did Alan Bush retire or  
16 did he move on elsewhere?

17 A. He retired. Before his time. I think there was some  
18 domestic unhappiness that was distracting him.

19 LADY SMITH: Okay. Thank you.

20 A. Yeah, he retired, because I think I heard later that he  
21 was teaching again as a history teacher in Northern  
22 Ireland.

23 LADY SMITH: Thank you very much.

24 Mr Brown?

25 MR BROWN: Thank you.

1           Going back to page 8, you talk about bullying and  
2       abuse:

3           "I am fairly confident to say that there were none,  
4       if any, incidents of abuse or bullying. It would come  
5       to light if there was an incident and the headmaster  
6       would be involved. If one of the prefects over stepped  
7       the mark he would be spoken to by the headmaster."

8           Presumably you would accept: as far as you know?

9       A. That's my invention, that's what I thought was the  
10      system.

11     Q. Okay.

12     A. Presumably the invention had some ground in reality. I  
13      don't know. Do you want to read it to me again?

14     Q. Yes, it's under the heading, "Bullying and abuse":

15           "I am fairly confident to say that there were none,  
16      if any, incidents of abuse or bullying. It would come  
17      to light if there was an incident and the headmaster  
18      would be involved. If one of the prefects over stepped  
19      the mark he would be spoken to by the headmaster."

20     A. It's the last sentence I'm puzzled by. I don't know  
21      where that came from.

22     Q. All right. But so far as you were concerned, bullying  
23      and abuse by pupils of pupils was not something that you  
24      would have been concerned about?

25     A. I would not have been concerned about? Oh, I would have

1       been concerned about it.

2   Q.   But when I say wouldn't have been concerned about,  
3       because so far as you were aware, it wasn't happening?

4   A.   That's it.

5   Q.   Yes.

6   A.   Sorry, I think what I was trying to get across was:  
7       I don't think it was happening.

8   Q.   How much would you be aware of other houses, though?

9   A.   Good question. I would be pretty aware of the two  
10       senior houses, because that's where I was living and had  
11       more contact with. I suppose I had contact with the  
12       junior -- the junior houses through pupils. I ran  
13       a [REDACTED] and I tended to do it by house groups  
14       rather than across the school, and they were fairly  
15       intimate conversation times about, you know, how to live  
16       [REDACTED] what the difficulties are for you  
17       and around the place.

18       I think I would have heard quite a lot. I dare say  
19       I would not have heard everything.

20   Q.   As between pupils, and thinking of your brother,  
21       presumably you were in different houses?

22   A.   Yes.

23   Q.   Was there much communication between you and your  
24       brother when you were at school?

25   A.   Well, because we were two houses apart, we weren't

1       allowed to speak to each other. You were allowed to  
2       speak to the people in the nearest house to you.  
3       I think, looking back now, that's a bullying issue that  
4       has been nipped in the bud. However, because he was my  
5       brother, I was allowed to speak to him and we used to  
6       meet each day after tea outside the dining room after  
7       tea before we went on our different ways.  
8   Q. From what you're saying, there were restrictions on who  
9       you could speak to?  
10   A. Correct.  
11   Q. That presumably might have restricted relevant  
12       information about bullying, as you've just recognised?  
13   A. Correct.  
14   Q. Did that apply to teachers?  
15   A. No.  
16   Q. You weren't allowed to be interested in someone else's  
17       house is the point I'm making?  
18   A. Sorry, I hadn't seen where you were going to. No.  
19       I mean, we were all -- there was what we would call the  
20       good of the school. What we were really meaning was the  
21       health of the body, the community. That was everyone's  
22       concern all the time in all areas. No, yes?  
23   Q. Did that include protecting the name of the school?  
24   A. Yes.  
25   Q. Did that matter?



1 A. Oh, but there were limits, weren't there?

2 Q. Well, I'm interested because the one thing you do recall

3 obviously is a teacher who was sent down the drive --

4 and this is a case that you speak of, and the details we

5 know so we don't need to labour it.

6 A. Right.

7 Q. But who indecently assaulted a sixth form boy, and

8 I think was then beaten up for his trouble?

9 A. Mm-hmm.

10 Q. And he was gone the next day?

11 A. Mm-hmm.

12 Q. That presumably is not something that would be broadcast

13 widely?

14 A. Correct.

15 Q. Why not?

16 A. Do you wash your dirty linen in public would be why not,

17 perhaps.

18 Q. Do you think now that is the correct way to do it?

19 A. Obviously the answer to that is no because we've moved

20 on a lot from then, but I have my reservations about the

21 question, in the sense that you're asking a 2022

22 question about a 1970-something or other situation.

23 Q. Mm-hmm.

24 A. At the time, the important thing was that it didn't

25 happen again.

1 Q. In the school or anywhere?

2 A. No, anywhere. To me, anywhere. I think everyone would  
3 agree on that. Yeah, that was -- I mean, it was against  
4 the law even. When did the law change on that sort of  
5 stuff?

6 Q. Well, it was against the law, but what's more  
7 interesting perhaps is what the school wouldn't do is  
8 bring the police in.

9 A. Probably because no one had thought of that in those  
10 days. No, I don't know that that holds water. (Pause)  
11 I'm out of my depth. I don't know if there were  
12 cases of sexual assault in schools, in the media, in the  
13 public knowledge and much information to go on about how  
14 to handle them if you were involved in one.

15 Q. Perhaps we can simplify it to this: the culture would  
16 not be to hang out dirty washing?

17 A. Yeah, that's right.

18 Q. If we can talk a little bit about discipline.

19 A. Mm-hmm.

20 Q. I think you recognised that you were known as a teacher  
21 that would beat?

22 A. I'm waiting for the word.

23 Yes. I am not proud of that, but that's the  
24 reality.

25 Q. Part of the statement obviously involves your responses

1           to allegations that you beat too hard.

2   A.   Yeah. I certainly made a beating hurt would be the

3           way -- one way of putting it. I didn't like the idea of

4           a nominal beating.

5   Q.   Why was that?

6   A.   Yeah, good question. I was wondering that myself.

7           Well, don't do it if you're not going to do it

8           properly.

9           I've thought of some more that isn't in my

10          statement. Why was I ever involved in beating at all

11          was the question I've been asking myself, and I think

12          the reality is it's because I was on the boarding staff

13          and if you were a day master, you know, you lived with

14          your family outside the school and you would be in in

15          the daytime, your contact with the pupils would all be

16          classroom and sport and extracurricular activities.

17          Those were never where the beating offences happened.

18          It was to do with the boarding and the houses and stuff,

19          and the issues like smoking and drinking, which were the

20          classic beating offences of the time.

21          So, because I was also involved in the boarding, was

22          on duty, found people smoking from time to time, I was

23          involved in beating.

24   Q.   Which you did with gusto?

25   A.   Gusto and glee, no. Which I did, in my view,

1 responsibly in the sense that I did it properly, which  
2 may have not been responsible. Yeah, I've thought about  
3 that for a long time ever since.

4 Q. One recollection that we've heard is that you said to  
5 a colleague it was your duty "to let boys see the  
6 crueller side of life, which they would experience after  
7 leaving school", and that was one of the reasons you  
8 beat hard.

9 A. I said that? Right. I don't relate to that.

10 Q. All right.

11 A. No, that wouldn't be a reason for beating. But if  
12 I said it, I must have thought it at some stage, mustn't  
13 I?

14 LADY SMITH: Help me with this, 'James', if you were having  
15 to beat a boy, would you be doing that on a report from  
16 somebody else that he had committed whatever the offence  
17 was or would it be because you'd seen it happen  
18 yourself?

19 A. It would be the latter.

20 LADY SMITH: So you'd seen the boy smoking?

21 A. (Witness nods)

22 LADY SMITH: What other sort of behaviour would you be  
23 beating for?

24 A. Breaking school rules. What would there be? I've tried  
25 to remember what that might include. It was more than

1       just smoking, although smoking was the terrible,  
2       terrible thing. No, I've really -- I've searched myself  
3       since the Inquiry called me, trying to think of good  
4       examples of why I had beaten people and I -- my brain is  
5       not being friendly there.

6   LADY SMITH: Okay.

7   A. It will have been stuff with ... keeping the boarding  
8       houses shipshape. If there are rules, in my view, then  
9       these rules need to be maintained and observed. If they  
10      have been broken, then there had to be consequences.

11         Was it as serious as a beating or not was something  
12      that was regularly in discussion, I think, amongst us on  
13      the staff, and at that stage I certainly had no qualms  
14      about beating being a useful tool in the disciplinary  
15      armour.

16   LADY SMITH: How did the boys know what the rules were?

17   A. Oh, I think that was general knowledge, yeah.

18   LADY SMITH: No, how? Were they issued with written copies  
19      of the rules? Were the rules on walls?

20   A. Probably on walls in the houses, yes.

21   LADY SMITH: Have you any memory of them being --

22   A. Yeah, I think I can see a wee green/beige thing, school  
23      rules, house rules, somewhere or other. And I dare say  
24      when we arrived, we were given that sort of thing.

25         Yeah, I do think that was part of the system.

1 LADY SMITH: Okay, thank you.

2 A. Yeah, I think -- I don't think a boy would not be aware  
3 of school rules. Like, for instance, breaking bounds.  
4 I think we all knew what the bounds were, we were not  
5 allowed to leave without a housemaster's permission, and  
6 if you were going to go down to the shops there were  
7 certain times on certain days you could do that and you  
8 would get a chit from your housemaster and if you were  
9 found out of school beyond the bounds, that would  
10 probably be a beating for you, yeah.

11 LADY SMITH: Would it be explained to boys why that was  
12 regarded so seriously?

13 A. Or were they told that was the rule and therefore it was  
14 serious? I think --

15 LADY SMITH: Let me put it this way, 'James'. I can see  
16 that if I were an adult responsible for the care of boys  
17 at a school, I would want to know where they were. I'd  
18 feel I had a duty, just like a parent, to know where  
19 they were at any time. It's not that they can't go out  
20 of the school, but the school needs to know where they  
21 are so they have to have permission to do it. Would it  
22 be explained to the boys that was why it was so  
23 important or would it just be put to them: this is  
24 a rule, obey it, breach it at your peril?

25 A. The latter.

1 LADY SMITH: Thank you.

2 Mr Brown.

3 MR BROWN: Thank you, my Lady.

4 I think you -- well, you left the school in 1979,

5 and from what you say in your statement, by that stage

6 you had perhaps burnt out?

7 A. Had enough.

8 Q. You'd had enough. And why had you had enough? What was

9 the problem?

10 A. I was bored. It was getting too repetitive, was one

11 thing. There will have been others.

12 Yeah, I'd been in the same place too long.

13 Q. You said to me earlier you thought you were out of date.

14 A. Oh yes, I remember that.

15 Q. Why did you think you were out of date?

16 A. Well, I thought that two hours ago. Do I still think

17 it?

18 Yes. Yes, I think I was the anchorman for the good

19 old days in the tug of war rope and I was fed up with

20 that position.

21 Q. I think you suggested that times were changing but you

22 weren't?

23 A. Yes. Yes, I'd stand by that.

24 Q. What was changing that you didn't --

25 A. A greater openness, friendliness, more relaxed, roll

1 with the punches a bit, not all black or white.

2 I remember Mr Forbes saying to me, "You've got to stop

3 thinking in terms of black and white". I thought that

4 just undermined the huge difference between me and him,

5 and looking back I think it does, but in the other way

6 around, that he was right and I was wrong.

7 Q. Does this go back to your understanding of the rules

8 Her Ladyship was talking about? You felt you knew what

9 the rules were and you didn't like rules being broken?

10 A. Yes, yes.

11 Q. And by the late 1970s, was the pupil body less willing

12 to obey the rules?

13 A. Oh, hugely less, yes. Yes, one of my jobs was in charge

14 of [REDACTED] When you're playing [REDACTED] with boys

15 twice a week, you learn quite a lot about -- you chat.

16 And these were senior boys and when they were talking

17 about why they were looking forward to the holidays,

18 my -- my eyes were out on stalks or ears were out on

19 stalks at the sort of mores in their partying and stuff

20 that clearly was going on.

21 So I was -- I was way -- I was a neanderthal.

22 Q. Do you think that perhaps reflects why you were known as

23 a beater?

24 A. Yeah.

25 Q. You were trying to hold the line?



1 A. Yeah, yeah.

2 Q. And you didn't like change?

3 A. Yeah. Yes, perhaps you've put your finger on it there.

4 Q. I think you took yourself off and travelled and

5 reflected and married?

6 A. (Witness nods)

7 Q. You taught, you were a [REDACTED]?

8 A. (Witness nods)

9 Q. What do you think of your views in 1979, the frustration

10 about being the anchor?

11 A. Now?

12 Q. Yes.

13 A. Put me in a museum, an object of historical interest.

14 Q. All right. You don't, we see from the last page of your

15 statement, retain support for independent schools? You

16 have a loyalty to Merchiston, clearly. Is that correct?

17 A. Mm-hmm.

18 Q. Why have you done a change of view on schools that at

19 one stage obviously you enjoyed and thrived in?

20 A. I spent most of my life supporting it.

21 Q. Mm-hmm.

22 A. (Pause)

23 I think in the last 20 years I've seen the

24 divisiveness socially. And having also taught in the

25 Scottish state system, seen how unifying that was, yeah,

1 game, set and match, there's no debate.

2 Q. One last thing, and if we could return briefly to

3 James Rainy Brown. You knew him well?

4 A. Mm.

5 Q. You're obviously aware of the fallout from his death in

6 2013. There was polarisation amongst the Merchiston

7 body, is that fair, those for and those against him?

8 A. I don't know what was going on at Merchiston, no.

9 Q. No, no, I'm talking about after his death.

10 A. Yeah, yeah, I don't know. I know the discussions I and

11 my contemporaries, Bill Donaldson, BRL [REDACTED], had

12 about it, with one of James' brothers. Amazement,

13 puzzlement, what was going on? How did this come about?

14 Unanswered questions, but suicides always leave you with

15 unanswered questions.

16 Q. Yes. But from the statement, your recollection of him

17 is positive?

18 A. Correct. Oh, that's so.

19 Q. And that is the view of the gentlemen you discussed it

20 with?

21 A. Yeah, yeah, yeah. Yes, I think -- none of us -- of the

22 small group with whom I still have contact, who had been

23 very much part of that young in the 1960s group of keen

24 bright things at Merchiston, of whom James was one, none

25 of us thought that there was any question of his having

1       done wrong.

2   Q. All right. Do you think he, like you, was an anchorman?

3   A. Oh, he was much cannier than me. No. No, I think he

4       sometimes saw which way the wind was blowing much

5       quicker than I did.

