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Tuesday, 8 August, 2023

(9.15 am)

Introduction

LADY SMITH: Good morning. Welcome to the first day of hearings during which we will be exploring evidence about the experiences of children who were boarders at the Edinburgh Academy. After we completed our evidential hearings in relation to the initial group of seven schools in our boarding schools case study, a significant number of applicants and other witnesses came forward to provide evidence of the experiences of boarders at the Edinburgh Academy over several decades. There were so many that senior counsel and I agreed that evidence about the provision of residential care for boarders at the school needed to be explored in another set of public hearings.

I wanted those hearings to take place as soon as possible. This slot was available, and would enable the hearings to take place without undue delay, otherwise they would have had to wait until after the Inquiry's hearings in relation to the provision of residential care for children in all forms of secure accommodation had been completed. Those hearings are due to start in September, and they will extend over a lengthy period. I didn't want the Edinburgh Academy hearings to

1 be postponed until after that.

2 Evidence about Edinburgh Academy will be presented
3 between now and the end of August, and over that period
4 we plan to hear from over 30 witnesses in person. Also,
5 more than 20 witness statements will be read in. These
6 are statements that have been prepared and signed by
7 their authors as part of a detailed inquiry process. In
8 the case of applicants, and by that I mean those who
9 provide evidence about having themselves been boarders
10 at the Academy, or indeed pupils who were day pupils at
11 the Academy, who know about and had experience of the
12 wider provision at the school, including the boarding.
13 These people will have had a private session, and the
14 opportunity to review statements. These are careful
15 procedures that are explained in more detail on our
16 website.

17 In the case of other witnesses, their statements
18 have been provided after a carefully planned interview
19 and review process, and that's also explained on our
20 website. We will also in the course of these hearings
21 be referring to a number of relevant documents. These
22 references will not, by any means, be to all of the many
23 documents we have recovered. They will only be to what,
24 within the documents, is directly relevant to the
25 evidence being presented.

1 As ever, difficult decisions have had to be made as
2 to which witnesses are to be heard in person, and which
3 are to have their statements read in. I am well aware
4 that there are some whose statements will be read in
5 that may have preferred to give evidence in person, and
6 I am sorry that we won't, in the time available, be able
7 to do that. However, the valuable evidence they have
8 provided in their written statements is important, and
9 it will be taken into account along with all of the
10 other evidence about boarding at the Edinburgh Academy
11 that we have gathered and are still gathering.

12 As with all our case studies, the process of
13 gathering and analysing the evidence will not stop at
14 the close of hearings. It will carry on after that.

15 I plan to follow the usual Inquiry practice of
16 sitting to hear evidence on four days each week, Tuesday
17 to Friday, between 10 am and about 4 pm. I will also
18 sit on Monday, 21 August. Sitting dates and witness
19 lists will be in the usual way confirmed on our website,
20 where weekly updates will be posted as we go along.

21 Now, I want to say a final word about a matter
22 that's very important. In the course of evidence, we
23 will at times use the real names of some people whose
24 identities are protected by my general restriction
25 order, or by a separate restriction order. If we do

1 this, it will be so as not to interrupt the flow of the
2 evidence. However, where a person's identity is
3 protected by a restriction order, they must not be
4 identified whether by their name or otherwise outwith
5 this room. I will remind those present when we are
6 using the real name of such a person and that there is
7 to be no identification of them elsewhere, but if
8 anybody is in any doubt as to whether or not they may
9 identify any individual, please check with a member of
10 the Inquiry team.

11 Now, that's all I have to say by way of introduction
12 at the moment. What we are now going to do is move to
13 opening submissions, firstly from senior counsel to the
14 Inquiry, and then there will be seven opening
15 submissions from parties who have leave to appear.
16 I now hand over to Mr Brown, senior counsel to the
17 Inquiry. When you are ready Mr Brown.

18 MR BROWN: My Lady, I can expedite matters, I don't think
19 I have anything useful to add to what has just been said
20 and will keep my powder dry until we have heard the
21 evidence.

22 LADY SMITH: Thank you. I will now turn to Mr McLean, who
23 represents the group known as Edinburgh Academy
24 Survivors. Mr McLean, when you are ready.

25 Mr McLean.

1 Submissions by MR MCLEAN

2 MR MCLEAN: My Lady, I am Alan McLean KC and I appear on
3 behalf of Edinburgh Academy Survivors, a group of 40 of
4 those who were physically or sexually abused during
5 their time at the school. I appear with representatives
6 of the group for the purpose of the Inquiry, two of whom
7 are Giles Moffat and Neil Russell and the group
8 solicitor, Michael Mazzucco of Thompsons.

9 The periods when the members of the Edinburgh
10 Academy Survivors Group attended the school stretch from
11 the 1950s to the 1990s. They are well aware that there
12 are many other survivors who do not form part of their
13 group, indeed there are many other survivors who have
14 yet to come forward at all. This group and the
15 survivors who give evidence to this Inquiry are rightly
16 to be regarded as the tip of a significant iceberg.

17 May I begin by expressing the particular gratitude
18 of the Edinburgh Academy Survivors to a number of
19 people. They wish, first, to thank those whose
20 determination not to be silenced brought an end to the
21 suppression of the facts about the abuse that was
22 carried out at the school. It took tremendous courage
23 for these individuals to raise the issue of the abuse,
24 to overcome a culture of silence and a lifetime of
25 harmful thoughts and feelings, and then to deal with the

1 ways of condemnation to which they were exposed by those
2 who would rather the truth about these matters had not
3 become publicly known. In particular, the survivors
4 wish to pay tribute to Iain Glen, who publicly raised
5 the subject of abuse at Edinburgh Academy in 2001 and
6 was shunned by the Edinburgh establishment for his
7 pains. Then George Scott, a former pupil of
8 Fettes College, who has worked tirelessly to bring to
9 justice Iain Wares, a self-confessed paedophile who
10 terrorised pupils at both Edinburgh Academy and Fettes
11 before going on to abuse, it seems, children in South
12 Africa.

13 Also Nicky Campbell and Alex Renton, whose exposé of
14 the scandal of abuse at the Academy in July 2022 has
15 been the catalyst for so many survivors to come forward.
16 Having had the immense encourage required to face the
17 public gaze in this way, they have been abused of new by
18 being trolled in the press and on social media. Through
19 all of that they have never stopped fighting for the
20 survivors to be heard.

21 Second, the survivors wish to express their
22 gratitude to the witness support team at the Inquiry,
23 who have treated them with great courtesy and have
24 handled their various concerns with tact and sensitivity
25 throughout.

1 This case study will be interrogating an Edinburgh
2 institution. Founded almost 200 years ago, the Academy
3 has taken pride in providing a first class education
4 ever since. It has traded in the past and continues to
5 trade today on that history, the famous alumni, the
6 historic building in Henderson Row and the connections
7 it has with the Edinburgh professional classes, which,
8 until devolution, effectively governed Scotland. It
9 takes pride in its traditions, its badge of an ancient
10 Greek head in profile, set in a laurel wreath, its
11 prefect system, named after the ancient magistrates of
12 Sparta, the ephors, its motto in ancient Greek, αἰὲν
13 ἀριστεύειν; always excel. All of this is put up in
14 lights for prospective parents to encourage them to
15 join, pay for and perpetuate this supposed elite
16 education.

17 However, the evidence the Inquiry will hear will
18 paint a very different picture of the school, one of
19 a self-perpetuating pit of paedophilia and sadism, as
20 one survivor has described it, where large numbers of
21 pupils lived in daily fear, a fear which for some has
22 never gone away.

23 It will hear that for many decades the school
24 treated many of its pupils with what can only be
25 described as casual cruelty. You will hear of

1 disproportionate and sometimes sadistic punishment,
2 often for no reason at all and often in plain view. You
3 will hear the traditions of Sparta extended to rather
4 more than just the architecture of the school's famous
5 building, the face on the badge, and the title of the
6 prefects.

7 The approach to discipline led, for decades, to
8 untrammelled violence being directed by a considerable
9 number of grown men, employed as staff at the school,
10 towards children as young as seven or eight.

11 The school's special memento, the clacken, a heavy
12 wooden bat used for the traditional school game of
13 Hailes was known to pupils for decades not as a piece of
14 sporting equipment, but as an instrument of beatings and
15 daily torture. One instrument among many, including the
16 cane, the tawse, gym shoes, boxing gloves, a snooker
17 cue, and even a nail studded bat. You will hear of
18 children beaten, punched, thrashed, strangled to the
19 point of fainting, thrown and kicked by these men. You
20 will hear of the resulting prevailing atmosphere among
21 the pupils of fear and terror, particularly in the
22 boarding houses for younger children and in some
23 classrooms.

24 While some children with senior teachers or
25 directors came through unscathed, those with no

1 protection were abused indiscriminately. The abuse
2 affected some who excelled in one field or many, just as
3 it did the others. The junior boarders suffered
4 particularly badly, with absolutely no one to turn to.

5 The Inquiry will hear that this ethos of violence
6 first modelled by staff was then adopted by pupils of
7 all ages following the example that had been set, in
8 a toxic atmosphere of physical and psychological
9 bullying and fear between pupils. You will hear that
10 rather than the school nurturing those who were abused
11 in this environment, they were left to fend for
12 themselves if they could, there was no one to whom they
13 could turn for help with any chance of being believed
14 and, even if they tried, nothing usually came of it.