6   Q. But we know, for example, that he -- or Pringle was set

7       up as a house for junior boys?

8   A. Mm.

9   Q. And that, really, from what we've heard, became his

10      domain?

11  A. Yeah, yeah. He was ideally suited to it.

12  Q. Why was he ideally suited?

13  A. Because he was one of these serve them all their days

14      sort of committed teachers, that he -- he wouldn't need

15      free time and stuff. Like -- I would say the same for

16      myself. Term time, you didn't accept invitations to

17      parties and stuff or to friends. You were -- holidays

18      was the right time for that sort of thing. He was

19      a committed boarding schoolteacher.

20  Q. But you say he was socially awkward with other adults.

21  A. He was a wee bit shy, actually, yes. It didn't always

22      show.

23  Q. And he was also very difficult to work with?

24  A. Oh yes.

25  Q. Why?

1 A. Thrawn. Thrawn is the only word you can use to describe  
2 him.

3 I think that is why he committed suicide. It was  
4 part of his character, "I'll show 'em".

5 Q. But you say:

6 "He had his own way of exercising control and  
7 discipline over the pupils."

8 A. Yes.

9 Q. What did you mean by that?

10 A. He would just verbally pull a boy back from something  
11 that wasn't particularly illegitimate or -- he just --  
12 exercising his control a lot. A bit like sort of --  
13 I am not a horse rider, but you imagine someone holding  
14 the reins. The horse always knows the rider's on his  
15 back, is in charge. James would do that with the boys.  
16 And he would sometimes make -- I can't think of a single  
17 example, I don't know why I'm saying this, but I'll say  
18 it. He would sometimes make little regulations for  
19 an afternoon's activity and they were -- I often  
20 wondered: Why on earth's the thrawn guy doing that?

21 I think it was, in the end, making sure everyone  
22 knew: you're a boy, I'm a master.

23 Q. Control mattered?

24 A. Keeping the shipshape.

25 Q. Is this going back -- that's why I asked the anchor

1 question.

2 A. Oh yes, yes, I see. Is this the old-fashioned me seeing  
3 a bit of old fashioned in him? Yes.

4 Q. Did he beat with gusto, do you know?

5 A. I know he beat. Gusto? I've no idea. He didn't have  
6 a reputation that I know of.

7 Q. Is that one of the issues, though. You really didn't  
8 know what he was doing?

9 A. (Pause)

10 The only people who knew what was happening when  
11 a member of staff was beating a boy was the member of  
12 staff and the boy. So I think you're asking an unfair  
13 question.

14 Q. Okay. You say at paragraph 65 on page 14:

15 "On reflection I suspect that it is highly possible  
16 that the allegations of him supervising naked swimming  
17 whilst on a school trip would have been true."

18 A. Yes.

19 Q. "I don't think that he would have regarded that  
20 behaviour as being wrong."

21 A. Yes.

22 Q. Why not?

23 A. Skinny dipping? Is it so terrible?

24 Q. What about nudity in Pringle?

25 A. It would be the same as in all the other houses. You'd

1       change to go to bed, you change for games, you shower  
2       after games.

3   Q.  Well, you mentioned that in your statement, that you  
4       would have to use the facilities that the boys used,  
5       showers and toilets, when you were first in the house.

6   A.  Yeah, but that wasn't so in Pringle.

7   Q.  But you make the point that it was easy because they  
8       would be out during the day and you wouldn't cross  
9       paths?

10  A.  Yeah.

11  Q.  Would it have occurred for you to be naked with naked  
12       boys?

13  A.  Well, I've thought of one occasion when that did happen.  
14       I can't remember how it came about, but if you wanted to  
15       have a bath after games, not a shower, Rogerson had --  
16       each of the Rogerson houses had the bathroom in which  
17       there were eight baths, and I went through after sport  
18       one time and had a bath there and there were two or  
19       three Rogerson prefects in there having baths as well,  
20       and that didn't make me turn around and go away again.  
21       I had a bath.

22  Q.  Just to be clear, communal baths?  As opposed to bath  
23       cubicles?

24  A.  Each bath separate, so not a sort of hot swimming pool.  
25       Each bath separate, but eight in an open area like this.

1 Q. Yes.

2 A. So visibility: good.

3 Q. That wouldn't have caused you to worry?

4 A. No.

5 MR BROWN: Okay.

6 'James', thank you very much indeed. I have no

7 further questions for you.

8 LADY SMITH: Are there any outstanding applications for

9 questions of 'James'?

10 'James', that completes all the questions we have

11 for you. Thank you so much for engaging with us, both

12 by providing the written statement that you provided and

13 by being prepared to come along here today and doing so

14 explaining more than just what comes off the page in the

15 written word. It's been really helpful --

16 A. Thank you.

17 LADY SMITH: -- to hear from you and hear that you're still

18 reflecting on what you explained earlier and on your

19 time at Merchiston, both as a pupil and as a teacher.

20 It's valuable to me to have that evidence.

21 A. Thank you.

22 LADY SMITH: I'm very grateful.

23 I hope you can now rest for the rest of today.

24 We've given you a hard time by making you come along

25 here and be subjected to questions. I know it's not

1           easy, but I'm now delighted to be able to let you go.

2   A.   Thank you very much.

3                               (The witness withdrew)

4   MR BROWN:  My Lady, if we might have a break.  I think the

5           next witness will be here.  That witness took a little

6           longer than perhaps anticipated, for reasons that were

7           perhaps obvious.  I'm sure -- perhaps if there's

8           a slight overrun -- we could complete the next witness

9           before lunch.

10  LADY SMITH:  We'll do our best to do that.  Let's take the

11           break now.  Thank you.

12  (11.50 am)

13                               (A short break)

14  (12.11 pm)

15  LADY SMITH:  Mr Brown.

16  MR BROWN:  My Lady, the next witness is Gordon Cruden.

17  LADY SMITH:  Thank you.

18                               Gordon Cruden (affirmed)

19  LADY SMITH:  A couple of things before we get properly

20           underway, Gordon.

21           First of all, you'll see there's a microphone --

22  A.   Yeah.

23  LADY SMITH:  -- with a red light on it.  It's really

24           important that you use that microphone, both for

25           everybody in this room to be able to hear you in the



1 body of the room, but also for the stenographers who  
2 listen to you through the sound system.

3 A. Okay.

4 LADY SMITH: You have opened your red file, well done. That  
5 has a hard copy of your statement in it. You may find  
6 it helpful to use the hard copy, or alternatively your  
7 statement will also be coming up on screen as we look at  
8 it in the course of your evidence.

9 Finally, please would you let me know if you have  
10 any questions or concerns during your evidence. Don't  
11 feel it's not right to interrupt. It's important that  
12 I know if you have any queries or if you need a break,  
13 let me know me do whatever I can to help you be  
14 comfortable in what I know isn't an easy experience,  
15 nobody likes giving evidence, it's not a daily activity  
16 that any of us would choose to do.

17 If you're ready, I'll hand over to Mr Brown, if  
18 that's all right.

19 A. That's fine, thank you.

20 LADY SMITH: Mr Brown.

21 Questions from Mr Brown

22 MR BROWN: My Lady, thank you.

23 Gordon, good afternoon.

24 A. Good afternoon.

25 Q. Could we begin with the statement, please, in either

1 form. It has a reference WIT-1-000000474 and we see it  
2 runs to 26 pages and that you signed it on  
3 27 October 2020 and in doing so confirmed, looking to  
4 the last paragraph, that you have no objection to your  
5 witness statement being published as part of the  
6 evidence to the Inquiry and that you believe the facts  
7 stated in this witness statement are true?

8 A. Correct, yes.

9 Q. You obviously had been very heavily involved, I think  
10 this was in Covid time, in an exchange of statements,  
11 checking you were happy with it?

12 A. Yes.

13 Q. You'll have read it again, presumably you're still  
14 content that that is so?

15 A. I have, yeah.

16 Q. Thank you very much indeed.

17 You're 68, born in 1953, and you have been a teacher  
18 throughout your entire working life?

19 A. Yes, correct.

20 Q. Your background is set out in the statement and you  
21 understand we don't need to go through everything in  
22 great detail, we can read it.

23 You go through school, university and teacher  
24 training in Edinburgh. You register with GTCS, and then  
25 you get a first job at Merchiston, correct?

1 A. Correct, yeah.

2 Q. You worked at Merchiston between 1976 and 1985.

3 A. (Witness nods)

4 Q. And a French teacher, primarily?

5 A. Yes.

6 Q. You talk about your mother finding an advert for  
7 Merchiston in The Scotsman. Was Merchiston a school  
8 that you were aware of or had any knowledge of prior to  
9 joining?

10 A. I don't think I really did. I think I'd probably heard  
11 of it, but -- and I knew it was a boarding school, which  
12 in a sense was the reason why I hadn't thought of  
13 applying, because I was imagining I would get a job  
14 within the state sector, except that jobs were very  
15 difficult to come by.

16 Q. Had you had any experience of boarding at all?

17 A. None at all.

18 Q. None at all. You presumably had an image of it just  
19 from popular culture --

20 A. Yes.

21 Q. -- but that was it?

22 A. That was it, yes.

23 Q. You talk on page 2, paragraph 4, about attending for  
24 interview at the school and you expressed that you were  
25 surprised that they didn't seem too interested in your

1           qualifications, because you were qualified as an English  
2           teacher?

3   A.   Yes.

4   Q.   Though your degree had been both, a joint  
5           English/French?

6   A.   Yeah.

7   Q.   What they were more interested was the French side; is  
8           that fair?

9   A.   That's right, indeed, plus my interest in sport.

10   Q.   Your interest in sport, as we read, you had swum for  
11           Scotland?

12   A.   That's correct, yes.

13   Q.   And swimming has been part of your life --

14   A.   Yes, very much so, yes.

15   Q.   Coaching?

16   A.   Yes.

17   Q.   But you say you got the impression that all your  
18           professional qualifications weren't really relevant?

19   A.   Well, certainly on interview I do recall we talked more  
20           about the swimming and the cricket and the rugby than  
21           the teaching qualification.

22   Q.   Is that something that was borne out by your experience  
23           of being at Merchiston?

24   A.   Yes, it was, yes.

25   Q.   Tell us about the relationship between sport and

1 academic work?

2 A. I would say that they were very pleased that I was keen  
3 to be involved in the coaching of cricket and rugby, and  
4 I do recall actually, looking back on it, they appointed  
5 me in my first term to help coach the Fourth XV in  
6 rugby, and I was very disappointed in that because I was  
7 so keen, I would rather have done a higher team.

8 And in fact in the following season, I think I took  
9 the under 15s or the under 14s, and I did that for many  
10 years thereafter as a sort of number one coach, if you  
11 like, on the age group.

12 Q. Sport mattered --

13 A. Yes.

14 Q. -- to the school?

15 A. Yes.

16 Q. Was it the most important factor of school life or was  
17 the academic side --

18 A. No, I think -- I felt at the time that the sport was the  
19 thing that really counted.

20 Q. Did that ever change in the decade you were there?

21 A. I think the change of headmaster encouraged a wider  
22 attitude, if you like, to the educational experience.  
23 So, yes, there was a change.

24 Q. That would be, I think, David Spawforth, who came in at  
25 last three years -- sorry, I'm talking rubbish, about

1       seven years before your --

2   A.  Yes, something like that.

3   Q.  So there was a change of tone.  Was he 1978, 1979?

4   A.  Change of tone is a good way to put it, I think, yeah.

5   Q.  Out of interest, did that cause difficulties amongst the

6       staff?

7   A.  Very much so, yeah.

8   Q.  Did some staff leave?

9   A.  Quite a number did in a fairly short space of time.

10  Q.  Do you have a sense or a recollection of why they felt

11       they wanted to move on?

12  A.  I think they had their own personal disagreements with

13       him, but he wasn't inclined to support them and he had

14       a phrase that I've mentioned in the statement, "Well, if

15       you don't like it, you can leave".  That became a kind

16       of a stock phrase in the common room.  You know, if we

17       were having a moan or a groan about something, then one

18       of us would turn around and say, "Well, if you don't

19       like it, you can leave", because this is what the

20       headmaster used to say.

21  Q.  All right.  Coming into Merchiston in 1976, how would

22       you have described the ethos of the place as compared

23       with your own school, which wasn't that distant?

24  A.  It was very different.  The school I'd been at was John

25       Watson's, which is now the art gallery in Belford, and

1       it was a relatively small co-educational school with  
2       a really nice atmosphere. Merchiston was something  
3       completely different and it took me by surprise in  
4       a sense, especially after my teaching practices in the  
5       state sector. I would describe it as -- looking back,  
6       describe it as a very macho sort of environment, austere  
7       and macho and competitive.

8             But that's with the benefit of hindsight I'm saying  
9       that. At the time I was just rather surprised, I think,  
10      and wondered for a bit if I'd made a right -- made  
11      a good decision.

12   Q. I think you make the point that when you joined, it was  
13      an all-male staff?

14   A. Yes. I've tried to recall whether there were any female  
15      members of staff at all at that time. I know there were  
16      one or two part-time female staff within a few years of  
17      me being there, but I can't recall that there were any  
18      there at the time I joined.

19   LADY SMITH: You joined in 1976?

20   A. Yes.

21   LADY SMITH: Is that right?

22   A. Yes.

23   LADY SMITH: And you were there until 1985 or so?

24   A. Yes, that's right.

25   LADY SMITH: Thank you.

1 MR BROWN: In terms of the pupils, did that, what you've now  
2 described as a macho culture, show itself in any  
3 particular ways?

4 A. It was very much -- I would say masters against pupils,  
5 sort of a culture, whereby if the teacher was going to  
6 succeed in the classroom, then you had to stamp your  
7 authority because you had a whole gallery of boys in  
8 front of you who were going to take advantage if they  
9 got any chance to do so. So you had to learn pretty  
10 quickly how to do it.

11 Q. Did that surprise you, that culture?

12 A. It did indeed.

13 Q. Is them and us a fair description?

14 A. Very much so. I'd never encountered anything like that,  
15 either at school myself or in teaching practice.

16 Q. Speaking to other teachers, did you understand why it  
17 was that way?

18 A. Well, there wasn't a lot of support or advice available,  
19 to be honest. It was more a question of trial and  
20 error, I would say, and there were a couple of teachers  
21 I could speak to and they did give me advice. That was  
22 the housemaster of the house I was in and my head of  
23 department. But, again, they were responding to  
24 questions that I had rather than showing me the best  
25 practice.



1 Q. You were just out of teacher training, practical  
2 experience in state schools.  
3 A. Yes.  
4 Q. Was there any attempt to give you induction?  
5 A. No. No, there was nothing like that.  
6 Q. Did you understand what the school rules were, for  
7 example?  
8 A. I picked them up as I went along and to this day I still  
9 don't really know what they would have been, except that  
10 certain things you did and certain things you didn't do.  
11 Q. When you say that, are you talking about as a teacher or  
12 as a pupil?  
13 A. As a pupil.  
14 Q. As a pupil?  
15 A. Yeah.  
16 Q. Were they published? Were they on walls?  
17 A. No, not as I recall.  
18 Q. Were pupils issued with a copy at the start of the year?  
19 A. I don't think so. No, I don't think so.  
20 Q. So from your experience, you as a new teacher were  
21 learning as you went?  
22 A. Absolutely, yeah.  
23 Q. Asking questions of --  
24 A. Yeah.  
25 Q. -- those who you thought might help?

1 A. Yeah.

2 Q. Was there a willingness on the staff broadly to try and  
3 help you?

4 A. Not broadly. I mean I pretty soon got to know which  
5 members of staff I could speak to and trust and there  
6 were others who made it perfectly clear that they -- you  
7 know, I was a newcomer and I just had to find out as  
8 I went along.

9 Q. You talk about those who treated you -- you're clearly  
10 a newcomer. Was there, my word not yours, but disdain  
11 because you were new?

12 A. Yes, a -- yeah. I suspect that's probably true. I mean  
13 there were certainly -- a good number of them were  
14 aloof. But, yes. I think perhaps because some of them  
15 had been there for quite a long time that any -- that  
16 a newcomer would be likely to -- could pose a possible  
17 threat, as it were, to their position.

18 Q. Why do you think you were felt to pose a threat?

19 A. Well, looking back now as an experienced teacher, I can  
20 see how newcomers come in and have ideas of their own  
21 that they might want to try out, so to speak.

22 Q. Would it be unfair to say that Merchiston was, from what  
23 you saw, operating in a slightly old-fashioned way?

24 A. Yes. Yeah.

25 Q. You think that's fair?

1 A. I think that's fair, yes.

2 Q. The teachers who you talk about decamping once the new  
3 head comes in, were they, again my word, not yours,  
4 please correct me if I'm wrong, the traditionalists?

5 A. Yes, very much so, yeah.

6 Q. We'll come back to that. But one teacher you mention in  
7 particular at page 14, James Rainy Brown, who obviously  
8 remained at Merchiston after you left -- this is  
9 paragraph 52.

10 A. Yes, okay.

11 Q. You say:

12 "He was one of the teachers who made me feel like  
13 a bit of a minor."

14 A. Yes. It was because on any occasion where I had to deal  
15 with the boys in his house, I couldn't get it right, if  
16 you know what I mean. He had some reason why I should  
17 have dealt with the matter in some other way, and  
18 I think I described him as being very protective. That  
19 maybe I shouldn't have dealt with the matter, I should  
20 have just referred to it to him, that sort of thing, and  
21 he knew best how to deal with the boys in his house.

22 Q. You say he wasn't -- going on to paragraph 54:

23 "He wasn't like the rest of the staff there, who  
24 were much more black and white, 'I'm the teacher, you're  
25 the pupil.' He was like an overgrown school kid at

1 times. If the boys were climbing trees, he'd be  
2 climbing trees with them and that kind of thing."  
3 A. Yeah.  
4 Q. How was he viewed within the common room?  
5 A. I think people just let him get on with it, if you know  
6 what I mean. He -- I mean was experiencing this for the  
7 first time and they knew this was -- they would say  
8 things like, "Well, that's just JRB", you know, in the  
9 sense that he was a bit of an exception. I mean, his  
10 style, if you like.  
11 Q. Did he stand out even then?  
12 A. Yes, yes.  
13 Q. You talked about his house. This is Pringle you're  
14 talking about?  
15 A. Pringle, yes.  
16 Q. Pringle we know was geographically separate from the  
17 rest of the school?  
18 A. Yes.  
19 Q. From your perspective as a teacher you're obviously,  
20 from what you are saying, are engaging with his pupils?  
21 A. Yes.  
22 Q. That's the way he looked at it, they were his pupils?  
23 A. Yes.  
24 Q. Was Pringle, from a common room point of view, seen as  
25 something different?

1 A. Yes, very much so, yeah.

2 Q. Why so?

3 A. It seemed to be there was one rule for Pringle and  
4 another rule for the rest of the school, no matter what  
5 it was. From how they dressed, turned out, to the way  
6 they behaved. Pringle was the exception.

7 Q. Did that cause concern amongst the teachers?

8 A. I'm not sure if concern would be correct. Certainly  
9 they were aware of it. They might have voiced opinions  
10 about it. How concerned, I'm not -- I'm not really  
11 sure.

12 Q. From what you saw, and I appreciate it's only what you  
13 saw, was there day-to-day oversight of Pringle by the  
14 school?

15 A. I really don't -- I'm really not sure about that, to be  
16 honest.

17 Q. Okay. But you talk at paragraph 55, you never saw him  
18 doing anything or heard of him doing anything to pupils,  
19 but you go on:

20 "... there were innuendos. They would say things  
21 like, 'Mr Rainy Brown follows up trees, he follows us  
22 here and there.'"

23 This is boys talking?

24 A. That's right.

25 Q. Boys who were no longer in Pringle or boys in Pringle,

1           which was it?

2   A.   Boys in Pringle talking, yeah.

3   Q.   You say:

4           "At the time, I never took any interest in those

5           kind of comments at all. It's only looking back that

6           I remember these kind of things being said."

7           Is the position you just don't know?

8   A.   That's right. I mean, it was like common tittle-tattle,

9           if I can put it that way. You know, Pringle House was

10          regarded as slightly off key compared to the rest of the

11          school. You know, it had its own sort of way of doing

12          things I think is the best way to put it.

13   Q.   Okay. Did that change at all with the introduction of

14          a new headmaster, who clearly was brought in to effect

15          change, from what you're saying?

16   A.   That's an interesting point. You know, I'm trying to

17          think back now. I think it perhaps made it more

18          difficult for Pringle House to do the -- to behave in

19          the way that they behaved, so to speak, but I'm not sure

20          if there was any actual change.

21   Q.   One other teacher that we have heard mention of is

22          Mervyn Preston. Did you cross over with him at all?

23   A.   No.

24   Q.   No.

25          You moved into the school. You would be allocated

1 rooms, I think, in Rogerson East?

2 A. That's correct, yes.

3 Q. What was your function in Rogerson East?

4 A. I think technically it was assistant housemaster, and  
5 that involved simply being the resident in the building  
6 overnight in case of emergency. I wasn't called upon  
7 often to perform duties within the boarding house, only  
8 on the odd occasion where the housemaster had  
9 a commitment of an evening and he would warn me,  
10 sometimes weeks in advance, that on a certain date he  
11 was going to be off campus and would I be able to be in  
12 the boarding house the whole of that evening.

13 But other than that, it was merely a question of  
14 being in overnight, and that suited me because at the  
15 time I was chief coach at Warrender Baths Club and had  
16 a commitment, albeit a voluntary one, had a commitment  
17 virtually every night of the week, so I would be off  
18 campus from 6.30 or 7 o'clock and returning about 10 or  
19 so in the evening, in time to make sure that all the  
20 boys were accounted for and then switch the lights out  
21 in the dormitory.

22 Q. I was interested to know, you arrive at the school,  
23 there's no induction, from what you said. Thinking of  
24 what you would now understand as the pastoral side of  
25 being a schoolmaster, was there any induction on that --

1 A. No, not at all.

2 Q. -- for your role as assistant housemaster?

3 A. No, in fact there were times I felt, you know, when the

4 housemaster was dealing with some issue, I would think:

5 well, I could actually have got in there quicker and

6 done something about it. But that wasn't part of the

7 set-up.

8 Q. What sort of thing are you thinking of?

9 A. A boy who got into trouble with a teacher for not

10 producing good work or perhaps an incident -- a rumour

11 about somebody smoking, because that was taken quite

12 seriously. You know, I just -- I had a -- an urge to be

13 involved in these sort of things, but that wasn't

14 possible under the Merchiston system.

15 Q. The housemaster was the point of contact?

16 A. The housemaster had dealt with it totally, yes.

17 Q. From what you saw, I appreciate you are out training at

18 Warrender most evenings, but how engaged was the

19 housemaster day to day with the boys in the house?

20 A. I think in the evening he had a house assembly each day

21 of the week.

22 Other than that, there was a lunchtime procession to

23 his study, which was on the ground floor, for one reason

24 or another, asking for weekend ... special weekend

25 leaves or handing in -- or asking for these infamous



1 blue papers on which boys did punishments for teachers,  
2 and the housemaster dispensed these and took a note that  
3 they were being awarded.

4 But it was a negative sort of queue outside his  
5 study at lunchtime normally. It was for boys who had  
6 been told to report to the housemaster.

7 Q. Thinking of the pastoral side, were you aware from what  
8 you saw that the pupils would have known who they could  
9 go and speak to if they had a concern?

10 A. I don't -- I wasn't aware that it would have crossed  
11 their mind that they could go and speak to anybody.

12 Q. Why do you say that?

13 A. Because there were times where if a boy or a couple of  
14 boys had had trouble with a certain teacher, say in  
15 maths or physics or whatever, I would hear them  
16 discussing amongst themselves what had happened and what  
17 they could do about it or how the teacher would respond  
18 if -- you know, if they took some action on their own  
19 behalf.

20 It comes back to the point I made earlier on about  
21 the kind of men against -- or teachers against pupils  
22 sort of culture that there was.

23 Q. You talk about the culture on page 6, paragraphs 19 to  
24 22 in particular. You've mentioned the us and them  
25 between the masters and the boys, how different it was.

1       You go on at paragraph 21, having considered how the  
2       staff fell into different categories, but you say:

3               "I felt that the culture must have been very  
4       difficult for a boy who didn't fit in amongst a house of  
5       40 or 50 boys. I always felt that it was a fault in the  
6       system. In other schools, you could go to another  
7       boarding house and find some people your own age."

8   A. Mm.

9   Q. What you're referring to there is the horizontal system  
10       that operated at Merchiston?

11   A. That's right.

12   Q. Where the entire year group stays together and shifts  
13       every year from house to house?

14   A. Yes.

15   Q. Do you think that is a disadvantage?

16   A. Yes, well I certainly did the way it ran at Merchiston,  
17       because there were some boys -- not many, perhaps,  
18       although there were perhaps more than one might have  
19       realised, who weren't into sport in the accepted manner  
20       and suffered a bit, I think, as a result. Everybody had  
21       to perform in rugby in one way or another, so if they  
22       didn't make the teams, then they had to learn to touch  
23       judge or they had to learn how to distribute the oranges  
24       at half-time or whatever, there was a role for  
25       everybody. Which on the face of it sounds quite a good

1       idea, but actually I think it rather singled them out as  
2       being not good enough for the teams. Getting in the  
3       team was what really mattered.

4   Q. You talk -- paragraph 22 -- about a very competitive  
5       culture engendered by the sport.

6   A. Yes.

7   Q. Did that create a hierarchy amongst the pupils?

8   A. Yes.

9   Q. If you were in the First XV, you were at the top of the  
10       hierarchical tree?

11   A. Yes.

12   Q. If you were someone who brought on the oranges, you  
13       might be at the bottom?

14   A. Yes, very much so. In fact, I remember there was  
15       a debate about who was going to be the next school  
16       captain at one point and the joke as it were was: we  
17       don't need a school captain because we have the captain  
18       of rugby. That was a line that's always stayed in my  
19       mind, you know. Who needs a school captain when you  
20       have a captain of rugby?

21   Q. You were aware of the potential -- this is why you're  
22       a teacher -- of people being on the edges of the school  
23       society because, for example, they're not sporty?

24   A. Yeah.

25   Q. I suppose the obvious question is: what, if anything,

1       did you do about that?

2   A. I suppose nothing, really, because I couldn't see the  
3       route to take, if you like. Partly -- or mainly because  
4       I was so heavily involved -- I had got myself so heavily  
5       involved in the rugby anyway, as a coach and learning to  
6       be a referee as well.

7       That's one area I should say, actually, I did get  
8       some really good assistance from the head of maths,  
9       I think he was head of maths, a man called  
10      John Melliush(?), who encouraged me to become a referee  
11      as well as a coach, and I went on in fact down south to  
12      referee for the Warwickshire Society for 30 years.

13      So that was one area specific to me where I did get  
14      some very good training, but I think perhaps because  
15      I was so involved in that, the coaching and the  
16      refereeing at Merchiston, it was difficult for me also  
17      to find time to spend with the few kids who felt out of  
18      place.

19   Q. Well, that's you. What about the systems in place in  
20      the school? What was available to such a child?

21   A. I don't think there was anything in place at all.

22   Q. Against the background of the culture of them and us,  
23      from your experience, is that the sort of thing that  
24      these children would go and talk to teachers about?

25   A. No, I don't think so. No, I mean -- looking back, I do

1       feel there were a minority, a small minority of kids who  
2       were really let down by the system. And I did mention  
3       in my statement at some point that there were some who  
4       dropped out of Merchiston Castle each year, how many  
5       I don't know, but I do know they didn't all progress  
6       through the houses up to Rogerson West. There were some  
7       who went by the wayside and it might have been for that  
8       sort of reason, that they weren't sport orientated.

9   Q. Although I suppose one might say that that might have  
10       been the best thing for them.

11  A. Well, that's true, yes.

12  Q. Did you have a sense, again from your view of the world  
13       in Merchiston, that there was isolation caused by other  
14       children because of difference?

15  A. Yes, I think that's true. But again I'm afraid I was so  
16       wrapped up in what was happening, you know, in my  
17       contribution to the sporting side of it all, that  
18       I didn't have time really to reflect on those who were  
19       less inclined.

20  Q. You've talked about sport and the competitive side.  
21       Sport mattered.

22  A. Yeah.

23  Q. What other things do you think, just having lived in the  
24       school, might have caused that sort of difficulty?