15 The Inquiry will hear that alongside the violence,
16 sexual abuse of pupils by certain members of staff was
17 rife, practised in ways both overt and covert, often in
18 plain sight at the front of classrooms and shower blocks
19 and dormitories, but the school turned a blind eye to
20 that as long as it could, rejected or brushed off
21 complaints, and closed ranks when it could no longer do
22 so.

23 You will hear the school passed known sexual abusers
24 on to other schools with glowing references, allowing
25 the abuse to continue there.

1 The reputation of the school was allowed to trump
2 any duty of care to its or indeed any other pupils. You
3 will hear, most shockingly, that Iain Wares's medical
4 records indicated that even before he started at
5 Edinburgh Academy he should not have been allowed
6 anywhere near children. Prone to outbursts of rage and
7 violence, a diagnosed paedophile with a schizoid
8 personality disorder, he was released into the primary
9 education sector to do his worst. Then passed on from
10 school to school.

11 Indeed the psychiatrists who treated Wares for his
12 paedophilia, as an in-patient at the Royal Edinburgh
13 Hospital for two spells, in 1967 and 1975, fully
14 informed of his long-term abusive tendencies, positively
15 insisted that he should be allowed to return to
16 teaching. One described him as a "pleasant pederast",
17 a truly hideous juxtaposition of words for those upon
18 whom he was preying. The responsibility of those
19 doctors for Wares' subsequent career of abuse requires
20 to be fully explored.

21 One of the biggest challenges for the Inquiry will
22 be to keep before it the concept that each individual
23 act of abuse was and is a separate and unique injustice,
24 a separate and unique insult to the fragile humanity of
25 the small, helpless child.

1 Stalin is supposed to have said, "A single death is
2 a tragedy, a million deaths is a statistic". This
3 Inquiry must, even in taking an overview, in seeking to
4 categorise and analyse what went on at the Academy, bear
5 in mind that it's dealing with thousands, probably tens
6 of thousands, of tragedies, the damage was not only done
7 to the individuals who suffered each single act of
8 abuse, but also to those who witnessed each one.

9 As the Inquiry will hear, all of this has created
10 generations of survivors of institutional and individual
11 abuse, traumatised, their childhood's blighted and
12 innocence desecrated, their sense of self-worth in
13 tatters, attempting to manage their way through life
14 with memories that shamed, cowed, infuriated and
15 confused them.

16 The Inquiry will hear repeatedly of the
17 consequential themes of their later lives, overwhelming
18 repressed anger, nightmares, inability to trust others,
19 inability to respect authority, self-destructive
20 behaviours, alcohol abuse, drug abuse, broken marriages,
21 PTSD, depression, anxiety.

22 Through this abuse the Edinburgh Academy compromised
23 the lives of many talented people. This has affected
24 not just the survivors, but also those around them,
25 their family, their friends and children.

1 The Edinburgh Academy Survivors are aware of
2 a considerable number of former pupils who suffered
3 abuse, but cannot tell the Inquiry about it themselves
4 because they have tragically taken their own lives. At
5 some stage in the Inquiry's proceedings the survivors
6 hope that there will be a brief period of silence held
7 to remember those so damaged by what happened to them at
8 Edinburgh Academy that they could no longer face going
9 on living.

10 As to the school's reaction to all of this, for far
11 too long the laurels that appear in the school badge
12 were used primarily for resting on. The school's
13 position for decades was that none of this happened and
14 that in any event it did not matter if it did. Those
15 who were in positions of leadership, as rectors, allowed
16 what they knew or must have known, or should have known
17 was happening, to continue for decades.

18 Overseeing governors on the board of directors, many
19 of them drawn from the ranks of the Edinburgh
20 professions and the judiciary, were entirely ineffectual
21 in making any difference in these regards, in this, as
22 in other schools. It has taken until this year for the
23 school to acknowledge the full truth of survivors'
24 accounts, and to take them seriously in the face of
25 relentless pressure. This culture of cover up

1 constituted the ultimate betrayal of the parents, who
2 paid to send their children to the school, and fresh
3 abuse of the pupil victims.

4 The Survivors hope that one of the greatest outcomes
5 of this Inquiry will be to establish what the school
6 knew, when, about the abuse, so that the institution and
7 those charged with its direction from time to time may
8 be held to account for complacency in the face of years
9 of suffering of those expensively charged to its care.

10 Today, the Inquiry will hear an opening submission
11 on behalf of Fettes.

12 In relation to Iain Wares, the same questions also
13 fall to be answered by those in charge of that school,
14 where, in 1975, and again in 1979, headmaster and
15 governors, including, in 1979, the future judge, Lord
16 MacLean, and a doctor from the Royal College of
17 Physicians, Dr Alexander Muir, permitted Wares to go on
18 teaching, knowing that he had already spent time in
19 a psychiatric hospital in attempts to treat his
20 paedophilia.

21 In 1979, they clearly knew he had abused again,
22 notwithstanding treatment.

23 The professionals of this stature did not consider
24 it to be their primary duty to protect the children
25 under the school's care. It is emblematic of the

1 recurring themes of failures of management, governance
2 and judgment at both schools that require to be
3 comprehensively explored.

4 The Inquiry will no doubt find that there is little
5 in the Academy's records about any of this. While the
6 Academy's archives can, with very little difficulty,
7 reveal each result of the first fifteen's rugby matches
8 and each winner of an Oxbridge award throughout the
9 periods in question, the school seems to have shown
10 little interest in recording and writing any
11 punishments, abuse or complaints, or any concerns about
12 its staff.

13 At any rate, apart from one or two entries in
14 individual pupil records, relevant documents, including
15 the so-called "beat books", have not apparently been
16 preserved. This was despite the fact that under
17 a school policy in force from 1953, any beating
18 involving more than two strokes should have been
19 notified to the rector. The Inquiry should not in any
20 way take the absence of contemporary records
21 as suggesting that the things testified to by the
22 survivors did not happen as they say.

23 Once various survivors had summoned the
24 extraordinary courage needed to disclose the abuse, one
25 possible source of address for them was the criminal

1 justice system. After a regrettably slow and faltering
2 start, it is understood, as matters stand, more than 20
3 members of the former Academy staff over a 30-year
4 period, teaching and non-teaching, have been the subject
5 of police investigations. Sadly, it has taken so long
6 to reach this point, that some of the most prolific of
7 the abusers have died and thus escaped prosecution. It
8 is imperative now that as many as possible of those who
9 remain alive face justice in the criminal courts of
10 Scotland before they, too, escape. This must be in the
11 public interest.

12 The survivors acknowledge that while the school of
13 today still has the same badge, motto and buildings it
14 is different. The pupils are different. The staff, and
15 directors, are different. Official acknowledgement has
16 begun to be made of the terrible things that happened in
17 the name of Edinburgh Academy.

18 Belatedly, the school has begun to accept the toxic
19 legacy of its past culture, most recently in the
20 rector's speech of the 2023 annual prize giving
21 exhibition and on its website. There has been a sincere
22 apology offered to survivors for the abuse, and the
23 beginnings of engagement with survivors, albeit as yet
24 no apology for the lost years while the school ignored
25 or covered up what had happened. There are enhanced

1 focuses on wellbeing for current pupils. All that is
2 much to the good. However, none of these things can be
3 allowed in any way to be seen to cancel out the terrible
4 events of the past, and in relying on its history and
5 reputation for the future, the school must continue in
6 all humility to reflect on what was going on in those
7 days, often in plain sight, and explicitly to condemn
8 and make amends for what was wrong, both in terms of the
9 abuse between staff and pupils, and between pupils and
10 pupils, and also in terms of cover-ups and denials.

11 In conclusion, the survivors look to this Inquiry at
12 last to shed light in all these dark corners, to hold
13 people, and the institutions of the Academy as a whole
14 accountable, and to put forward recommendations that
15 will ensure, insofar as it is humanly possible, that
16 nothing like this, the abuse or the cover-ups, can ever
17 take place in Scotland again, at Edinburgh Academy or
18 anywhere else.

19 The Edinburgh Academy Survivors are ready to assist
20 this Inquiry in any way they can, to ensure the truth is
21 now fully disclosed, to hear the evidence as it unfolds,
22 and to support those individual survivors who will be
23 called upon to contribute to the Inquiry's proceeds.

24 THE STENOGRAPHER: I am sorry, my Lady, we have a technical
25 problem; can we have five minutes?

1 LADY SMITH: Yes, we will take five minutes.

2 (9.38 am)

3 (A short break)

4 (9.39 am)

5 LADY SMITH: Mr McLean, thank you for your detailed and
6 careful submissions, that was very helpful.

7 Now, I would now like to turn to Ms O'Neill KC who
8 is here for Scottish Ministers, when you are ready Ms
9 O'Neill.

10 Submissions by MS O'NEILL

11 MS O'NEILL: Thank you, my Lady. I do appear on behalf of
12 the Scottish Ministers, and as the Inquiry is aware, in
13 the context of this part of the Inquiry's work I also
14 represent Education Scotland and Disclosure Scotland,
15 which are agencies of the Scottish Ministers, and the
16 registrar of independent schools, for whom the Scottish
17 Ministers are responsible.