25  A. I'm not sure, to be honest.

1 Q. All right. You talk on page 7 about discipline and  
2 punishment, and again you say:  
3 "At the outset the school did have a very strict  
4 policy."  
5 You're not sure whether it was written down.  
6 "There were many rules, overwhelmingly enforced by  
7 sanctions."  
8 So it was quite a black and white world.  
9 A. Yes.  
10 Q. You transgress, you were punished?  
11 A. Yes.  
12 Q. I think you say, talking about blue papers, you became  
13 known as issuing too many?  
14 A. Yeah. It was my way of at an early stage stamping my  
15 authority, because I quickly realised that it was sink  
16 or swim. You know, there was no advice given on how to  
17 be a good teacher, so to speak. So it was sink or swim  
18 in front of a class. And the blue paper sanction was  
19 something that -- I won't say appealed to me, but it was  
20 useful, and it was something that was upheld, if you  
21 like, by housemasters. They were only too willing to  
22 dish out blue papers to boys who had produced poor work  
23 or been unruly in class or whatever.  
24 They were all academic punishments, though. I mean  
25 there was no way I could discipline somebody on the

1       rugby pitch, for example, if there'd been a problem  
2       there. I guess if it had been bad enough, I would have  
3       had to report back to the housemaster, but I never had  
4       a situation like that.

5             Looking back, I regret to say it, but it was down to  
6       stamping my authority by issuing all these blue paper  
7       punishments that gave me some kind of personality in the  
8       classroom. Looking back, it was probably a negative  
9       sort of personality and one that I certainly changed as  
10      soon as I got out of Merchiston.

11   LADY SMITH: Gordon, can you give me an example of what  
12      tasks you would give boys in these blue paper  
13      punishments?

14   A. Yes. It would be something along the lines of -- you  
15      know, if they'd made a mistake on a French verb or tense  
16      or something like that, then I would get them to write  
17      out 20 sentences using that particular verb or tense.

18             But where I overstepped the mark, with the benefit  
19      of hindsight, was that if they didn't do it adequately,  
20      then I was very quick to double it. And that again was  
21      accepted by housemasters and, I thought, by the pupils  
22      involved. Although the more I did that, the more  
23      resentment I think it was building up behind the scenes.

24   MR BROWN: You were in your 20s at this stage?

25   A. Yes.

1 Q. Was there any guidance, other than from housemasters,  
2 from what you just said, approving that approach?

3 A. No. Looking back, it's always struck me as  
4 extraordinary that the housemasters were the ones who  
5 were issuing all these blue papers to the boys and they  
6 would have had a record of how many I'd been giving out.  
7 But it took a colleague from the English department, who  
8 I got on with very well, to say at one point after  
9 a couple of years, I think he said, "Ditch the blue  
10 papers, you don't need them. You've made your mark".  
11 And I wish I'd had the confidence then just to do  
12 exactly as he said.

13 LADY SMITH: I suppose from the boys' point of view, they  
14 wouldn't be seeing consistency in the use of blue papers  
15 if you have one teacher who issues many, plus repetition  
16 exercises, double blue papers, and another one who's  
17 perhaps more discerning and --

18 A. Yes.

19 LADY SMITH: -- restrained in their use of blue papers.

20 A. Yes, indeed. And I think again with the benefit of  
21 hindsight I just made life more difficult for myself in  
22 a sense, with the troublesome boys, by doubling the  
23 punishment rather than -- I don't -- you know, there was  
24 no other way I could have solved the issue. There was  
25 nothing else in the system that I could have done, it



1       seemed to me.

2   MR BROWN:   Let's move on up a level.

3   A.   Yeah.

4   Q.   We've heard that smoking was frowned upon and would it

5       be fair to say that if a boy was caught smoking, most

6       teachers would beat them?

7   A.   I think there was a -- a scale of -- I think it was

8       a reference to housemaster first time they were caught,

9       and then if there was a repeat offence, I think it was

10      a beating. And then, if there was a repeat after that,

11      it was a stronger beating. It was a scale something

12      like that. I don't know if it was a beating offence on

13      their first occasion.

14   Q.   Was that understood by the teachers? Is it just passage

15      or time or are you just not sure?

16   A.   I'm just not sure.

17   Q.   Would the boys have known what was --

18   A.   Yes, I'm sure they would, yes, because they used to talk

19      about that sort of thing.

20   Q.   But I think we read from what you say, that was perhaps

21      for you a step too far, you wouldn't always follow the

22      procedure because you didn't think it was apt?

23   A.   That's right.

24   Q.   Correct?

25   A.   Yes, correct, yeah.

1 Q. But I think as we read on one occasion, page 9,  
2 paragraph 33, you were instructed to beat by the  
3 housemaster?

4 A. Yes. At the time my housemaster, Ken Houston, he was  
5 either ill, because I know he had an illness at one  
6 point or he was on a sabbatical, but I had a period of  
7 a couple of months where I was actually standing in as  
8 housemaster and this boy was reported to me for having  
9 been caught smoking and the sanction was a beating. And  
10 I really feared the prospect of doing that. I just  
11 wasn't -- I didn't feel it was something I could do. So  
12 I spoke to the senior housemaster for advice, I guess,  
13 and he just said no, you have to follow out the --  
14 that's what the rule is, you have to beat the boy.  
15 Which I did.

16 Q. With no particular enthusiasm?

17 A. With no enthusiasm, no.

18 Q. Was that the only time you beat?

19 A. Yes.

20 Q. What did you understand was the maximum number of blows  
21 you could ...

22 A. I don't know, to be honest. I think -- my recollection  
23 is that I gave this boy three or four, but I think it  
24 was up to six or seven or something like that. Because  
25 I know I didn't give him the maximum.

1 Q. All right.

2 A. And I don't think I would have done, even if I'd been  
3 required to.

4 Q. But I think you talk in your statement, and please  
5 understand names don't matter, of one member -- and this  
6 is page 16, and this was [REDACTED] let's call him  
7 CDR [REDACTED]?

8 A. Yes.

9 Q. CDR [REDACTED] was known in paragraph 60 to do a lot of  
10 beating?

11 A. Yes.

12 Q. That was well known in the school?

13 A. Yes, I think it was, yeah.

14 Q. You set out there being in discussion with him and him  
15 saying something that has stuck in your mind, which was  
16 about it was important to let boys see the crueller side  
17 of life.

18 A. Yes.

19 Q. You're confident that was said?

20 A. Absolutely, yes. It was one of these remarks that just  
21 will forever be with me, you know, as something that  
22 just -- I couldn't believe what I was hearing. What  
23 an attitude to take.

24 Q. I think, as you say, this would be about 1978, a couple  
25 of years after you started?

1 A. Yes, that's right.

2 He also said it, I can picture very vividly that  
3 scene, he said it with a glint in his eye and a smile on  
4 his face, which made me think: is he joking? But he  
5 wasn't, as it turned out.

6 Q. Was that another side of the common room where there  
7 were divisions, between those who --

8 A. Yes.

9 Q. -- favoured beating and perhaps you, the younger ones --

10 A. Yes, very much so, I think. You know, I can recall  
11 several colleagues of my sort of age who deplored that  
12 particular line of attack, as it were.

13 Q. This happened, the one occasion you beat was when the  
14 housemaster was away and you were standing in?

15 A. Yes.

16 Q. Thinking of that period only and focusing on the  
17 pastoral side, because you're doing what you normally  
18 didn't do, did you or do you remember being pastorally  
19 engaged --

20 A. No. No, that's a fascinating recollection or talk about  
21 drawing a blank there. No, I can't recall anything  
22 I had to handle other than dealing with the blue papers.  
23 I was the one now giving them out, because I was in the  
24 housemaster's seat, as it were, giving out the blue  
25 papers but as a housemaster, not as a teacher, and that

1           one beating offence.

2   Q.   You described your impression of the housemaster's

3           lunchtime meetings as being negative?

4   A.   Yes.

5   Q.   Is that what you then saw in practice when you stood in?

6   A.   Yes, absolutely.

7   Q.   Rather than being positively engaged, trying to address

8           any issues?

9   A.   No, they were essentially negative things. I never

10          enjoyed them, really, for that reason.

11                But the other side of the coin of course is that the

12          boys didn't want to talk about it anyway. They wouldn't

13          see the opportunity to -- to say, "Can I have five

14          minutes to talk about this or that, sir?" Because --

15          you know, that just wasn't part of their thinking.

16  Q.   Well, I think we see on paragraph 40, page 11, you say:

17                "I don't think anybody ever came to me with

18          a grievance or complaint. I wasn't told where to record

19          a complaint or who to speak if someone did complain."

20                From what you're saying, there was simply no

21          process?

22  A.   There was no process, no.

23  Q.   And it didn't happen?

24  A.   No.

25  Q.   We'll come onto your experience elsewhere in a moment or

1       two --

2   A.  Yeah.

3   Q.  -- as perhaps a useful comparative exercise.

4       Being there at the time, did you think there was

5       anything wrong with that approach?

6   A.  At the time, no, because -- it's a strange thing looking

7       back with the benefit of hindsight, but I was just

8       wrapped up.  The system, if you like, had got a hold of

9       me.

10       I think because through the style I was adopting in

11       the classroom, which was getting good academic results,

12       and the fact I was fully involved in the rugby coaching

13       and learning to referee, I didn't stop to take a look at

14       how I was doing and what I was achieving.  If you like,

15       there was no appraisal situation at all.  No incentive

16       to review one's own style or actions.

17   Q.  Thinking of your nine years at Merchiston, do you

18       remember ever being concerned that abuse was going on

19       either by boys to boys or --

20   A.  No.

21   Q.  -- by teachers to boys?

22   A.  No.  It didn't occur.  It didn't occur to me.  Other --

23       you know, looking back again there are these innuendos

24       about JRB, you know, and follows us all over the place

25       and that, but at the time I wasn't, as it were, alert to

1       the possibilities of what that might have meant. It was  
2       just something I -- it was an area I never really got to  
3       grips with.

4   Q. Did you have any sense that anyone in the school was  
5       thinking along those lines?

6   A. No, I don't think they were, to be honest.

7   Q. Now, in 1985, allegations surfaced involving you.

8   A. Yeah.

9   Q. We know all about that from what you say, from other  
10       sources, and we know that 30 years later you were  
11       prosecuted and received an absolute discharge?

12   A. Yeah.

13   Q. That led to you leaving the school in 1985?

14   A. (Witness nods)

15   Q. I'm interested in the processes that were followed, and  
16       we can see a number of documents.

17       This, my Lady, is a document MER291.

18   LADY SMITH: Thank you.

19   MR BROWN: If we could start with page 13 and you'll see  
20       that this is a letter from you to the headmaster, dated  
21       30 December.

22   A. I've not got that on my screen here.

23   Q. Have you not?

24   A. No.

25   LADY SMITH: It's on the screen behind you.

1 A. Yeah, it's on the screen behind me, but it's not on my  
2 screen.

3 MR BROWN: Perhaps if the cavalry can arrive.

4 LADY SMITH: We'll have a look. (Pause)

5 A. Right.

6 MR BROWN: Was it simply not switched on? Prior planning is  
7 everything.

8 You have it now?

9 A. Yes.

10 Q. You're saying:

11 "I understand that you have received a formal  
12 complaint from a parent [sorry the letter is not fully  
13 scanned], concerning the fact --"  
14 Focusing on the manner of your attire.  
15 You do not dispute this:  
16 "... indeed, when this was remarked by the boy  
17 present, I, too, was embarrassed, and remedied the  
18 situation immediately.

19 "I have not been informed of the details of the  
20 parent's complaint, but in the circumstances I wish to  
21 resign from my teaching post from 31 August 1986 on the  
22 understanding that until then I pursue a sabbatical  
23 ['course' perhaps] of study."

24 A. Yeah.

25 Q. That's the formal letter of resignation. Had that been



1       agreed before you wrote the letter?

2   A.   Absolutely, yes.

3   Q.   It was managed?

4   A.   It was managed, yes.   The sabbatical was Mr Spawforth's

5       suggestion.

6   Q.   But there was no formal complaint to the police or

7       anything like that --

8   A.   No.

9   Q.   -- from the school?

10  A.   No.

11  Q.   Was that discussed with you?

12  A.   No.

13  Q.   Were you encouraged to resign?

14  A.   Yes.

15  Q.   What was your understanding of what the school would do,

16       if anything, to assist you?

17  A.   Provided that I made no mention of the incident, I would

18       get very good references.

19  Q.   Would it be understood that you would be applying for

20       jobs in education?

21  A.   Exactly, yes.

22  Q.   I think we know from what you say that you applied for

23       I think certainly two posts --

24  A.   Yeah.

25  Q.   -- one at a school in Hertfordshire?

1 A. (Witness nods)

2 Q. And you went for interview there?

3 A. Yes.

4 Q. We have a copy of a letter on page -- bear with me -- 10

5 of the same document. If we go down to the bottom, this

6 is 1 February 1986, this is from the headmaster of that

7 school where you'd been interviewed, and second

8 paragraph:

9 "It is the more disappointing that I shall have to

10 say that I am not able to offer you the post of French

11 teacher. The decision is inevitably connected with the

12 incidents which contributed to your resigning from the

13 staff of Merchiston. Whatever the rights or wrongs of

14 the situation may have been, I as headmaster have

15 an overriding duty to my parents and pupils. I gave you

16 the opportunity to give your side of events as soon as

17 we returned from the tour of the college. I told you

18 that I had spoken to Mr Spawforth and then pointedly

19 asked you to explain your reasons for leaving Merchiston

20 and applying to Stortford. That you did not mention the

21 full circumstances of your leaving was unwise and did

22 not give me much option, though I decided to let you

23 continue with the interview rather than conclude things

24 at that point in order to see how things developed."

25 Then he goes on:

1           "I am sad to have to tell you all this. I can only  
2       advise, in your own interests, that you level with the  
3       headmaster who next interviews you. He is bound to  
4       enquire of the circumstances as he is bound to be told  
5       the outlines by your previous headmaster -- not easy for  
6       him either."

7           Just from your perspective, I think as you say in  
8       the statement, you had been told in terms not to mention  
9       it --

10    A. Absolutely, yeah.

11    Q. -- by Mr Spawforth.

12    A. Yeah.

13    Q. Why did he do that, did you understand?

14    A. Well, he said it would be better for me and for  
15       Merchiston if the issue wasn't referred to.

16    Q. We can see on page 6 of the same document the reference  
17       that he wrote for you. We can read it for ourselves,  
18       but it is a positive reference, both educationally and  
19       in terms of your sporting enthusiasm and personality and  
20       dynamic approach, but there is silence on the reasons  
21       behind your resignation and why you had to leave  
22       Merchiston. You agree?

23    A. Yes.

24    Q. But you then went to the school you taught at for almost  
25       30 years, Bloxham School in Oxfordshire, and you were

1       asked presumably to explain why you were leaving and you  
2       did so in terms?

3   A.   Yeah.   Yes.

4   Q.   So you followed the advice of the headmaster at  
5       Stortford?

6   A.   Yes indeed.

7   Q.   Which was good advice?

8   A.   Very good advice.   I mean, I'd previously written back  
9       to the headmaster of Bishop's Stortford expressing my  
10       horror at the way it had worked out and I said that  
11       I had absolutely nothing to hide and the reason I had  
12       not gone into the details of why I'd left Merchiston  
13       were on the advice of Mr Spawforth.

14  Q.   You were candid with the next interview and you got the  
15       job?

16  A.   Yes.

17  Q.   In the full knowledge of what had --

18  A.   Yes.

19  Q.   -- been the background?

20  A.   Yes.

21  Q.   I think if we look at page 5, we can see a letter from  
22       the Oxfordshire school to Mr Spawforth, saying:

23       "Dear David.

24       "[you have] applied for the post of assistant master  
25       to teach modern languages at Bloxham and as you know has

1 given your name as a confidential referee, I am sorry to  
2 trouble you again but I should be grateful to have  
3 a brief account of what you said on the telephone last  
4 night -- for colleagues to see.

5 "We are hoping to interview very shortly, and  
6 I would appreciate your help in this matter."

7 These are documents from Merchiston, you will  
8 understand?

9 A. Yes.

10 Q. It would appear a manuscript "no" has been written on  
11 the side. What we have -- that was dated 26 February --  
12 is a letter dated 28 February to the headmaster at  
13 Bloxham, which is on page 4:

14 "I am pleased that you are considering Gordon Cruden  
15 for a post at Bloxham after I had given you over the  
16 telephone a factual account of the reasons for his  
17 leaving Merchiston.

18 "In support of Mr Cruden's application I am  
19 enclosing a report which refers to an incident (the  
20 details of which you know). I would not, though, be  
21 happy to provide a written report of that incident which  
22 would be seen by eyes other than yours: I am sure you  
23 will agree this is right and I hope it in no way  
24 prejudices Cruden's application. He is a very good  
25 French teacher."

1           You wouldn't have seen that?

2   A.  No.

3   Q.  No.  But it would appear over the phone he is happy to

4       share details.  He did, clearly, by inference provide

5       a note, but it wasn't to be shared to others.

6   A.  Mm-hmm.

7   Q.  Presumably that might be for the same reasons that you

8       weren't to tell?

9   A.  I presume so, yeah.

10  Q.  Just for completeness -- we'll come onto contrasts

11       between Merchiston and Bloxham in a moment -- but

12       I think we see in another document, which is

13       WIT-3-000000554, following the prosecution I referred

14       to, were you referred to the Disclosure and Barring

15       Service in England?

16  A.  Yes.

17  Q.  That was obviously, I think, arising from the fact there

18       had been a court case?

19  A.  Yes.

20  Q.  But ultimately and they're saying:

21       "We wrote to you on 18 May 2016 and explained we

22       were considering including you in the children's barred

23       list and/or the adults' barred list.

24       "We have now finished our enquiries and have

25       carefully considered all the information available to

1       us. On the basis of this information we have decided  
2       that it is not appropriate to include you in the  
3       children's barred list or the adults' barred list."

4             But one can take it from that that the full  
5       background was understood?

6   A. Absolutely, yes.

7   Q. There was no hiding anything?

8   A. No.

9   Q. Then, for clarity, the background was understood by  
10    Bloxham throughout?

11  A. Indeed, yeah.

12  Q. Could we just talk briefly then about what you found  
13    when you went to Bloxham? You say at page 25,  
14    paragraph 93:

15             "Within a very short time of arriving at Bloxham,  
16    I thought that was what a school should be like."

17             You went on to teach at Bloxham for 30 years, part  
18    boarding school, part day:

19             "By the time I left, Bloxham, it was about  
20    70 per cent day pupils. The balance really shifted  
21    towards day pupils."

22             And that's something that was progressive?

23  A. Yeah.

24  Q. Presumably the numbers were sort of reversed?

25  A. Yes.

1 Q. 70 per cent boarding when you started?

2 A. Yes.

3 Q. You make the point that the house system was vertical?

4 A. Yes.

5 Q. And you preferred that. Starting with that, why did you

6 prefer the vertical system?

7 A. It -- from my point of view as a tutor in the boarding

8 house, and I was a tutor rather than just an assistant

9 housemaster, although technically I was both, it meant

10 that I was appointed a group of boys, basically one from

11 each age group throughout the house, so there would be

12 a newcomer at one end and then a senior who'd been there

13 for five or six years at the other, and the remit was

14 that the tutor should become familiar with the boys in

15 his charge, but also with their parents, and I very

16 quickly developed a good understanding with not just

17 those half dozen boys who were my, as we called them,

18 tutor group, but also with their parents.

19 I think that was perhaps the strongest and certainly

20 the biggest distinction I would make between the two

21 systems, that there was no opportunity at all for that

22 in the Merchiston system, but there was in the Bloxham

23 system, and I think it was -- that's where -- what

24 helped my teaching from that point on, because having

25 developed this confidence, I suppose, with the boys and



1 with their parents, it helped how I taught in the  
2 classroom. And the idea of punishments all the time  
3 evaporated, if you like, because it just wasn't  
4 necessary. That style of managing kids was completely  
5 different and something that really appealed to me.

6 Q. That's on the very practical side, but if we can start  
7 with the basics, when you went into Bloxham -- in 1986?

8 A. Yeah.

9 Q. You have talked about Merchiston and perhaps an absence  
10 of what we now call systems. Were there systems in  
11 place?

12 A. Yes, indeed, yes.

13 Q. What did you notice? What were the differences?

14 A. Well, first of all, the senior housemaster and the  
15 housemaster of the house I was in talked to me about  
16 what was expected of a tutor in the boarding house.

17 And on the academic side, the head of department sat  
18 me down and talked about what was expected in the  
19 classroom.

20 These initial meetings were followed up by the  
21 system itself, where one had regular meetings with other  
22 teachers in the department and other tutors in the  
23 boarding house, because there would be -- I think  
24 normally each house had five tutors, who were also  
25 teachers, but the boys they tutored wouldn't necessarily

1 be the boys -- in fact, usually weren't the boys that  
2 they actually taught. So one was seeing in one's tutor  
3 group different kids from the kids you're seeing in the  
4 classroom.

5 But the meetings between the tutor groups were  
6 frequent. I think there was a Monday night meeting,  
7 every Monday night that the four or five tutors would  
8 get together with the housemaster and every single kid  
9 in the house would get a mention. Even if it was just,  
10 "Doing fine, no problem", but then you'd come to one boy  
11 who had had trouble with his physics or maths or  
12 whatever, and that would be discussed a bit, and another  
13 tutor would say, "Yes, actually, I teach him in  
14 geography and there's a problem there", and so we'd look  
15 at it in more detail. But it struck me as just  
16 a completely different system, where once a week every  
17 boy's name was mentioned within the house system.

18 Q. You talk about something that's arisen in physics, did  
19 that throw up what you would then -- that sounds like  
20 an academic issue, but could that throw up pastoral  
21 issues?

22 A. Absolutely, because what one would then do as the boy's  
23 tutor would be to go to the physics teacher over break  
24 time or lunchtime the next day and just buttonhole them  
25 and say, "What about so-and-so with his physics? He's

1 not happy, he's not had a good report", and so on, and  
2 it would turn out that another teacher would say  
3 a similar thing and then you get to focus on an issue  
4 that this particular child had that wasn't really  
5 classroom-related at all, but had come up through the  
6 tutor system.

7 Q. You talked about building a relationship with parents.  
8 A. Yes.

9 Q. In such situations, would the next port of call be  
10 a parent?  
11 A. Yes, it would indeed, yes.

12 Q. Did it work the other way? You would expect parents to  
13 contact you?  
14 A. Very much so. In some ways, that was the beauty of the  
15 system, that you'd receive a call from a worried parent  
16 saying, "I don't know if you know, but he's having  
17 a terrible time in history, can you just look into it  
18 and see what the problem is?"

19 And that's sometimes all the parent needed to say  
20 and the tutor would find out what the difficulty was and  
21 then report back to the parent afterwards.

22 Q. As a teacher with a tutor group of half a dozen  
23 different-aged pupils, are you the point of contact for  
24 multiple means of communication --  
25 A. Yes.

1 Q. -- to focus on one child?

2 A. Absolutely, yes, yes. Drawing things from here, there  
3 and everywhere, all aspects of school life, the tutor  
4 would draw them together and analyse and take action.

5 Q. From what you're saying, other teachers with that  
6 individual child would be alive to issues, because there  
7 would be this regular meeting?

8 A. Absolutely, yes.

9 Q. Did that provide a cross-check in some way?

10 A. Yes.

11 Q. Was this system in place in Bloxham when you joined in  
12 1986?

13 A. Yes.

14 Q. What did you think?

15 A. I get a bit like being immersed as I was at Merchiston,  
16 I was immersed in this, but for reasons which -- when  
17 I look back on, you know, I'm grateful for because it  
18 gave me a chance, I felt, to have a very positive  
19 relationship with not just the boys but with the parents  
20 as well, and to me that was what teaching was all about,  
21 because at the end of the day, you know, the boys would  
22 get their grades, but it was the approval from the  
23 parents that counted as much as anything.

24 Q. How much engagement did you have with parents at  
25 Merchiston?

1 A. None. Absolutely none. Never. There might have been  
2 an occasion at a prize day or something where a boy  
3 would say, "Oh, mum, this is my French teacher", just in  
4 passing, but other than that, none.

5 Q. Presumably you might see them on the rugby pitch?

6 A. No, not even that. It was funny -- no, they would turn  
7 up at the rugby pitch but they would never speak to the  
8 coaches. Totally -- again, to take the rugby point, at  
9 Bloxham it was completely different. Parents would  
10 crowd the touchline, with a view not just to watching  
11 their kids play, but to talk to the members of staff or  
12 the boys' tutor. They took all sorts of opportunities  
13 to come and talk.

14 In fact, I can remember resolving a few situations,  
15 classroom situations, actually by talking to a parent on  
16 the touchline.

17 Q. But that wasn't the way at Merchiston?

18 A. Not at all, no.

19 Q. What changed, if anything, then, if this system was  
20 fully formed in Bloxham in 1986? You worked at Bloxham  
21 for 30 years. What changed in those 30 years? Or did  
22 the system remain static?

23 A. I think it remains very similar, but there have been  
24 additions, like the appraisal system that was brought in  
25 to monitor teachers -- well, to monitor teachers' and

1       tutors' achievements.

2           And we were appraised as teachers/tutors once  
3       a year. And it was a rigorous appraisal. So another  
4       member of staff would sit in on two or three or maybe  
5       even four lessons, write copious notes about how the  
6       lesson had gone, what had been achieved and so on, then  
7       speak to kids who had been in the lesson -- shouldn't  
8       perhaps call them kids, but pupils who had been in the  
9       lesson, ask them their opinions of the lesson and of the  
10      teacher, and then write a report. Which was then seen  
11      by the teacher, who was allowed to agree or disagree,  
12      and some things would be altered or refined, as it were,  
13      and then that would be sent to the headmaster, who would  
14      read it and then have the teacher in to discuss it.

15           So it was a very thorough process.

16   Q.   When did that come in?

17   A.   About halfway through my time at Bloxham, I would say,  
18       so after about -- by 15 years.

19   Q.   So early 2000s?

20   A.   Yes.

21   Q.   Had there been any such appraisal at Merchiston?

22   A.   No, not at Merchiston, nothing like that at all.

23   Q.   What oversight do you remember there being of teachers  
24       at Merchiston?

25   A.   None.

1 Q. We've heard from other schools that the vertical system,  
2 staying in the one house with different year groups, can  
3 lead to real issues with bullying by elder pupils of  
4 younger pupils.

5 A. Yeah.

6 Q. Was that a factor you had to deal with at Bloxham?

7 A. Rarely, and only in the first few years. That was  
8 something that was -- when I got to Bloxham, it was  
9 something that was being -- they were starting to take  
10 seriously. You know, in the traditional vertical  
11 boarding houses the opportunities for bullying were  
12 quite high, and I suspect it might have been the case,  
13 but it was one of the top priorities when I first went  
14 was to make sure that that -- you know, these incidences  
15 were reported and dealt with.

16 So the control over bullying was, I would say, in  
17 its infancy at the time I joined and within a few years  
18 became a major -- a major thing. I mean not a concern,  
19 because it was being well controlled, but it's -- it was  
20 an area that Bloxham was very concerned with, very hot  
21 on.

22 Q. The system you came into in 1986, was this -- it was in  
23 place, was this down to an individual headmaster coming  
24 in and changing things or -- do you know whether it had  
25 been in place for some time?

1 A. I suspect it had been in place for some time, because  
2 the headmaster who appointed me left two or three years  
3 afterwards, having done his stint, as it were, so  
4 I suspect that he didn't make a lot of changes in his  
5 last two or three years. This was probably something  
6 that had been instigated some time before.

7 Q. Two last things.

8 In terms of inspection, was Bloxham inspected  
9 regularly?

10 A. Yes.

11 Q. From when you started?

12 A. No. No. The first inspection wouldn't have been for  
13 probably five or six years. Certainly there had been  
14 a change of headmaster. Once inspections did start,  
15 they were regular.

16 Q. So you saw a shift in approach?

17 A. Yes.

18 Q. Do you remember inspections ever at Merchiston?

19 A. No. No.

20 Q. You taught at Bloxham for 30 years.

21 A. Yes.

22 Q. Is there anything else you think you would wish to add  
23 from that experience that might lend itself to how this  
24 Inquiry looks at the care of children in care?

25 A. I think the -- again, just to focus on the big



1 difference in the culture, if you like, was that from  
2 the outset it was made plain to the children through  
3 their tutor, rather than just by accident, it was made  
4 plain to them that this was the route to take if this  
5 went wrong, this was the route to take if that went  
6 wrong. There could never have been any doubt from the  
7 moment they came as to who to speak to in the event of  
8 a problem.

9 It was the same for staff, that we knew as staff who  
10 to speak to, you know, housemaster or head of  
11 department, but also the school chaplain was available  
12 to members of staff.

13 Q. So as well as being avenues of communication to discuss  
14 children, there was a clear system in place to follow --

15 A. Yes.

16 Q. -- if something happened?

17 A. Absolutely, yes.

18 Q. Either an incident involving a child or a complaint by  
19 a child about a teacher?

20 A. Exactly.

21 Q. Processes were set out?

22 A. Absolutely, yes.

23 Q. How did you learn about those processes?

24 A. I think we were told as newcomers, you know. There was  
25 a very good system in place for -- induction is the

1 word, you know. Even in 1986 when I first went. I can  
2 recall in my first week or so numerous -- what seemed to  
3 be numerous meetings with various senior teachers about  
4 this or about that, so the pathways were really very  
5 clear.