18 My Lady, a full opening submission was made on
19 behalf of Scottish Ministers at the beginning of this
20 phase of the Inquiry's work, and I don't intend to
21 repeat that. However, by way of summary, the Scottish
22 Ministers continue to have an interest in all aspects of
23 the Scottish Child Abuse Inquiry's work, and is
24 represented throughout the hearings of evidence from
25 applicants and others.

1 I have previously made submissions about the
2 engagement of the Scottish Government response unit in
3 providing information to the Inquiry in relation to
4 independent schools. The response unit has provided
5 information to the Inquiry in response to section 21
6 notices issued by the Inquiry, including in relation to
7 this phase of its work and including specifically in
8 relation to Edinburgh Academy. It has also, of course,
9 provided reports to the Inquiry.

10 The Scottish Ministers do not anticipate applying to
11 Inquiry counsel to have questions asked of witnesses
12 about their experience of abuse. The presence of
13 Scottish Government representatives during the hearing
14 of applicant evidence, whether online or in person, is
15 to ensure that Scottish Ministers hear directly from
16 applicants about their experience.

17 In addition, Scottish Ministers have direct and
18 indirect interests in this part of the Inquiry's work by
19 virtue of their statutory powers and duties and
20 regulatory functions relating to independent boarding
21 schools and by virtue of their wider role in ensuring
22 the protection of children in all schools, including
23 independent boarding schools.

24 The Scottish Government also has a direct interest
25 in supporting those who were abused while boarding at

1 an independent school and ensuring that they secure
2 acknowledgement of and accountability for the abuse that
3 they experienced.

4 The Scottish Government will reflect on all evidence
5 given during these hearings, including evidence that may
6 relate to how the government has responded, and
7 continues to respond, to survivors of abuse.

8 My Lady that is the opening submission of the
9 government.

10 LADY SMITH: Thank you, Ms O'Neill. I should perhaps
11 add: not just for the benefit of Scottish Ministers, but
12 for others who made opening submissions at the beginning
13 of this phase, the transcripts of those opening
14 submissions of course are all on our website, if anybody
15 wants to look back to see the detail of what was said
16 then.

17 Now, the next person I would like to move to,
18 please, who is here for the Care Inspectorate and that
19 is Mr McClure, the head of their legal services.
20 Mr McClure, when you are ready, I am ready to hear from
21 you.

22 Submissions by MR MCCLURE

23 MR MCCLURE: Thank you, my Lady, good morning.

24 The Care Inspectorate has given careful
25 consideration to the Inquiry documents relating to this

1 case study.

2 LADY SMITH: Mr McClure, could I just ask you to pull your
3 microphone a little bit nearer to you, so that everybody
4 in the room can hear you clearly?

5 MR MCCLURE: Indeed, I hope that's better, my Lady.

6 LADY SMITH: Thank you.

7 MR MCCLURE: As I say, the Care Inspectorate has given
8 careful consideration to the Inquiry documents which
9 relate to the case study. Having done so, and having
10 regard to the fact that Edinburgh Academy was registered
11 with the Care Commission only between 1 April 2005 and
12 31 March 2008, taken with its anticipation that the
13 Inquiry will hear no applicant evidence relating to that
14 period, the Care Inspectorate considers that there is
15 nothing that need or can helpfully be added to its
16 opening submissions in relation to the boarding schools
17 case study, generally.

18 The Care Inspectorate does, however, reaffirm its
19 commitment to assisting the Inquiry in any way that it
20 can, and its hope that the Inquiry may provide insights,
21 learning and recommendations, which will help it to
22 improve its capacity to contribute to the protection of
23 children and young people from harm.

24 LADY SMITH: Thank you. Thank you very much, Mr McClure.

25 I should perhaps confirm with you, for anybody who is

1 wondering about that period, 2005 to 2008, 2005, I think
2 was the birth of the Care Inspectorate in its current
3 form; do I have that right?

4 MR MCCLURE: I think it is perhaps a little more nuanced
5 than that, my Lady. The Care Commission came along in
6 2001. Services were required to register on a phased
7 basis. Services of the type provided by Edinburgh
8 Academy to boarding pupils fell to be registered from
9 1 April 2005.

10 LADY SMITH: Of course, yes.

11 MR MCCLURE: As I understand it, Edinburgh Academy
12 voluntarily brought that registration to an end on
13 31 March 2008.

14 LADY SMITH: 2008, when they ceased offering boarding
15 facilities.

16 MR MCCLURE: Yes, my Lady. Of course, thereafter the Care
17 Inspectorate came along, in 2011, as a successor to the
18 Care Commission.

19 LADY SMITH: Of course, thank you for reminding me of that.
20 Thank you.

21 Could I now turn to Police Scotland, please,
22 Ms Pender, the principal solicitor for Police Scotland
23 is here to present an opening submission from them.

24

25

1 Submissions by MS PENDER

2 MS PENDER: Thank you, my Lady. I am grateful for the
3 opportunity to make this opening statement on behalf of
4 the Chief Constable of the Police Service of Scotland.

5 Firstly, the Chief Constable wishes to express
6 sympathy to all survivors of childhood abuse, including
7 survivors who have experienced abuse within Edinburgh
8 Academy. Police Scotland remains committed to
9 delivering its response to the Inquiry, and ensuring
10 that all relevant information held is provided in
11 compliance with the terms of notices issued under the
12 Inquiries Act 2005. This information includes policies,
13 procedures, and documents relating to investigations
14 into the abuse and neglect of children in establishments
15 falling under the Inquiry's remit.

16 With regard to this phase of the Inquiry's hearings,
17 Police Scotland has identified and provided all material
18 meeting the terms of requests from the Inquiry relating
19 to previous police investigations into the abuse and
20 neglect of children within Edinburgh Academy.

21 Police Scotland also wishes to inform the Inquiry
22 that in keeping with its continued commitment to
23 non-recent investigations, it is currently conducting
24 a number of investigations into non-recent child abuse
25 within Edinburgh Academy.

1 Police Scotland continues to build on its engagement
2 with adult survivors of childhood abuse, seeking views
3 and consulting with survivors, support services, and
4 statutory partners in an effort to enhance public
5 confidence and improve service provision to adult
6 survivors.

7 Police Scotland recognises the importance of using
8 organisational learning to ensure its staff have the
9 capabilities and skills required to effect continuous
10 improvement. As such, Police Scotland will take into
11 account any good practice or areas of learning that may
12 be identified from this phase of the Inquiry hearings,
13 as part of its commitment to developing and improving
14 its service provision.

15 Police Scotland remains committed to child
16 protection, both locally, as a core statutory child
17 protection agency, and nationally, in partnership with
18 multi-agency and strategic leadership groups to
19 implement continuous improvements, and make a positive
20 contribution to protecting Scotland's children, both now
21 and in the future.

22 My Lady, that concludes the opening submission for
23 the Chief Constable.

24 LADY SMITH: Thank you very much, Ms Pender.

25 Next I would like to turn to the representative for

1 the Lord Advocate, Ms Shand. When you are ready, I am
2 ready to hear you.

3 Submissions by MS SHAND

4 MS SHAND: Thank you, my Lady.

5 My Lady, I am grateful for the opportunity to make
6 this brief opening statement on behalf of the
7 Lord Advocate.

8 Dealing, firstly, with the role of the
9 Lord Advocate, as with previous phases of the Inquiry,
10 the Lord Advocate's interest in the work of the Inquiry
11 stems from her responsibilities as head of the systems
12 of criminal prosecution and investigation of deaths in
13 Scotland. The Lord Advocate's responsibility for
14 Scotland's Prosecution Service, the Crown Office and
15 Procurator Fiscal Service, often shortened to COPFS.
16 These are responsibilities that the Lord Advocate
17 exercises independently of any other person.

18 As has been explained in previous statements to the
19 Inquiry, reports of allegations of criminal conduct
20 involving the abuse of children in care in Scotland,
21 have been and will continue to be submitted to COPFS by
22 police. These reports include the abuse of children
23 who, as part or all of their education, attended
24 boarding school, and include reports of physical,
25 emotional and sexual abuse of children educated at

1 Edinburgh Academy.

2 During the hearings to be conducted by the Inquiry
3 over the next few weeks, the focus of care will of
4 course be on children who attended Edinburgh Academy.
5 It is anticipated the Inquiry will hear evidence about
6 COPFS involvement in relation to the prosecution of
7 offences committed against children who attended that
8 school, and it is also anticipated this evidence will
9 relate to live, ongoing cases.

10 In conclusion, may I once again repeat the
11 Lord Advocate's public commitment, first, to supporting
12 the Inquiry's work and to contributing positively and
13 constructively to that work and, second, to the
14 effective rigorous and fair prosecution of crime in the
15 public interest consistently and for all, including the
16 most vulnerable in our society.

17 That, my Lady, concludes the opening statement for
18 the Lord Advocate. Thank you.

19 LADY SMITH: Thank you. I would now like to turn to
20 Fettes College, please. Mr Watson, when you are ready,
21 I gather you are here to represent Fettes.

22 Submissions by MR WATSON

23 MR WATSON: Yes, thank you, my Lady, I do indeed appear on
24 behalf of Fettes College today. Also present is
25 professor Angela Thomas, a governor of the school.

1 As with the earlier hearings, my Lady, the school
2 takes very seriously their responsibility to those who
3 suffered abuse. To listen to their evidence, to hear
4 both about what they experienced and about what lessons
5 they want to be learned.