6 MR BROWN: Gordon, thank you very much indeed. I have no  
7 further questions for you.

8 A. Thank you.

9 LADY SMITH: Are there any outstanding questions for Gordon?  
10 Gordon, that completes the questions we have for  
11 you.

12 A. Right.

13 LADY SMITH: Thank you so much for your evidence, both in  
14 terms of your written statement and you coming here  
15 today to make the words on the page come more alive than  
16 they are if they're just left sitting there. It's been  
17 really helpful to me to hear from you not only about  
18 Merchiston, but of the distinctions you draw between  
19 Merchiston and Bloxham and the reasons for which you pay  
20 great tribute to Bloxham's systems there. That's really  
21 added to my learning and brought it up to date, so thank  
22 you very much for that.

23 I'm now able to let you go, and you go with my  
24 thanks.

25 A. Thank you.

1 (The witness withdrew)

2 LADY SMITH: We'll stop there for the lunch break and

3 perhaps sit again at 2.15, is that all right?

4 MR BROWN: Thank you very much.

5 (1.26 pm)

6 (The luncheon adjournment)

7 (2.15 pm)

8 (Proceedings delayed)

9 (2.26 pm)

10 LADY SMITH: Good afternoon.

11 Mr Brown.

12 MR BROWN: My Lady, what remains of the day will be taken up

13 with two read-ins. I invite my learned junior to --

14 LADY SMITH: Thank you very much.

15 Whenever you're ready, Ms Bennie, thank you.

16 Stephen Campbell (read)

17 MS BENNIE: The first read-in bears the reference

18 WIT-1-000000425. My Lady, this is the witness statement

19 of Stephen Campbell.

20 "My name is Stephen Campbell. My year of birth is

21 1970."

22 My Lady, in paragraph 2 the witness sets out his

23 professional qualifications:

24 "I applied to become a teacher in mathematics at

25 Merchiston Castle School in 1994. I don't remember much

1 detail surrounding my application for the role as it was  
2 more than 26 years ago. However, I do recall that I was  
3 interviewed and required to present originals of my  
4 qualifications as part of the interview process.

5 I started at Merchiston in my new role as a teacher  
6 in 1994. Albeit I have had a number of roles with the  
7 school I have always taught mathematics during my time  
8 there. In 2004 I was promoted to second in department.  
9 In 2007 I was promoted to head of department. In 2011  
10 I became the assistant head of academic.  
11 In January 2015 I became deputy head of academic. As  
12 part of that role I had responsibility for arranging  
13 class cover when members of staff were absent.

14 Deputy (and indeed assistant) heads have always had  
15 suffixes such as 'academic' or 'pupil support'. Those  
16 titles denote responsibility in specific areas. The  
17 move to the establishment of the pupil support  
18 leadership team is something in which I was involved as  
19 part of the wider school leadership team when I became  
20 deputy head of academic in 2015.

21 Many staff members have resided, and do reside, on  
22 campus in a variety of locations and accommodations.  
23 I myself lived above Pringle boarding house between 1994  
24 and 1999. The only staff members who have access to the  
25 children's residential areas are those who have

1 a pastoral role such as housemasters and tutors.

2 I have never had a leadership role in a pastoral  
3 sense within Merchiston. However, every teacher who is  
4 at Merchiston is also a tutor and there is a pastoral  
5 element to that role. That role is pretty much the same  
6 across the school in terms of the boarding houses. One  
7 teacher, in their capacity as a tutor, is on duty per  
8 week per boarding house. The role involves going into  
9 the houses and supervising prep, sometimes supervising  
10 activities and sometimes becoming involved in trips at  
11 the weekends. The tutor's role is essentially to be  
12 an extra pair of hands on the ground.

13 Training, supervision and recruitment of staff  
14 throughout my time at Merchiston.

15 During my role as a teacher in mathematics I was  
16 line managed by the head of maths and second in  
17 department, which was Peter Arter and  
18 Marion Muetzelfeldt. I continued to be line managed by  
19 Marion Muetzelfeldt in my roles as second in department,  
20 head of department and assistant head of academic.  
21 Throughout my time as deputy head of academic I was  
22 line managed by the headmasters at Merchiston.  
23 Initially that was Andrew Hunter. When Andrew Hunter  
24 left he was replaced by Jonathan Anderson.

25 Liaison with my line managers has been a daily

1 occurrence throughout my career. I have undertaken PRD  
2 and CPD regularly in line with the GTCS professional  
3 standards. I undertook a wide range of internal and  
4 external preparation, training and mentoring for all of  
5 my roles. That was principally led, and encouraged by,  
6 my line manager, Marion Muetzelfeldt.

7 Following my various promotions I line managed other  
8 members of staff. Part of my role as head of department  
9 was to do annual CPD and PRD with teachers. As deputy  
10 head of academic, I did the same with the heads of  
11 departments.

12 I was involved in training and the personal  
13 development of staff who were on their probation as well  
14 as those who were permanent appointments. In my roles  
15 as head of department and deputy head of academic  
16 I undertook annual reviews and was involved in the  
17 development of staff. This has included recommendations  
18 of teachers when I was head of department. This  
19 continued in my roles as head of department and as  
20 deputy head of academic.

21 I was involved in the recruitment of staff at the  
22 school. This involvement only extended to the academic  
23 appointments. As far as I am aware there was a process  
24 for processing all applications to the school. That  
25 would be undertaken by the HR department or the

1 headmaster's secretary.

2 The school took both written and verbal references  
3 for each candidate for new roles. When I was head of  
4 department, I was responsible for verbal academic  
5 references from referees. It was my responsibility to  
6 phone up the candidate's second referee, who was usually  
7 their line manager or head of department, to obtain the  
8 reference. My role was exclusively to seek views on the  
9 academic side of the applications from the applicant's  
10 second referee. Obtaining verbal references at that  
11 stage allowed us to take a view from outside sources on  
12 the candidate's teaching ability and so on. As far as  
13 I am aware, all referees were actually spoken to.  
14 Certainly, I always spoke with the second referees when  
15 required.

16 There were a variety of panels which candidates were  
17 interviewed by during the recruitment process. There  
18 was a pupil panel, a headmaster panel, an academic  
19 panel, a pupil support panel and a panel of people  
20 involved with the pastoral side of things. It was  
21 a tough process for candidates. Each candidate would  
22 have four or five interviews covering all the areas that  
23 each panel were assigned to cover.

24 In my capacity as deputy head of academic I took  
25 part in interview panels. My role was only really to be

1       involved with the panel which would be considering the  
2       academic side of things. Virtually all of the  
3       candidates I was involved with were those who were on  
4       the academic staff rather than the pastoral staff.  
5       Sometimes certain housemasters who were candidates also  
6       had a subject specialism. In those cases I sometimes  
7       became involved with the academic side of the interview.

8           As far as I am aware, consideration was given to  
9       child protection issues during the recruitment process.  
10       I was never in an interview where that side of things  
11       was covered because I was only in the interviews that  
12       covered the academic side. I think probably the people  
13       who would cover the pastoral and child protection side  
14       of things would have been the headmaster or one of the  
15       deputy headmasters. It would have been people like  
16       Andrew Hunter, Alan Johnston or Peter Hall.

17           All other aspects of recruitment were initially  
18       looked at by the headmaster's secretary and latterly by  
19       HR. From my perspective I believe that the recruitment  
20       policies and practices the school had in place were  
21       robust.

22           My involvement in strategic planning was always  
23       related to my remit, which was pretty much exclusively  
24       on the academic side. My role was in line with the  
25       leadership structure under which the school was run.



1           Child protection arrangements.

2           Merchiston had in place written policies surrounding  
3 childhood protection arrangements to reduce the  
4 likelihood of abuse, ill-treatment or inappropriate  
5 conduct by staff or other adults towards children at the  
6 school. There was regular training and updates  
7 surrounding childhood protection. To the best of my  
8 memory, there was always a named Child Protection  
9 Co-ordinator. To the best of my knowledge, as a member  
10 of staff, colleagues always followed child protection  
11 policies and procedures.

12           During my time at the school I never had any ongoing  
13 involvement in or responsibility for policy in relation  
14 to the care, including residential care, of children.  
15 However, staff, including managerial staff, were given  
16 guidance and instruction on how children in their care  
17 at the school should be treated, cared for and protected  
18 against abuse, ill-treatment or inappropriate behaviour  
19 towards them from staff, other adults or even fellow  
20 pupils. This was achieved through regular in-service  
21 training and updates, written policies and the staff  
22 handbook.

23           As far as well-being and child protection policies  
24 were concerned, they were always expected to be applied  
25 in the classroom. In my experience, complete autonomy,

1 including discretion, was given to staff, including  
2 managerial staff, in relation to these matters. Staff  
3 members were always encouraged to report abuse or  
4 ill-treatment of young people.

5 Whistle-blowing policy.

6 There was for many years a whistle-blowing governor  
7 whom members of staff could approach at any time. The  
8 whistle-blowing governor was a member of the board of  
9 governors. I think you could raise anything you wanted  
10 to with regards to things you viewed as amiss with the  
11 leadership of the school. I think that the  
12 whistle-blowing policy was basically there for persons  
13 to raise any concerns that they had that they felt  
14 couldn't ultimately be dealt with by the headmaster of  
15 the school. That was my understanding of the policy  
16 when I was at the school. There wasn't a situation  
17 where I ever considered whistle-blowing myself. I was  
18 never involved with anything along those lines. I am  
19 not aware of any occasion where someone approached the  
20 whistle-blowing governor.

21 Records and record-keeping.

22 In my experience as a senior leader, from  
23 January 2015 onwards processes surrounding  
24 record-keeping were always robust. I am unable to  
25 comment fully on what happened before 2015. I know from

1 my experience of working with Andrew Hunter that he was  
2 very meticulous in his record-keeping.

3 Inspections.

4 There were inspectors and other officials who  
5 visited the school. Merchiston worked closely with the  
6 Care Inspectorate and Education Scotland. I believe  
7 that when inspectors came in they spoke to the children  
8 individually and as part of a group. As far as I am  
9 aware, sometimes staff were present and at other times  
10 they were not. I was only spoken to by inspectors and  
11 external officials in the context of learning and  
12 teaching. Feedback was provided and detailed in the  
13 inspection reports that they produced.

14 The school was the subject of concern between 2014  
15 and 2017 concerning the way in which the children and  
16 young people were being treated. There were concerns  
17 surrounding the suicide of a colleague by the name of  
18 James Rainy Brown and subsequently the conduct of  
19 others. That led to inspectors taking a closer look at  
20 the school's arrangements in the areas of well-being and  
21 child protection. It is my perception that throughout  
22 that process the school was open and transparent in its  
23 communications with the parental body.

24 Discipline and punishment.

25 All staff members were expected to be fully

1 professional in their approach to discipline. Children  
2 were made aware of expectations in classrooms and in  
3 boarding houses. Discipline and punishment could be in  
4 the form of written impositions (done on blue papers),  
5 detentions, suspensions or exclusion. Disciplinary  
6 incidents were recorded by the housemasters.

7 There was a policy in relation to discipline and  
8 punishment. There was a comprehensive policies booklet  
9 containing all of the information surrounding the  
10 school's approach to discipline and punishment. The  
11 policies booklet was updated and shared annually with  
12 all stakeholders. Stakeholders included pupils, parents  
13 and staff members.

14 Fagging has never existed amongst the pupils. In my  
15 experience, the extent that discipline was the  
16 responsibility of senior pupils was that prefects would  
17 occasionally ask members of staff for help if younger  
18 pupils presented challenging behaviour.

19 Abuse in Merchiston.

20 I do not know if any person who worked at the school  
21 was convicted of the abuse of a child or children at the  
22 school. However, there are two incidents that were  
23 reported following allegations being made.

24 Some years ago I acted as a witness to  
25 a conversation between Alan Johnston, who was at that

1 time the senior deputy head and held the roles of Child  
2 Protection Co-ordinator and deputy head pupil support,  
3 and a sports coach. I do not recall the specific date  
4 but it was possibly around 2016. The allegation  
5 concerned inappropriate touching. I do not recall the  
6 outcome of this specific investigation. I was merely  
7 the witness to the interview. I do know that the coach  
8 no longer works at the school.

9 James Rainy Brown.

10 James Rainy Brown was a maths and science teacher in  
11 the school. He and I were at the school between 1994  
12 and 2013. I do not know how old he was. Although he  
13 was a very private man I knew him reasonably well  
14 professionally. I remember him being an older member of  
15 staff who was committed to the school. He was  
16 hard-working and traditional in his approach to  
17 teaching. When I saw him with the children he seemed to  
18 be pleasant and humorous with them.

19 I never directly saw him discipline or abuse any of  
20 the children. However, I do recall one incident over 20  
21 years ago which I ended up reporting to the housemaster.  
22 I remember the main facts but I do not recall much  
23 detail. I was on duty in the Pringle boarding house one  
24 evening. In those days, Scripture Union was a weekly  
25 activity run by James Rainy Brown. It took place in the

1 day room after lights out and it was well attended.  
2 Whilst patrolling the corridors, as duty tutors were  
3 expected to do, I became aware of a commotion in the day  
4 room and a child ran out of the door carrying his duvet.  
5 The boy was naked. I don't remember the name of the boy  
6 involved.

7 I immediately reported what I witnessed to the  
8 housemaster, Peter Hall, who intervened to bring the  
9 Scripture Union meeting to an end. I am absolutely  
10 certain that I raised my concerns surrounding the  
11 incident I witnessed at that time. Having reported the  
12 matter to the housemaster, I left him to deal with the  
13 matter and I heard nothing more of it. There was never  
14 anything like a meeting or anything like that subsequent  
15 to me reporting my concerns.

16 Merchiston is a place where you hear things. Around  
17 about the same time as the time I witnessed the boy  
18 running naked from the room, I heard allegations  
19 surrounding James Rainy Brown and 'naked apple dooking'.  
20 I couldn't say where I picked up that rumour from.  
21 I think the allegation was that James Rainy Brown would  
22 do this straight after the boys had their showers and  
23 before they got dressed. It was that type of thing. It  
24 was never anything that I saw myself. Clearly, if that  
25 behaviour was going on it was pretty inappropriate

1 behaviour. I am sure that the rumours concerning naked  
2 apple dooking would have been raised with Peter Hall at  
3 that time.

4 It is difficult for me to have a view in hindsight  
5 as to how things were handled because I don't know what  
6 was done following me reporting what happened to  
7 Peter Hall. I passed it up the chain as I was supposed  
8 to do and I heard nothing further about it. Obviously  
9 James Rainy Brown wasn't fired. In hindsight, from the  
10 perspective of this day and age, he should probably have  
11 been fired. It probably wasn't right that he was  
12 allowed to remain at the school.