6 A representative of the school will be present for
7 all the evidence relating to Fettes, and the school will
8 respond to that in closing submissions.

9 Your Ladyship will recall the evidence from
10 an earlier stage of this Inquiry focusing on
11 Fettes College. Your Ladyship heard from many
12 applicants, and heard also from Helen Harrison, the head
13 of Fettes College. She gave evidence looking back to
14 the abuse of those pupils and what they had suffered.
15 She reviewed, also, the extensive developments in
16 safeguarding, and of particular relevance for this
17 phase, safe recruitment, as well as the ongoing support
18 of all pupils. And looking ahead, also, to what
19 recommendations your Ladyship may make to embed best
20 practice, and maximise not just the prevention of abuse,
21 but also the ongoing promotion of opportunity to thrive
22 for all pupils.

23 Your Ladyship also has the detailed closing
24 submissions from that phase. I do not intend to
25 rehearse any of that, but I would take this opportunity

1 to repeat, to underscore two aspects, and to address
2 a third.

3 First, then, Fettes wants to take this opportunity
4 to repeat their apology. Fettes is profoundly sorry and
5 makes a full and unreserved apology to those who
6 suffered abuse at Fettes. Pupils suffered sexual,
7 physical and emotional abuse. They suffered abuse by
8 members of staff; they suffered bullying; they suffered
9 from the school's response when abuse came to light.
10 For all of that, Fettes apologises.

11 Second, on behalf of the school I would repeat their
12 desire to listen and respond to those who were abused.
13 That will, of course, include listening to the evidence
14 of these hearings, but the school continues to encourage
15 anyone who has suffered abuse to come forward, whether
16 that is to the police, to this Inquiry, or directly to
17 the school.

18 Third, one particular aspect arises in these
19 hearings, which builds upon that earlier phase. Your
20 Ladyship will recall the evidence concerning one
21 teacher, at that time anonymised as 'Edgar', but now
22 identified as Iain Wares. Wares had been a teacher at
23 Edinburgh Academy and was subsequently employed at
24 Fettes.

25 Your Ladyship heard extensive evidence from those

1 applicants who had been abused by him, and also heard
2 the school's detailed responses. His abuse will be
3 addressed in this phase as well. The school will listen
4 to that evidence and will respond in closing
5 submissions.

6 That evidence will encompass who was aware of what,
7 and when, and what was done or not done, in response.
8 It is essential for the school, and really for all
9 schools, to hear that evidence, to reflect not only on
10 the events of the time, but to test the strength of the
11 safeguards and approaches now in place.

12 Your Ladyship has heard extensive evidence on
13 current policies and practices, on how those are
14 developed and reviewed, and how they are embedded and
15 promoted. As was said in closing submissions, that is
16 a consequence of continual reflection, discussion, and
17 training over the last 25 years. That process is
18 ongoing, and participation in this Inquiry and in this
19 phase of the Inquiry, and in due course receiving your
20 Ladyship's recommendations, is a part of that process.

21 As stated in the safeguarding guidelines of the
22 school, Fettes College is dedicated to ensuring that all
23 pupils and staff live in a safe environment. A desire
24 to support and nurture each individual is integral to
25 the ethos of the school. Participation in this phase of

1 the Inquiry is part of that commitment.

2 Unless I can assist your Ladyship any further.

3 LADY SMITH: Nothing further, thank you, Mr Watson, for
4 that.

5 Finally, I would like to turn to Mr MacNeill,
6 please, who represents the Edinburgh Academy.

7 Mr MacNeill, when you are ready, I am ready to hear you.

8 Submissions by MR MACNEILL

9 MR MACNEILL: I am obliged. My Lady, on behalf of the
10 Edinburgh Academy I have been asked to express the
11 sincerity of its senior management's wholehearted
12 apology to all those affected, directly and indirectly,
13 by abuse of all natures which has taken place at the
14 school, which was allowed to happen by wholly inadequate
15 oversight and child-centred safeguarding. The Academy
16 is committed to engage in and assist in every way it can
17 with this Inquiry, which it gratefully recognises as
18 an extremely important contribution to child welfare in
19 Scotland.

20 Since before this case study was opened, the Academy
21 has fully, comprehensively and unreservedly complied
22 with all requests for information and documentation that
23 has been within its possession or control.

24 The Academy last made submissions here
25 in December 2021, when the focus of the Inquiry was on

1 other boarding schools.

2 At that stage, the Academy was not a core
3 participant, but it sought and was granted leave to
4 appear. Mr Mitchell QC, as he then was, on behalf of
5 the Academy, then made submissions on its behalf that
6 made clear that the Academy wished (1) to acknowledge
7 the abuse that had occurred within the institution; (2)
8 to provide reassurance as to how radically things had
9 changed within the school in more recent years and (3)
10 to look to the future with the past in mind.

11 Well, a lot has happened since December 2021, and
12 the thinking of the senior managers of the school, not
13 least Barry Welsh, the rector, has correspondingly
14 developed.

15 Indeed, the Academy recognises and embraces the fact
16 that child-centred care and protection from abuse is not
17 a destination, it is an ongoing process that requires
18 continual vigilance and challenges to assumptions, which
19 does not end in a conclusion, but continues for as long
20 as the care of children does.

21 In December 2021, there were four known complainers
22 from the Academy and the focus of the Inquiry was on the
23 other boarding schools.

24 Perhaps most notably since then, in July 2022,
25 former pupil, Nicky Campbell, the well known journalist

1 and broadcaster, published an episode of his 'Different'
2 podcast that changed the landscape for the Academy. In
3 a harrowing and extremely personal podcast he shared his
4 experiences of his time at the Academy, that the Academy
5 had not heard in such vivid detail before. He followed
6 it up with a second part in October. The episodes were
7 entitled "Edgar" and "The Empathy Academy, Edgar
8 Part 2", both references to the individual we now know
9 is Iain Wares.

10 The Academy thanks and pays tribute to
11 Nicky Campbell for having had the courage to make those
12 podcasts and thereby raising the public's awareness of
13 the abuse of various sorts that occurred during his time
14 at school, which has inspired others to have the courage
15 to come forward with their own very painful, personal
16 experiences.

17 As part of this developing picture, with the full
18 nature and extent of abuse at the school emerging, the
19 Inquiry made the Academy a case study in March of this
20 year.

21 The Academy accepts that when it comes to
22 proactively reaching out to former pupils who may have
23 been the victims of abuse, they could have done more,
24 earlier. The Nicky Campbell podcasts changed what had
25 been a serious issue into one of greater scale and

1 heightened importance for the Academy. The school has
2 always directed former pupils making complaints about
3 their treatment at the school to this Inquiry and to
4 Police Scotland, but since last year has recognised the
5 need to make access to support easier, and to take
6 additional measures to reach out to former pupils as far
7 as the amount of personal contact information they hold
8 and their data protection obligations allow. We hope to
9 elaborate on that in the closing submissions.

10 Also, in April this year, the Inquiry published its
11 case study findings in relation to Loretto School, which
12 the Academy has read and learned from. While there are
13 differences between Loretto and Edinburgh Academy, there
14 are also many similarities, especially from when the
15 Academy took boarders. The case study findings contain
16 extremely useful conclusions from which the Academy is
17 anxious to learn. The emphasis on transparency when
18 things go wrong and the importance of the ability of
19 teachers to do the right thing on a bad day are but two
20 notable examples.

21 In the coming days and weeks, the Inquiry will hear
22 details of what survivors went through in their school
23 days and what they have had to deal with throughout
24 their adult lives. Senior office bearers of the school,
25 the rector, Barry Welsh, the bursar, Guy Cartwright, the

1 chair of the court of directors, Mark Galloway, and the
2 director of alumni relations, Sam Byers, all of whom are
3 present today, will be here throughout the evidence of
4 this case study of the Inquiry as much as school
5 business will allow. I should mention that the new
6 school year starts at the end of next week.

7 They will be here as part of an ongoing effort to
8 provide support to academics who suffered at school
9 and who still suffer. They and I will be here not just
10 to hear, but to listen, to understand, to reflect, to
11 process, to be alert to anything which will help the
12 school learn how behaviours which damage children in any
13 way can be eliminated from the experience of those
14 entrusted by their parents to the care of the school.
15 We are here to listen and to learn.

16 Finally, I wish to assure the Inquiry and the
17 applicants that no applicant who gives evidence need
18 have any concern that their evidence will be challenged
19 or contradicted.

20 LADY SMITH: Thank you. Thank you very much. That
21 completes the opening submissions. What I am going to
22 do now is just take a five minute break when we can get
23 organised for the first witness, who will be joining us
24 by the Webex link, I think; is that correct?

25 MR BROWN: Exactly. It will be useful if we could have,

1 perhaps, five minutes and clear the hearing suite, so we
2 can check the link works.

3 LADY SMITH: Of course, yes.

4 MR BROWN: Then we can keep everybody updated.

5 LADY SMITH: When you say check the link works, we want to
6 speak to the witness informally. Yes, if I could ask
7 people to bear with us while we do that, we will use the
8 time as efficiently as we can and start the evidence as
9 soon as we can. Thank you.

10 (10.04 am)

11 (A short break)

12 (10.17 am)

13 LADY SMITH: Mr Brown.

14 MR BROWN: My Lady, fingers crossed the technology works.

15 The first witness of this chapter of the hearing will be
16 'Sam'.

17 LADY SMITH: Thank you.

18 'Sam' (affirmed)

19 LADY SMITH: 'Sam', good morning.

20 A. Good morning.

21 LADY SMITH: Can you hear me all right?

22 A. Perfectly, yes.

23 LADY SMITH: Let me introduce myself. I am Lady Smith,
24 I chair the Scottish Child Abuse Inquiry, based here in
25 Edinburgh. Thank you for joining us today over the

1 Webex link.

2 I would like to begin, if I may, by asking you to
3 either take the oath or affirm, in relation to your
4 evidence. If you take the oath, you swear by God; if
5 you affirm, you promise to tell the truth; which would
6 work best for you?

7 A. I would like to affirm, please.

8 LADY SMITH: Could you raise your right-hand, as I have just
9 done? If you can raise your hand, 'Sam', that's great,
10 thank you.

11 A. I have, yes.

12 (The witness affirmed)

13 LADY SMITH: Thank you. Now, you can let your hand down,
14 'Sam'.

15 A. I have. I think there is a visual delay.

16 LADY SMITH: I think there is probably a bit of a lapse.

17 I will hand back to Mr Brown in a moment. But, before
18 I do that, one or two things I want to say. First of
19 all, I hope you are able to remain comfortable giving
20 your evidence all the time that we are questioning, but
21 if you want a break, please let me know. If it is just
22 for a breather, there is no problem with that. If it
23 works for you, it will work for me.

24 A. Thank you.

25 LADY SMITH: Also, if you are having any difficulty with the

1 link of course we must be aware of that, and don't
2 hesitate to tell us at all.

3 A. Okay.

4 LADY SMITH: Or if because of the link you think we are
5 going too fast or too slow. Really, you guide us, so we
6 can help you give your evidence in the best way you can
7 and as comfortably as you can; is that okay?

8 A. Thank you, that's fine.

9 LADY SMITH: Very well. Well, I will hand over to Mr Brown
10 now and he will take it from there.

11 Questions by MR BROWN

12 A. Thank you very much.

13 LADY SMITH: Mr Brown.

14 MR BROWN: Thank you, my Lady.

15 'Sam', good morning again.

16 A. Good morning.

17 Q. You have, I think, before you a copy of your statement?

18 A. Yes.

19 Q. If we can begin with that, we see this is a document,
20 and I am sorry, I have to read numbers for the record,
21 WIT-1-000001205. This is a statement that runs to
22 30 pages and we see you signed it on 21 February this
23 year; correct?

24 A. Yes, that's correct.

25 Q. I think if we go to the penultimate page, the last

1 paragraph, 134, you say:

2 "I have no objection to my witness statement being
3 published as part of the evidence to the Inquiry.

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

6 A. I confirm that, yes.

7 Q. Thank you very much indeed.

8 Now, as we both know, and those who have had sight
9 of the statement know, it contains a lot of detail about
10 many things, for example your broad dislike of the CCF,
11 which I think you didn't think was particularly helpful
12 or useful?

13 A. Not at all.

14 Q. That is perhaps the sort of thing we don't need to
15 trouble ourselves with today --

16 A. No.

17 Q. -- in evidence. We can read that.

18 A. Yes.

19 Q. But there are obviously other things which we do want to
20 talk about which are perhaps rather more important.

21 But, just to talk about you to begin with, I think I am
22 right in saying you are now 77?

23 A. Correct.

24 Q. And you were born in London?

25 A. Yes.

1 Q. Your parents were English?

2 A. My father was an Anglo-Scot, my mother's English.

3 Q. Yes. It is set out in the statement, but, briefly: why
4 did you end up going to Edinburgh Academy?

5 A. I was at a county primary school in Barnes, South West
6 London, and my parents intended that I should go to St
7 Paul's, which is one of the premier public schools in
8 England, and certainly in London. There is a -- or
9 there was, I don't know if it still is, a preparatory
10 school at St Paul's known at Colet Court, and I was, at
11 the age of, oh, 7 or 8 -- I can't remember -- I could
12 well have been as young as 7, asked to go to Colet Court
13 to sit an examination.

14 I remember sitting in a steeply raked lecture
15 theatre there, having to do some mathematics, and
16 I hadn't a clue about it. I hadn't been educated to the
17 level they expected because I hadn't been at a private
18 preparatory school; I was at an ordinary state primary
19 school. And I did not -- was not accepted into the
20 St Paul's educational set up.

21 Now, I don't know quite what my parents thought,
22 said, or how they reacted to that. Of course, I could
23 have stayed put, and gone through the 11 Plus system in
24 those days, but I don't remember any discussion about
25 that.

1 Then, the next thing I knew, my father had been
2 chatting with one of his mates up in Edinburgh, because
3 as you will see from my statement, my father had a legal
4 practice which involved parliamentary work, which he did
5 for Scottish local authorities and others. And he knew
6 a solicitor up there, who said -- I mean, I will
7 colloquialise it by inventing their conversation,
8 really, "Well, ██████, you ought to send your son up to
9 the Edinburgh Academy, they will take him".

10 And then it all happened. And within a very short
11 time I was whisked up to Edinburgh in the summer, had
12 an interview -- I remember having an interview with the
13 rector, Mr ██████, who made a few reassuring noises,
14 and, in September, I commenced my education at the
15 Academy, living in MacKenzie house, Kinnear Road.

16 Q. Thank you. We should understand you started when you
17 were 8?

18 A. I was 8, coming on for 9. My birthday is on
19 ██████ as you will know.

20 Q. Yes, thank you. We know you had no choice in the
21 matter.

22 A. No discussion. No choice, not at all. I didn't think
23 of myself as having a choice, of course, at that age.
24 There was just no discussion. It happened.

25 Q. But you say, and this is paragraph 7:

1 "In hindsight it was exceptional to go so far away."
2 A. Yes. But I realised that once I was there.
3 Q. Because there was a profound difference, I think you
4 say, between Scotland and England, from your
5 perspective; what was that?
6 A. Well, in those days it was much more different. I mean,
7 going up to Edinburgh, I mean, it really was like going
8 to a foreign country. The architecture was different,
9 the people spoke differently, the whole atmosphere was
10 different. There was very little -- there was no
11 personal communication I had ever had between myself and
12 Scots people and all of the rest of it. So it was
13 just -- it just felt utterly foreign and different.
14 Q. Now --
15 LADY SMITH: 'Sam', when you travelled up to Edinburgh; did
16 you travel by train?
17 A. Yes.
18 LADY SMITH: Can you remember how --
19 A. Flying Scotsman, wasn't it? Go on.
20 LADY SMITH: Can you remember how long the train journey
21 took in those days?
22 A. Anything between 10 and 8 hours, depending on the
23 delays.
24 LADY SMITH: Yes. Thank you.
25 MR BROWN: In terms of your experience before you went on

1 the train; were you given any briefings about what to
2 expect?

3 A. No, not that I remember. I mean, as you know, that was
4 so many years ago, and you asked me about: was something
5 discussed with me or not?

6 I can't say for absolute sure it was or it wasn't,
7 but I have no recollection of being briefed properly.
8 Other than when I took that summer visit up to Edinburgh
9 prior to going there in September.

10 Q. Going back to that summer visit and seeing the
11 headmaster, as you describe, you do remember -- and this
12 is paragraph 9 of the statement:

13 "... the headmaster saying to me that I would be
14 alright there. I had red hair at the time and he told
15 me I wouldn't get picked on there and I took it he was
16 making reference to my hair."

17 A. Yes.

18 Q. Did you understand what he was talking about?

19 A. Well, red heads, certainly in those days, were often
20 remarked on or even picked on, and that would happen
21 where I was, in England. So maybe that came up as part
22 of a sort of breaking the ice jocular conversation with
23 my parents present, I don't know. But, other than that,
24 I can't say what he was getting at.

25 Q. All right. But the day comes -- and we are moving on to

1 paragraph 23, on page 5 -- that you arrive in September,
2 and your father takes you on the train. You are taken
3 to Mackenzie House ...

4 Can you still hear me?

5 A. Yes, I can.

6 Q. Good. Sorry, we lost your picture, but as long as you
7 can hear me, that's fine. We can hear you.

8 A. Okay.

9 Q. Do you remember -- I have asked you about being briefed
10 before you went; what was your experience on arrival at
11 the school?

12 A. Er, I guess it was a very -- MacKenzie house was a very
13 bleak place. I don't remember soft furnishings or
14 carpets, or anything like that. And there was a hallway
15 with a big table in the middle. There was a bit, on the
16 right-hand side as you walked in, where you put your
17 shoes and stuff like that. And there was a room on the
18 right where the matron's room was. But it was all
19 pretty bleak, and then the main rooms were towards the
20 end.

21 And I just remember being taken in there with my
22 father. He must have -- I guess he probably introduced
23 me to the matron. There were a few words and then he
24 left.

25 I just remember standing there and looking out of

1 the window, towards Kinnear Road and seeing him with his
2 bowler hat -- because that's what he wore, that's what
3 all solicitors wore in those days, I guess -- walking
4 away. And there I was, just alone.

5 Q. Now, we know from your statement that other pupils
6 arrived and you were in a dormitory with a number of
7 other boys. But what steps, if any, were taken by the
8 staff in MacKenzie house to welcome you or explain how
9 things worked?