13 Specific allegations of abuse against individuals  
14 highlighted to me by the Inquiry.

15 I understand that the Inquiry has received evidence  
16 of allegations about staff and others who may have been  
17 employed at the school at the same time as me.

18 [DXP] .

19 [DXP] was a former colleague of mine who was at  
20 the school between 1994 and his retirement. He was the  
21 [REDACTED]. I can't recall how old he was at the  
22 time he was at the school. I knew him very little but  
23 I never found him anything other than pleasant. I did  
24 see him with children and he always seemed to be  
25 pleasant around them. I never saw him discipline or

1 abuse any of the children I witnessed with him nor have  
2 I heard of him abusing children.

3 'Robert'.

4 'Robert' was an [REDACTED] teacher who was employed by  
5 the school. I don't recall the exact years he was at  
6 the school but I was at the school the whole time he was  
7 employed there. I can't recall how old he was when he  
8 was with the school. I knew him very little but  
9 I remember him being young, energetic and intelligent.  
10 He seemed to me to be friendly and bright. I did see  
11 him with children and he always seemed to be pleasant  
12 around them. I never saw him disciplining children.  
13 I never saw or heard of him being abusive towards the  
14 children.

15 [REDACTED] RCQ .

16 [REDACTED] RCQ was a teacher who was employed by the  
17 school. I don't recall when exactly she was at the  
18 school, but her time coincided with my time at the  
19 school. I don't know how old she was when she was  
20 employed by the school. I knew her very little but  
21 I remember her being intelligent, caring and friendly.  
22 I did see her with children at the school and remember  
23 her being very caring around them. I never witnessed  
24 her disciplining or abusing any of the children. I do  
25 recall hearing subsequent to her leaving the school that



1 she had had inappropriate relations with senior pupils.  
2 The facts surrounding all of that emerged after she left  
3 the school.

4 [REDACTED] DRW .  
5 [REDACTED] DRW was a [REDACTED] teacher who was employed by the  
6 school on two separate occasions. His second period of  
7 employment coincided with my time at the school. I do  
8 not know how old he was. I knew him reasonably well in  
9 the professional context. I remember him being  
10 friendly, caring, and having an ironic sense of humour.  
11 Whenever I saw him around children he seemed to be  
12 caring and friendly. I never saw him abusing or  
13 disciplining any children. After he left the school  
14 I became aware of allegations of skinny dipping with  
15 pupils when he had been employed by the school much  
16 earlier in his career. I believe the alleged incidents  
17 occurred in the early 1990s.

18 'Glenn'.

19 'Glenn' worked at the school at the same time as me.  
20 He was at the school at the same time as me from 1994  
21 right up until his retirement. During his time at the  
22 school he was an [REDACTED] teacher, a [REDACTED] and  
23 latterly a SNR [REDACTED]. I knew him reasonably  
24 well in a professional context. I recall him being  
25 friendly but also a no-nonsense traditionalist. I did

1 see him around children. I remember him being tough but  
2 never, in my experience, unfairly so. I never saw him  
3 disciplining or abusing any children. I never heard of  
4 him abusing any children.

5 Reporting of abuse at Merchiston Castle School.

6 My involvement in the areas of complaints and  
7 concerns was always in the academic sphere. My  
8 involvement only concerned matters such as concerns  
9 about academic programmes, academic progress, results  
10 and so on. When those complaints and concerns were  
11 raised they were always recorded.

12 There was a complaints or reporting process in place  
13 if any child in the school, or any person on their  
14 behalf, wished to make a complaint or report a concern.  
15 Everything was outlined in policy handbooks, which were  
16 shared with pupils, parents and members of staff. The  
17 processes surrounding that became more robust in light  
18 of advice and instructions given by external bodies  
19 following inspections. That was particularly so  
20 following the inspections undertaken between 2014 and  
21 2017 subsequently to the concerns being raised  
22 surrounding the suicide of James Rainy Brown and the  
23 conduct of others.

24 Pupils knew where they could go to if they required  
25 help. Pupils could go to any housemaster, tutor, member

1 of staff or their parents if they wanted to speak about  
2 any worries they may have had about the behaviour of  
3 other children, staff or others towards them. I am  
4 confident that if any child was being abused or  
5 ill-treated it would have come to light at or around the  
6 time it was occurring. I believe this because during my  
7 time at the school all pupils knew where they could go  
8 for help. In practice I am not aware of any children  
9 raising concerns because this has never been a direct  
10 part of my remit.

11 As a professional, I was aware from the commencement  
12 of my employment of the procedures and protocols the  
13 school had in place for reporting any abuse or  
14 ill-treatment. In a nutshell that consisted of 'if you  
15 see or become aware of something untoward, it is your  
16 professional and legal responsibility to report it'.  
17 These definitions were always made clear by senior  
18 members of staff, were consistently reinforced in the  
19 context of GTCS professional standards and through  
20 updated policies. As time went on, definitions of abuse  
21 became more rigorous and government policy in this field  
22 became even more robust. I always made sure I was  
23 abreast of these developments and the school always  
24 provided in-service training and updates to keep staff  
25 involved and informed.

1           The Care Commission probably came into the school in  
2           about 2014. I think they first came in following the  
3           suicide of James Rainy Brown. I think that it was  
4           because of that that they first came in. It became  
5           clear that external agencies had identified that the  
6           school's arrangements were not robust enough and  
7           an extended intervention took place to rectify this.  
8           The progress made by the school in this area was  
9           recently endorsed by these agencies. Accordingly, the  
10          definition of abuse developed over time and quite  
11          rightly so.

12          From my perspective I was always very aware of what  
13          my responsibilities were. As a professional I took  
14          cognisance of GTCS standards and so on. Looking back,  
15          I would say that the processes and arrangements were  
16          always there within the school on paper. The managers  
17          always made it clear what you were meant to do in  
18          a particular situation. If I had ever had to use the  
19          processes and arrangements that were in place then  
20          I would have done. I only experienced one situation  
21          where I witnessed what I did concerning  
22          James Rainy Brown. Looking back, I did what I was  
23          expected to do in that particular situation.

24          Clearly when the Care Commission came in, they took  
25          the view that the systems and structures that the school

1        had in place needed to be more robust. They ended up  
2        taking serious stringent steps to ensure that. In  
3        hindsight, I think that national policy moved on and  
4        Merchiston didn't perhaps keep pace with that. Quite  
5        rightly, areas concerning child protection became higher  
6        in profile. Looking back, trying to be as unbiased as  
7        possible, things had moved on and the school had perhaps  
8        not moved on fast enough. Ultimately, that was remedied  
9        following the Care Commission coming in.

10       Police investigations.

11       I have become aware of police investigations into  
12       alleged abuse at the school. I was made aware of their  
13       existence when I became a member of the senior  
14       management at some juncture after January 2015.  
15       However, I was never involved in the detail because my  
16       leadership remit was purely in the academic sphere.

17       Closing thoughts.

18       In my experience pupils and staff at the school were  
19       always engaged and committed. The school provided  
20       a nurturing community where young people were encouraged  
21       to achieve their fullest potential whether that be in  
22       the academic, sporting or cultural sphere.

23       In my experience, there was always an enormous  
24       commitment to child protection and the well-being of  
25       pupils and members of staff, who work with a common

1 purpose. It is my view that the school always had  
2 well-being and child protection policies, procedures and  
3 structures in place. Where external agencies found that  
4 these should have been more robust, the school took  
5 decisive action to make sure that they were. Enormous  
6 progress was made in those areas. Those areas were  
7 endorsed recently by both Education Scotland and the  
8 Care Inspectorate. The lessons to be learned surely  
9 involve boarding schools ensuring that their policies  
10 and processes in this area are rigorously followed.

11 I have no objection to my witness statement being  
12 published as part of the evidence to the Inquiry.

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

14 My Lady, the statement is signed and it's dated  
15 3 September 2020.

16 LADY SMITH: Thank you.

17 Nicholas Diver (read)

18 MS BENNIE: My Lady, the second statement bears the  
19 reference WIT-1-000000637. This is the witness  
20 statement of Nicholas James Diver.

21 "My name is Nicholas Diver. My year of birth is  
22 1971."

23 My lady, in paragraphs 2 and 3 the witness sets out  
24 his professional qualifications.

25 "I was employed at Merchiston Castle School from

1       September 1997 to August 2000 as a history and politics  
2       teacher. In my first two years I was a tutor in  
3       Rogerson East and in my last year I was a resident  
4       assistant housemaster in Evans. I was also a football  
5       and cricket coach and was in charge of the  
6       'understanding industry' course in my final year.

7       References were taken up by the school.

8       I think there was a year-long probation period.  
9       I certainly remember a confirmation of contract meeting  
10      with the then Merchiston headmaster, David Spawforth, at  
11      the end of my first year. I cannot remember  
12      prerequisites for employment other than the need to  
13      prove academic qualifications.

14      My line manager as history and politics teacher was  
15      the head of department. This was John Begg in my first  
16      two years and Jonathan Selby in my last. I remember  
17      that under John there were three new members of the  
18      department in my first year. We had weekly meetings of  
19      the department and teaching was observed by John, the  
20      headmaster and others in the department. In my second  
21      year the new headmaster, Andrew Hunter, observed me  
22      teach, as did John again, and in my last, we had  
23      a programme of internal departmental lesson observation  
24      in which we all watched one another. I cannot remember  
25      if there was a formal process of teaching appraisal

1 after the probationary year.

2 As a house tutor my line manager was Paul Williams  
3 in Rogerson East and Alex Anderson in Evans. Contact  
4 with these people was frequent with one-to-one meetings  
5 and meetings of the entire pastoral teams of the  
6 respective houses. I think that these happened at least  
7 once a week at break time. I know that Paul had to  
8 write a report on me at the end of my probationary year.

9 I remember a series of sessions with the deputy  
10 head, Ken Houston, when I first arrived when I was taken  
11 through the different policies of the school, including  
12 such things as health and safety, report writing and  
13 child protection. Regarding my house roles, both Paul  
14 and Alex made a clear point of integrating new tutors  
15 carefully and I remember frequent sessions that  
16 explained my duties and how the housemaster expected  
17 things to be. I also remember sessions about health and  
18 safety and discussions about child protection protocols  
19 with these two. I'm afraid that whilst I remember the  
20 sessions taking place and the broad topics, I cannot  
21 recall details.

22 I had no responsibility for policy. I was very  
23 junior in the school. I'm afraid that I cannot remember  
24 or recall any areas of policy in relation to training,  
25 recruitment of staff, child protection, requirement for



1 qualifications, staff appraisal, complaints procedure,  
2 discipline and punishment of children, disciplinary  
3 process for dealing with complaints and allegations  
4 against staff. I do remember that the appointment of  
5 Nigel Rickard as a deputy head seemed to bring about  
6 a ramping up of focus on issues regarding child  
7 protection and I also remember that there seemed to be  
8 far more paperwork passed down regarding the list of  
9 issues given above, but, again, I'm afraid that I cannot  
10 remember the details. That said, my inability to  
11 remember such things does not mean that they weren't  
12 dealt with. It may just be a failure of memory.

13 I had no involvement in or responsibility for  
14 strategic planning. My memories are, I'm afraid, vague  
15 on the school's strategic approach and if there was  
16 a change with the appointment of Andrew Hunter as  
17 headmaster in 1998. I do remember that there was  
18 a remodelling of the Senior Management Team under  
19 Andrew Hunter, with more designated and focused roles  
20 for those involved. The feeling at the time was that  
21 the management structure had been brought up to date,  
22 with a shift away from a rather personalised approach to  
23 management under David Spawforth. That said, other than  
24 knowing the job titles of senior management individuals,  
25 I can't say that I had a detailed understanding of their

1 roles.

2 I did not manage other staff or have anyone  
3 reporting to me and I wasn't involved in the recruitment  
4 of staff at the school. Other than my recollections of  
5 my own appointment I have no knowledge of the  
6 recruitment policies or practices.

7 I do not know to what extent references were  
8 obtained from former employers, nor do I know if  
9 referees were actually spoken to.

10 Training of staff.

11 I wasn't involved in training and/or personal  
12 development of staff. In relation to training and/or  
13 personal development policies and how in practice these  
14 matters were implemented, I remember that training was  
15 rather devolved in that it was based departmentally and  
16 in the boarding houses that one was attached to.  
17 Looking back now and with the benefit of a modern day  
18 comparison, my gut feeling is that there was  
19 surprisingly little formal training in the sense of  
20 a well-worked-out programme. That said, towards the end  
21 of my time at Merchiston, I do remember whole-staff  
22 INSET sessions taking place, one on IT comes to mind.

23 I was never involved in supervision, staff appraisal  
24 and evaluation of staff. In relation to my knowledge of  
25 the school's policy in relation to supervision, staff

1        appraisals and evaluation of staff, there was clearly  
2        a process of appraisal leading to the confirmation of my  
3        contract at the end of my first year. Other than that,  
4        I cannot recall a formal appraisal system. To be fair,  
5        that does not necessarily mean that there wasn't one,  
6        simply that I cannot remember.

7            Living arrangements.

8            In my first two years I shared a flat in Lanark Road  
9        with a maths teacher. This was about a 20-minute walk  
10       from the school. In my last year I was the live-in  
11       assistant housemaster in Evans House. This meant  
12       I lived in a flat in the boarding house on the floor  
13       below the boys' accommodation.

14           Housemasters lived in the boarding houses and there  
15       were assistant housemasters in each. Most staff lived  
16       either off site in their own properties or in school  
17       properties on site.

18           Pastoral staff and cleaners had access to the  
19       children's residential areas. I remember that there  
20       were locks with door codes.

21           Culture within Merchiston Castle.

22           During my period of employment, the culture of and  
23       within the school was quite hearty and athletic but with  
24       a growing appreciation of the need to focus more and  
25       more on the academic side of life. The atmosphere was

1 a friendly one. The boys enjoyed themselves and  
2 relations between them and the staff in the classroom  
3 and more broadly always seemed to me to be very  
4 positive. The boys themselves seemed to be a cohesive  
5 group, fiercely proud of the school and usually very  
6 protective of one another. Fagging did not exist in any  
7 form as far as I am aware.