10 A. I don't remember anything I would describe as a welcome.
11 I guess it would be more instruction. But, again, it is
12 so long ago, and those incidents are so detailed
13 I really can't remember clearly enough as to whether or
14 not I was told how things worked.

15 Q. All right.

16 A. Where to put things, where I would be, and that was
17 that.

18 Q. You talk -- moving on to page 17 and paragraph 75 -- you
19 do remember one of your first nights in the boarding
20 house.

21 A. Yes, vividly.

22 Q. Can you remember whether this was the first night
23 itself, or was it just in that first run of days?

24 A. I think it was probably the first night. It was very,
25 very early on, but I would guess it was the first night,

1 because one thing you -- I would have been feeling very
2 insecure, very lonely. There would have been a bit of
3 talking in the dark and I would have said something.

4 Q. Yes. Now, you obviously have travelled up from London?

5 A. Yes.

6 Q. A small English boy, aged 8, on his own.

7 A. Yes.

8 Q. The other boarders in your dormitory; were they of
9 a similar age?

10 A. Er, yes. They would have been.

11 Q. And where did they come from?

12 A. They would have come from the Borders, Aboyne.
13 I'll mention some of the places I went to, Ross-shire,
14 Aberdeenshire, all over Scotland.

15 Later on, there was one boy who came from Kent,
16 I remember, but no one from -- but, at that time, my
17 first night there, in that term, I think I was the only
18 one from England.

19 Q. And I think, as we have seen --

20 A. And I spoke with a -- I would have spoken with a London
21 accent. I mean, there I was living, going to an English
22 primary school, in London, and I would have spoken like
23 that.

24 Q. I think, as we read in paragraph 75, that accent led to
25 problems.

1 A. It did. It did lead to problems and I was seriously
2 mocked for that, an element of sharpness, and very
3 quickly.

4 Q. I think you described it as "put down" and "derision".

5 A. I would have been devastated, because there I was,
6 alone, not knowing how to cope with all the strangeness
7 and strange people around me, and being put down in
8 a way which was pure mockery. And that would have --
9 I would have found that -- I did find that shattering at
10 the time.

11 Q. Okay. I think, reading on from that passage in your
12 statement, on page 17, that then moved on from mockery
13 to violence?

14 A. Yes. There was quite a lot of bullying and violence
15 going on between pupils, lads at MacKenzie house. I do
16 mention the odd ritual, this thing they call "tunnels",
17 where you had to crawl under the beds, around the room,
18 on both sides of the room, and as you went through a gap
19 between the beds people would be standing on the beds
20 and would be hitting you with things, like that. That
21 happened quite a bit.

22 I mentioned somebody urinating on my bed.
23 I remember being pushed under the bed clothes, with
24 people piling on and suffocating me in the bed, which
25 was -- I think that was the worst experience of all.

1 But, as I also mentioned, when it came to things
2 like rituals and tunnels, I wasn't the only one to
3 suffer that. And at that age -- and I can only speak
4 for myself -- you become complicit in it as well. So
5 you stand on your own bed when someone else is going
6 through it and hit them, which I think is very damaging
7 indeed.

8 In fact, I do say in my statement I think actual --
9 being complicit in some of the punishment culture and
10 the bullying actually leaves a much greater scar than
11 the bullying received oneself.

12 Q. From what you are saying, everyone did it to everyone
13 else?

14 A. That's right.

15 Q. And that presumably reflects the culture of MacKenzie
16 house?

17 A. Yes. But I felt particularly vulnerable, as the
18 smallest person in the dormitory, having the strangest
19 accent, speaking differently, not having the physical
20 prowess that other -- other boys had.

21 So I was in survival mode. Once I had been put
22 down, I had to learn very quickly how to survive in --
23 and I would do that by amusing people or whatever, and
24 so on. Being quite cheeky and so on.

25 Q. Or, if the situation arose, doing it to someone else?

1 A. Sadly, yes.

2 Q. Deflecting attention away from you onto them?

3 A. Absolutely.

4 Q. You give a description of MacKenzie house, the physical
5 experience of it. The bad food, the "beastie pie" and
6 the copious --

7 A. Yes, that --

8 Q. Sorry, go on.

9 A. That comes into the draft, I think, because of the
10 document, because of the way it was drafted, because it
11 was drafted for me by members of the Inquiry, and they
12 did it very well. But I would be chatting away, and
13 that got included, and I haven't taken that away.

14 I have to distinguish -- and that's a difficult
15 thing -- between my unhappiness at being there and
16 the -- and my feelings about being there, as opposed to
17 my feelings about what was done to me by others.

18 In other words, I didn't like being away from home.
19 I didn't like being separated as I was. So there is
20 a transference of feelings about that which took place,
21 as opposed to the actual ill treatment I feel that
22 I received there.

23 Q. Yes.

24 A. I just want to make that point, because one -- when I am
25 describing some events, one factor will affect the

1 other. You can't separate them out very easily.

2 LADY SMITH: 'Sam', that's very helpful to me and, if I may
3 say, very fair. But, of course, what you have to
4 remember is you wouldn't be the only child who didn't
5 like being there and that meant that the people
6 responsible for your care had to allow for the
7 possibility that any child, any day, wasn't a happy
8 child, because they were having to be away from home and
9 they didn't get to go home at night, and it was in that
10 atmosphere and that regime that they were duty bound to
11 take proper care of the child.

12 A. That's right. Absolutely.

13 LADY SMITH: Mr Brown.

14 MR BROWN: Thank you.

15 I think in your case that was magnified, because you
16 talked a little earlier about going to various parts of
17 Scotland when there were school breaks?

18 A. Yes.

19 Q. You were, from the school's point of view, a management
20 problem because you just couldn't go home, and -- my
21 words, not yours -- you were farmed out to various parts
22 of Scotland over weekends, as we can read.

23 A. Absolutely. As an adult, I was quite glad I was,
24 because I saw some nice places and got to know them,
25 but, at the time, it was very different. I didn't know

1 where I was going. I was just aware of the fact that
2 people were asking other people if they could take this
3 lad on. This was always at half term, and in the early
4 stages, before -- certainly before my brothers arrived.
5 Half term was really just a long weekend, except the
6 summer when there were two days added on, Monday and
7 Tuesday.

8 But, in those early days, those early years, before
9 my brother arrived, my parents weren't taking me --
10 weren't asking me to go home or coming up to look after
11 me, for whatever reason. And as a result, I guess other
12 parents were approached to see if they could just take
13 me for the weekend, and that's why I went there.

14 Q. On one occasion, I think, you were sent off to spend the
15 weekend with one of your bullies?

16 A. I experienced that particular person as a bullying boy,
17 unpleasant. I don't think he liked me. But, on the
18 other hand, when I went up there, I can remember that
19 quite well, I was ill. I wasn't at all well, and they
20 had to call out the doctor for me. All I can say is his
21 parents, particularly his mother, were very kind to me.

22 Q. So that worked?

23 A. Yes.

24 Q. Was there any discussion between you and the school as
25 to what happened or were you just issued with

1 instructions and away you went?

2 A. I was just told where I was going and with whom.

3 Q. Yes. Again, you make the point that this is the 1950s.

4 A. Yes.

5 Q. You are reliant on letters?

6 A. Yes.

7 Q. I take it you didn't telephone your parents?

8 A. No, I mean, I used to sort of fantasise about going into

9 one of those red boxes with the A and B buttons, but

10 I never did. Didn't have the money for it, to be

11 honest, because the only cash you got was a shilling

12 pocket money a week.

13 So, yes, no phones, no communication, just a letter

14 written under supervision on a Sunday morning in

15 MacKenzie house.

16 Q. Were the letters -- you say "under supervision"; were

17 the letters read before they were sent, or could you say

18 what you wanted?

19 A. I think I could say what I wanted. I am not aware of

20 anyone wanting to read them or inspect them. I don't

21 remember that.

22 Q. So it was supervised to ensure it was done, rather than

23 anything else?

24 A. Yes, I think so.

25 Q. Okay. But I think we know from the statement that you

1 complained in your first letter?

2 A. Yes.

3 Q. You then had a tantrum at your first holiday back home,
4 making clear you did not like your experience, but it
5 cut no ice with your parents?

6 A. That's right. I got no reply from my parents to the
7 points I raised in my letter. And when I went home --
8 I mean, every holiday felt like a countdown to the next
9 going back. So you never really enjoyed your holidays,
10 in a way, because you were counting the days when you
11 had to leave home again before you went back.

12 And on that very first occasion, which would have
13 been the Christmas holiday, which was of course quite
14 a fun, family time, it was towards the end of that
15 holiday that I had to go back, and the day before
16 I said, "I don't want to go back, I don't want to go
17 back", and I did throw a tantrum -- I can remember that
18 very vividly -- but it cut no ice. And after that
19 I realised that there was just no point in protesting or
20 complaining at all. Just suck it up and get on with it.

21 Q. Thinking of MacKenzie house, you have described
22 a culture where there is violence by boys to other boys?

23 A. Yes, and that culture of boys on other boys persisted
24 right to the end. Right until I was 18 and left.

25 Q. Okay. We will come back to that, if we may?

1 A. Yes, that's right.

2 Q. But, in terms of you speak with your parents and it cuts
3 no ice; was there anyone --

4 A. Yes.

5 Q. -- within MacKenzie house you could speak to?

6 A. I -- no, because if you complained about the bullying --
7 I guess, if you complained about the bullying to
8 a member of staff you would -- it would get even worse,
9 so you didn't.

10 And even so, I don't -- I didn't perceive the
11 members of staff as being sort of particularly
12 sympathetic. The housemaster was a decent enough guy,
13 but he was fairly distant. There was, as I mentioned in
14 my statement, a younger teacher there, who -- the
15 assistant housemaster, if you like, he beat boys anyway.
16 And I knew the housemaster was prepared to beat boys, so
17 what's the point?

18 Q. Can we take from that that it was never said to you: if
19 you have problems you can speak to the housemaster, the
20 tutor, the matron?

21 That was something that simply didn't come up in
22 conversation?

23 A. Totally, absolutely. I didn't know what pastoral care
24 was until I was an adult, almost. The concept of
25 pastoral care was simply not there. So you didn't --

1 I didn't see any of the authority figures as people who
2 cared for me, as one would expect at home or in a caring
3 institution, and you didn't take your troubles to them.

4 Q. You said that you realised that if you did complain
5 things would likely get worse. How did you --

6 A. Yes.

7 Q. -- understand that?

8 A. We had a word, I don't know if it is a Scottish word,
9 but you don't clype; does that mean anything to you?

10 LADY SMITH: Very much so. Thank you, 'Sam', it is well
11 known north of the border as an expression.

12 A. Thank you, yes.

13 MR BROWN: Was that made plain to you early on?

14 A. Oh yes. Very much so.

15 Q. All right.

16 A. I wouldn't have remembered the word had it not been made
17 constantly available to me at an early age.

18 Q. Yes. Was going to school, in other words leaving
19 MacKenzie house, a good part of the day, given what you
20 are describing the house to be like?

21 A. Yes, it could be. Now, Kinnear Road was about half
22 an hour's walk from the school, and you would -- people
23 would walk together to school.

24 Now, I would try to seek out a friend who I -- whose
25 company I would like on the way to school. That was

1 very deliberate, and that was okay, but sometimes you
2 would be rejected, or maybe you would walk on your own,
3 I can't remember. But going to school, walking to
4 school was all right. Sometimes SNR, Mr IZP,
5 would be driving past in his Rover and he might offer us
6 a lift, and we would get in and we would get to school
7 a bit early.

8 But, yes, walking to school was okay, particularly
9 if I had a companion I liked and we could chat all the
10 way.

11 Q. Then being at school, being at the Edinburgh Academy,
12 being educated there; what's your view on that? Was
13 that good or bad?

14 A. Being educated? Sorry, I don't quite understand the
15 question.

16 Q. Well, once you were at school, thinking of the school
17 experience as opposed to the house experience; was one
18 better than the other?

19 A. The school experience was better. However, it was still
20 quite -- could be quite intimidating.

21 Now, I went, at first, to the preparatory school,
22 which was part of the same complex. It is a separate
23 building now. And I can remember my first teacher, who
24 I name in the statement, was extremely stern and not
25 averse to corporal punishment herself.

1 But, yes, school was okay. But, as you progressed,
2 corporal punishment became more and more commonplace,
3 shall I say, and part of the system.

4 Q. You mentioned the preparatory school and a particular
5 teacher, tell us about that.

6 A. I can't really say much more than I have told you,
7 because it is a pretty distant memory now. I just felt
8 very uncomfortable there. I can remember turning up in
9 the wrong shoes. I felt very self conscious about it.

10 I can remember the problems I had with toileting as
11 a young lad of only 8 and soiling myself in class, which
12 was very humiliating, unpleasant, and frightening. And
13 I think the lesson for that is to be drawn -- the lesson
14 for that, perhaps, is that's an indication of an utter
15 lack of what we discussed earlier, as -- pastoral care.

16 Q. What age were you when this happened?

17 A. 8.

18 Q. So this is your first --

19 A. Coming on --

20 Q. That's your first term?

21 A. That's my first term.

22 Q. Yes. And can you, looking at paragraph 72, you say:

23 "Going to the toilet was a problem for me, it
24 started in the first few weeks of preparatory school."

25 A. Yes, immediately.

1 Q. So you link the problem with being at the preparatory
2 school, is my point?

3 A. No, no, no. I link the problem with the boarding houses
4 and lack of pastoral care and looking after kids and
5 saying: 'are you all right?'

6 You know, helping young children adapt. It is
7 difficult to sort of put it logically. But my parents
8 were fairly prudish, never discussed personal issues
9 very much. Things like toileting, physical development,
10 things like that, sex, anything like that was not
11 discussed. So when I went to primary school I had to
12 handle all that toileting and stuff for myself.
13 Washing, undressing, and all of the rest of it in front
14 of others. I felt very, very self-conscious about it,
15 perhaps abnormally so, which resulted in problems when
16 I got to school in those very early years, until I --
17 I mean, I managed to adapt and get it right fairly
18 quickly thereafter, certainly for the second term and
19 thereafter, but the initial experience was very
20 distressing.

21 LADY SMITH: I wonder if you are being too hard on yourself,
22 'Sam', in suggesting that this was perhaps abnormal,
23 because what you are describing is a child, first time
24 living away from home, at the age of 8 and, as you say,
25 having to deal with not just daily life, but the

1 personal side of daily life, whether it is toileting,
2 whether it is dressing and undressing in front of other
3 people.

4 A. Yes.

5 LADY SMITH: It would be a big shock for many little boys,
6 wouldn't it?

7 A. I think it would, yes. Well, it is not right --

8 LADY SMITH: So --

9 A. -- that lack of care.

10 LADY SMITH: Yes.

11 A. (audio distortion) like that existed.

12 LADY SMITH: And something that those caring for the
13 children should have been aware of, particularly in
14 an era where, as you say, there were parents -- and I am
15 sure your parents weren't alone in this -- in having
16 difficulty in talking to their children about their
17 bodies and engaging with what their bodies do and what
18 their bodies look like, and dealing with being shy of
19 other people seeing their bodies; it wasn't the sort of
20 thing many parents talked about.

21 A. That's -- I think that was very common then. I think my
22 parents, though, were nearer the end of the spectrum and
23 discussed it less than most.

24 LADY SMITH: Yes, thank you.

25 MR BROWN: But you are in an environment which you are

1 finding difficult, and there is no effort to help you,
2 is the bottom line.

3 A. No, I had to take care of it all myself.

4 Q. Yes. But looking at another part of the environment
5 that you talk about, and this is discipline. If we can
6 start with discipline amongst the boys and the culture
7 at Edinburgh Academy and the house, the picture we have
8 is one where violence is common; fair?

9 A. Oh, very fair, yes. I think we are moving on a bit now,
10 though, because we have got to draw a distinction
11 between the kind of bullying that went on within
12 a dormitory in my very early years and then the
13 discipline which was meted out in the later years on the
14 one hand by staff, and on the other hand by boys,
15 including myself.

16 Q. If we can focus, first, on boys, and discipline. Boys
17 were allowed to beat other boys as part of the
18 discipline code of Edinburgh Academy.

19 A. That's quite right. I am talking now about later years.

20 Q. Yes.

21 A. I wasn't hit by boys as a matter of discipline when
22 I was very young; that was bullying. It was later on
23 when boys were given authority to beat other boys.

24 Q. And is this both in the house and the school, or
25 principally in the school that you are talking about?

1 A. It was both in the house and the school. In the school
2 itself they had senior prefects called ephors. There
3 were eight of them, if I remember rightly, and any
4 serious transgressions were dealt with by ephors, where
5 you had to go into the ephors' room, somewhere in
6 Inverleith Row and you would be punished, hit.

7 In the house, senior older boys were given
8 authority. They weren't actually formally given it; it
9 was just accepted that they did. They made rules and,
10 if you broke the rules, you got hit, for -- I don't know
11 what the offences were and I never understood the
12 demarcation between when staff beat you and when other
13 boys hit you. But staff obviously colluded and knew
14 that boys were beating other boys.

15 Q. In both the house and the school?

16 A. Yes, but mostly in the house. Mostly in the house. To
17 go to the ephors for a beating, I went once, and
18 I cannot remember what it was for. It was a very
19 exceptional thing, but it happened. They held their
20 hearings or whatever it was and you got beaten, and that
21 was at school.

22 But, in the house, you could be beaten for all sorts
23 of things.

24 In the school, of course, the staff would have the
25 formal -- would administer formal punishments by way of

1 hitting you with whatever they like, but the most common
2 weapon -- well, the most feared weapon was the tawse.

3 Q. Okay. Sticking with the boys briefly and the house,
4 from what you were saying rules were arbitrary and you
5 didn't know when you would break rules because you
6 wouldn't be aware of what the rules actually were; is
7 that correct?

8 A. Not quite.

9 Q. Okay.

10 A. I think you have to know what would upset folk, that's
11 part of the survival instinct. You have to know what
12 would get their goat and what would lead to
13 a punishment.

14 Q. But rules weren't published?

15 A. No.

16 Q. No. So you --

17 A. No legal code.

18 Q. You learnt on the job?

19 A. That's right.

20 Q. All right. Is that the collusion, though, that you are
21 really referring to, because house masters would just
22 allow enforcement to be delegated to the boys?

23 A. Well, even the word "delegation" implies a degree of
24 formality. It just happened, it just was. And they
25 knew.

1 Q. They knew?

2 A. They couldn't not know.

3 Q. And was there any oversight as far as you were aware by

4 the house staff?