8 Discipline and punishment.

9 In relation to how and by whom children were  
10 disciplined and punished at the school, housemasters  
11 were the key. In Rogerson East there was a system of  
12 red and blue papers for minor infringements. Boys would  
13 have to write academic revision notes, a certain number  
14 of sides depending on the nature of the infringement.  
15 Boys could be gated further up the school in the sense  
16 of being denied access to Colinton and to Edinburgh.  
17 Serious infringements would be dealt with by the deputy  
18 head and/or the headmaster, for example for drinking.  
19 There was never any suggestion of physical punishment.

20 I remember being fully aware of the range of  
21 sanctions available, largely because it was actually  
22 rather narrow, but I cannot remember a formal policy  
23 document. Again, there may have been one but I just  
24 can't remember. If records were kept, that would have  
25 been the role of the housemaster.

1           Individual boarding houses would have upper sixth  
2           prefects in them. They were responsible for the  
3           day-to-day running of the house. My view of these  
4           individuals during my two years in Rogerson East were  
5           that they were a mature and reliable group. I never had  
6           any sense that the prefects were anything other than  
7           serious and caring in their interpretation of their  
8           roles. I remember that Paul Williams put considerable  
9           effort into training his prefects.

10           I was never involved in the day-to-day running of  
11           the school, other than being on duty in boarding houses.  
12           In Rogerson East I would be on duty from 7 pm in the  
13           evening until 10 pm on a Tuesday and a Thursday. In  
14           Evans I was on duty one evening per week as well as  
15           being on duty on either a Saturday or a Sunday night.  
16           This involved being responsible for call overs and there  
17           was a clear policy whereby the deputy head was to be  
18           phoned if a boy missed call over.

19           I think I can be confident that if any child was  
20           being abused or ill-treated, it would have come to light  
21           at or around the time it was occurring. The  
22           housemasters were very diligent and really did know  
23           their boys very well and saw a great deal of them every  
24           single day. Pastoral issues were discussed frequently  
25           with house tutors. From my perspective as an ordinary

1 teacher, Merchiston was a small school in terms of the  
2 numbers of boys and the site. You got to know them well  
3 and certainly picked up on changes in mood.

4 Concerns about the school.

5 To my knowledge, the school was never the subject of  
6 a concern in school or to any external body or agency or  
7 any other person because of the way in which the  
8 children and young people in the school were treated.

9 I am not aware of any such concerns about the  
10 school, but if there were, my gut instinct is that the  
11 housemasters and the deputy head would have been the  
12 front line as regards reporting to the parents.

13 In relation to complaints, a reporting process in  
14 place when any child in the school or any other person  
15 on their behalf wished to make a complaint or report  
16 a concern, each pupil had a tutor who was a pastoral and  
17 academic figure in the life of the boys. Pupils were  
18 encouraged to feel free to speak to tutors about  
19 concerns if they had them. That said, the tutor was  
20 probably often a rather distant figure in the daily  
21 existence of a boy when compared to the presence and the  
22 role of the housemaster.

23 I remember a session with deputy head, Ken Houston,  
24 about this. How to talk to a boy with a concern, the  
25 need to pass information up to the housemaster, however

1 trivial it might seem, and the fact that a tutor should  
2 go to him, Ken, if they were concerned about the  
3 housemaster himself. To be honest, I don't know if  
4 complaints were recorded.

5 I don't recall that there was any person in the  
6 school, or outside of it, that a child could speak to  
7 about any worries they had, but it may just be that  
8 I cannot remember. I don't know if children in practice  
9 raised concerns in this way. I suppose that a boy could  
10 always have arranged to speak to the chaplain. The  
11 housemaster would have been the first port of call for  
12 boys if they had issues.

13 Abuse.

14 In relation to whether the school had a definition  
15 of 'abuse' that it applied in relation to the treatment  
16 of children at the school during my period of  
17 employment, I remember an INSET session when this was  
18 discussed, although I cannot give an exact date.  
19 Looking at the Merchiston situation from my current  
20 position, it is certainly the case that we are today far  
21 clearer in our own minds as teachers about such things.

22 I'm afraid that I cannot remember clearly what, in  
23 the eyes of the school, would constitute abuse of  
24 children in its care, but I would imagine that the  
25 definition was physical, emotional, mental and sexual.

1           I cannot remember how the definition was  
2           communicated and explained to staff working at the  
3           school. For example, I cannot remember if there was  
4           a staff handbook. Such things are essential nowadays  
5           but I'm just not sure about 20 years ago. Again, this  
6           comment is not me saying that there definitively wasn't  
7           such a document, simply that I cannot remember. I'm  
8           afraid I cannot recall when it was introduced or if it  
9           ever changed.

10          Child protection arrangements.

11          In relation to whether staff, including managerial  
12          staff, were given guidance and instruction on how  
13          children in their care at the school should be treated,  
14          cared for and protected against abuse, ill-treatment or  
15          inappropriate behaviour towards them, I do remember  
16          an INSET session on this but other than that I have no  
17          details that come to mind. Although by the standards of  
18          today it seems rather informal, I am convinced that the  
19          two housemasters that I worked for at Merchiston were  
20          utterly devoted to the well-being of the boys in their  
21          care. It was certainly made clear by them that our  
22          primary responsibility as tutors was looking after the  
23          welfare of the boys.

24          I remember instruction being given by Ken Houston to  
25          staff on how to handle and respond to reports of abuse



1 or ill-treatment.

2 It was always clear to me that such matters had to  
3 be reported. This was as much common sense and natural  
4 decency as school policy. I cannot remember the formal  
5 situation. To be honest, in my capacity as a very  
6 junior figure, the notion of autonomy and discretion in  
7 such matters did not occur. My role would always have  
8 been to report matters of concern.

9 Tutors were encouraged to look out for the welfare  
10 of their charges at all times and I was certainly aware  
11 of the need to report issues upwards had I ever come  
12 across any.

13 The only occasion I was aware of concerns related to  
14 DXP. In response to this, a group of staff took  
15 these concerns to the senior management. I was not  
16 actually part of the group that went to the senior  
17 management as I was involved in the understanding  
18 industry course, but I made it clear to my colleagues  
19 that I shared their concerns and would be prepared to  
20 pass on any information that was requested.

21 External monitoring.

22 I remember that we were inspected whilst  
23 Andrew Hunter was head. An HMI Inspection perhaps?  
24 I honestly don't recall if they spoke with the children,  
25 whether individually or in a group. As well as this

1 I don't know if the staff were present. I think I was  
2 spoken to about my department and the academic side of  
3 the school. I don't think I was spoken to about my  
4 pastoral role. In relation to feedback, I was only  
5 aware of the usual inspection report.

6 Record-keeping.

7 I'm afraid that I have nothing to offer in respect  
8 of the school's policy on record-keeping, record-keeping  
9 in practice, or the quality of the records as a source  
10 of information. My personal records were the usual  
11 marks. I cannot remember reports being copied, they  
12 were all done by hand. Other than the DXP issue,  
13 I was not involved in any allegation of abuse. As  
14 a peripheral figure in that issue, I was not privy to  
15 the nature of the record-keeping.

16 If there was an existing policy on record-keeping by  
17 staff at the school and if it provided adequate  
18 information about how children had been treated in  
19 practice, none of this rings a bell. Again that doesn't  
20 mean to say it didn't happen, it may simply be that I do  
21 not remember now over 23 years after I arrived.

22 Investigations into abuse.

23 I was on one occasion rather distantly involved in  
24 an investigation on behalf of the school into  
25 an allegation of abuse or ill-treatment of children at

1 the school or into inappropriate behaviour.

2 I had on one occasion seen DXP, a fellow  
3 teacher, act oddly towards a boy during a social event.  
4 The boy was rather worse for the wear and was sitting in  
5 an arm chair in his kilt with his legs spread apart,  
6 seemingly oblivious to the oddity of what he was doing.  
7 I was a fair distance away but saw that DXP seemed  
8 to make a deliberate point of sitting on the floor so  
9 that he could look up the kilt of the boy. This must  
10 have happened in 1999, I think. I cannot put a date on  
11 this, and to be fair, it may have been innocuous, but  
12 I do remember it troubling me to the extent that  
13 I mentioned it to, I think, Alex Anderson, who was an RS  
14 teacher and housemaster of Evans in my time at  
15 Merchiston.

16 It transpired that a number of colleagues had  
17 similar concerns regarding DXP and the decision was  
18 made to take this issue to the senior management one  
19 morning. OPA and Chispa Prini Garcia are  
20 people I remember being involved. As it happened, I was  
21 not able to be part of the meeting that took place with  
22 the senior management as I was involved that morning  
23 with the fifth form understanding industry course.  
24 I had made it clear though that I shared the concerns of  
25 my colleagues and would be prepared to say to the senior

1 management. My memories of the aftermath of this are  
2 vague. I recall Nigel Rickard, deputy head, speaking to  
3 us to tell us that he had spoken to DXP and the  
4 latter being described as 'fey', that is given to losing  
5 track of things, staring into the distance in a world of  
6 his own. I left Merchiston the following term and  
7 DXP remained in post with a rather difficult  
8 atmosphere in the common room as a result.

9 Not having been at the actual meeting with the  
10 housemaster over DXP, it is hard for me to judge  
11 how well it had been handled at the time. In my very  
12 junior position, I suppose that I assumed that matters  
13 had been handled professionally and correctly.

14 I remember a meeting with Nigel Rickard when the 'fey'  
15 comment was made, but nothing beyond this. I don't know  
16 whether those more deeply involved were spoken to again.

17 Looking back now, I am very surprised that I wasn't  
18 spoken to one to one. Things would be dealt with very  
19 differently today, I am sure."

20 My Lady, I move on to paragraph 46:

21 "Specific alleged abusers.

22 I recall James Rainy Brown, DXP and 'Glenn'.  
23 They were all the Merchiston during my three years at  
24 the school. At the time, Rainy Brown and DXP were  
25 perhaps in their 60s and 'Glenn' would possibly be in

1 his 50s.

2 Rainy Brown had been the Pringle housemaster before  
3 my time. When I worked at Merchiston, he was still  
4 heavily involved in Pringle life, teaching, sport and  
5 social activities. DXP was [REDACTED] and  
6 'Glenn' was a former [REDACTED] who subsequently became  
7 SNR under Andrew Hunter.

8 All three were simply colleagues to me. I had no  
9 formal and precise working relationship or links with  
10 them. Rainy Brown was a very distant figure indeed,  
11 spending most of his time in Pringle. The other two  
12 were around the place and I would pass the time of day  
13 with them, but I never worked alongside them in a formal  
14 manner or on a particular project or role.

15 Rainy Brown always struck me as a very peculiar man  
16 indeed. Fanatically devoted to the school, Edinburgh  
17 and Scotland. Almost childlike in his enthusiasms and  
18 his willingness to offer activities for the Pringle  
19 boys. A ball of energy, but not my cup of tea at all.  
20 If nothing else, he had a clear distrust of people from  
21 the south of England and had what I felt was a rather  
22 contrived eccentricity. He clearly also had no time for  
23 females, referring to them, I believe, as the 'enemy'  
24 and spoke about visiting girls' schools as going into  
25 'the lair of the enemy'.

1           'Glenn' was a distant and rather snobbish man but  
2           capable of humour and of being pleasant company when the  
3           mood suited him. DXP was a personable and friendly  
4           man but with a strange aversion to matters of personal  
5           hygiene, a trait that was picked up on by the boys  
6           frequently.

7           I didn't know any of the three of them very well at  
8           all. I saw very little of Rainy Brown in my three  
9           years, given that he spent most of his time at Pringle.  
10          I saw rather more of 'Glenn' and DXP, given they  
11          spent more time in the common room, but my relationship  
12          with them never went beyond that of colleagues.  
13          I wouldn't say that I was friends with them, although my  
14          dealings with them were friendly.

15          I did see all three with children. Where  
16          Rainy Brown was concerned, this would be seeing him take  
17          sports practices. On these occasions there always  
18          appeared to be plenty of fun and Rainy Brown was at the  
19          heart of it. I cannot recall seeing him with children  
20          in an academic context or in Pringle. I suppose I must  
21          have seen 'Glenn' with children around and about the  
22          place but not in a way that gave me any reason to think  
23          anything was amiss. Other than the DXP episode set  
24          out above, his relations with my pupils in my presence  
25          were warm and friendly and gave no cause for concern on



1 my part. It was clear though that there was a good deal  
2 of laughter behind his back on the part of pupils, given  
3 his personal hygiene issues.

4 I saw 'Glenn' reprimand boys a couple of times over  
5 dress infringements. Certainly nothing that I felt was  
6 an issue. He was perfectly professional. I didn't see  
7 Rainy Brown or DXP discipline any of the boys.

8 I never saw Rainy Brown or 'Glenn' abuse any of the  
9 children. In relation to DXP, the only episode is  
10 recounted before.

11 I did not hear of Rainy Brown or 'Glenn' abusing  
12 children. Although Rainy Brown was clearly an odd man  
13 in many ways and a fanatical believer in what I suppose  
14 might be called an active and outward-bound childhood,  
15 I certainly never saw him abuse a child and never heard  
16 of him doing so. As detailed above, a number of  
17 colleagues had concerns regarding DXP that lead to  
18 the eventual meeting with the senior management.  
19 I think that one person had a recollection of seeing  
20 another episode similar to mine, in the sense of looking  
21 up a boy's kilt. I think that this may have taken place  
22 on a coach coming back from a social event but I cannot  
23 be certain.

24 Helping the Inquiry.

25 The lessons that can be learned to protect children

1       in a boarding school, now and in the future are the  
2       dissemination of formal policies and the putting on of  
3       formal and regular training for all staff. Looking back  
4       now after nearly a quarter of a century, with the  
5       benefit of being able to compare a modern school with  
6       the Merchiston of 1997-2000, it does strike me that  
7       Merchiston was rather light on these things. Certainly,  
8       when I moved to Wellington College it was immediately  
9       apparent that there was far more formality and precision  
10      in this sort of thing.

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

15           My Lady, the statement is signed and it's dated  
16      10 March 2021.

17   LADY SMITH: Thank you very much.

18   MR BROWN: My Lady, that concludes the evidence for today.

19           Tomorrow it is the same procedure, two live  
20      witnesses and two, possibly three, read-ins, in all  
21      likelihood in the afternoon.

22   LADY SMITH: That's fine. The witnesses in person at 10.00  
23      and around 11.45?

24   MR BROWN: That's the plan.

25   LADY SMITH: Then moving to read-ins tomorrow afternoon?



1 MR BROWN: Yes.

2 LADY SMITH: Thank you very much.

3 I will rise now for today and look forward to seeing  
4 those of you who are coming tomorrow at 10 o'clock  
5 tomorrow morning.

6 (3.13 pm)

7 (The Inquiry adjourned until 10.00 am on Thursday,  
8 20 January 2022)

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