5 A. Of punishment?

6 Q. Yes.

7 A. None.

8 Q. None.

9 A. To my knowledge.

10 Q. Did that ever change in your time at Edinburgh Academy?

11 A. No.

12 Q. And you were there, I think, for ten years?

13 A. That's correct.

14 Q. Okay. Moving on to the ephors, a couple of questions

15 about them. The ephors, from your statement, you

16 describe as the "top dogs".

17 A. Oh, very much so.

18 Q. Boys probably going to Oxford, reading from

19 paragraph 82, and most certainly part of the first

20 fifteen rugby team?

21 A. Yes, or the first eleven cricket, yes.

22 Q. So --

23 A. Sport, Oxbridge, seemed to define quite a lot of them,

24 yes.

25 Q. Do you remember how they were selected?

1 You told us lots of people were selected; but do you
2 remember there being a selection process?

3 A. No, I just remember people being appointed and they
4 would get there. It would be unfair of me not to
5 acknowledge, I can remember one boy who was not very
6 sporty, but, yes, he would be an Oxbridge type.
7 Academic excellence, of course, was seen as one of the
8 criteria.

9 Q. Okay. But you describe they had a room and if you had
10 done something wrong -- reading from paragraph 82:
11 "... and it could fit within the jurisdiction, so to
12 speak, then they would hit you with the clacken."
13 And the clacken, we know, is a wooden spoon-like
14 implement for playing Hailes?

15 A. That's right, that's correct.

16 Q. Did you play Hailes?

17 A. Oh yes. The forecourt of the school was actually -- in
18 those -- now it is tarmacked, I think, but in those days
19 it was quite a stony surface and we hit a tennis ball
20 with the clacken, that's correct. Most -- it is more
21 like the rules of sort of five-a-side football, but you
22 hit the ball with this clacken.

23 Q. Just to understand: is that something would you do most
24 days at break?

25 A. Yes.

1 Q. Thank you. But if you end up in the common room of the
2 ephors, you say senior boys -- and this is the point,
3 you are a senior boy by this stage, you were both --
4 A. 17 or 18.
5 Q. You were hit with a clacken by the ephors.
6 A. I can't say for sure that it was definitely a clacken as
7 opposed to a slipper or something else, but I guess it
8 was a clacken.
9 What I can say is that a clacken was used in the
10 boarding house for infringements. If the senior people
11 in the boarding house, Scott House in my case, were to
12 punish someone, they would do so with a clacken.
13 Q. All right.
14 A. As for the ephors, I can't remember. I am pretty
15 certain it was only staff that would use a tawse.
16 Q. All right. It is just paragraph 82, the last three
17 lines, on page 18, you say when you got hit by the
18 clacken you would put your head under the table, stick
19 your bottom up, and someone would take a run up and hit
20 you with the clacken; is that school --
21 A. That was at the boarding house.
22 Q. That's the boarding house?
23 A. Yes.
24 Q. Thank you. That's what I wanted to be clear.
25 A. And I would add that I participated in that. As well as

1 getting hit, I would also, in my last year, be someone
2 who would administer that to someone else.

3 Q. That was the system?

4 A. Yes.

5 Q. And you went along with it?

6 A. Yes.

7 Q. Was it questioned by the pupils at all?

8 A. No. It might have been by, well, one or two more.

9 I mentioned a couple of boys that ran away. Maybe
10 they questioned it, but I can't speak for them. But,
11 generally speaking, I don't think it was questioned. It
12 was just accepted. Alongside the notorious fagging
13 system, which I thought was an abusive activity as well.
14 But, with hindsight, I didn't think so at the time.

15 Q. Looking to paragraph 89, before we come on to fagging,
16 you say:

17 "Corporal punishment was, sadly, part of the
18 culture. That was what you got and it was an everyday
19 reality."

20 A. Yes.

21 Q. So literally every day there would be beatings of one
22 form or another?

23 A. Well, no, when I say an "everyday reality", I don't mean
24 it happened every day, and I didn't experience people
25 being beaten every day, but it was in your mind every

1 day. You know who was authorised to do the hitting; you
2 knew what would happen to someone who disobeyed the
3 rules; you knew what masters were more inclined to use
4 corporal punishment in order to enforce discipline. So
5 it was an every day reality in that sense; not an every
6 day reality in the sense that I actually witnessed it
7 happening.

8 Q. Thank you. Perhaps at its simplest, it was the culture?

9 A. That's right.

10 Q. Returning to fagging, briefly; why did you consider that
11 abusive?

12 A. Because when you moved into a senior house, as the
13 younger member, you were told that you would clean the
14 shoes, and perhaps do some other jobs, could have been
15 cleaning CCF uniforms, I can't remember. But you would
16 do that for an older boy, a senior boy, and his bidding,
17 perhaps, for other things that he wanted done. And it
18 was done for me, I suppose. I can't remember having
19 a fag, but I can remember -- I can remember being one.

20 Q. Again, it sounds very much a cultural thing; that was
21 the norm at Edinburgh Academy when you were there?

22 A. In Scott House, that's right.

23 Q. Yes. What about the other houses?

24 A. No, no, they didn't have fagging in MacKenzie house,
25 because we were all younger boys then, up to about the

1 age of 11. So an 8-year old or a 9-year old didn't fag
2 for an 11-year old. In Dundas House, which is
3 an intermediate house -- I think it is now the Polish
4 consulate -- I was relatively happy there, as you will
5 see from my statement.

6 Q. Yes. I think, again making the point from your
7 statement, when your brothers arrived at school that
8 would help, too?

9 A. Oh, enormously.

10 Q. Yes.

11 A. Enormously, yes.

12 Q. Moving on to the school, but continuing the theme of
13 discipline, you have alluded to this on a number of
14 occasions, staff beat?

15 A. Yes.

16 Q. Same culture? It was, to use your words, not literally
17 every day, but an every day experience?

18 A. Yes. Sorry, can you just rephrase that question?

19 Q. Of course. We are moving on to the school and
20 discipline --

21 A. Yes.

22 Q. -- from staff.

23 A. Yes.

24 Q. It was part of the culture to have corporal punishment
25 from the staff?

1 A. Absolutely, absolutely. And expected.

2 Q. And for what sort of thing?

3 A. Er, corporal punishment? It might be for bad work, not
4 doing your homework; it might be for misbehaving in
5 class. It could be for insolence. It could be any
6 number of things, but you will see I draw most graphic
7 attention to it in my comments on a certain
8 Mr Hamish Dawson.

9 Q. Yes.

10 A. There were others. There was -- there were other
11 masters who were known to beat and to beat quite
12 severely, notably a Mr IGE [REDACTED]. But they were just
13 rather good at wielding the tawse, rather than being
14 vindictive people. Dawson was of a different order.

15 Q. I think --

16 A. But hitting people for transgressions was expected and
17 seen as normal.

18 Q. And I think that's the point you make at paragraph 101:
19 "I don't think these masters ... [you mentioned two
20 names] were particularly bad. They didn't go past what
21 was the norm, excessive though it was, it is just you
22 knew if they administered it, it would be very
23 unpleasant. You feared it."

24 A. Yes.

25 Q. "I think it was the fear that had something to do with

1 the culture of the school and reinforced it."

2 A. Yes, kept you in check.

3 Q. And was that fear a constant?

4 A. Well, I didn't walk into a classroom thinking, "I have
5 to avoid a beating today", because the beatings from,
6 say, a guy like IGE were exceptional. So I didn't
7 fear it in that sense. The fear was the sort of
8 subliminal fear, where you just behaved yourself, kept
9 in line, didn't upset the guy.

10 Q. Because you knew what the consequences would be,
11 inevitably?

12 A. Yes, exactly.

13 Q. All right.

14 A. But he was not a beater. Getting a beating from
15 IGE would be exceptional. Getting a beating from
16 Dawson was day-to-day.

17 Q. Let's move on to Dawson. He had a nickname, I think?

18 A. Well, we called him "Doughey Dawson", but I think others
19 have given him other nicknames. I mean, nicknames were
20 the norm at that school. Indeed, I had a nickname,
21 which I don't really want to -- I may as well tell
22 you --

23 LADY SMITH: 'Sam', you don't need to. If you really
24 want -- hang on. If you really want to, I won't stop
25 you, but don't feel you are obliged to tell me.

1 A. No, I am not going to tell you the nickname. My point
2 was going to be the nickname was a derogatory one, which
3 was used and part of the sort of putting-you-down
4 I experienced throughout my school career. It was not
5 a nice nickname. It was one which made me feel small
6 and weak and all the rest of it.

7 And my point is that nickname was given to me by
8 other pupils right from the start. It was given to me
9 on that night that I described when I suddenly spoke up,
10 and thereafter it stuck and it not only stuck with the
11 pupils, it also stuck with several members of staff who
12 would address me with it. So that kind of putting
13 down -- what's the word? -- derogatory approach was
14 a constant for me in that sense throughout my schooling,
15 right to the end.

16 MR BROWN: The people who should have protected you, as
17 staff, simply repeated the name?

18 A. They did. Some of them did, not all of them. Sorry,
19 I interjected there because it is of some relevance,
20 which is not in my statement.

21 Q. It is. And you say some used it, others didn't, but no
22 one stopped its use.

23 A. No. Absolutely not.

24 Q. Going back to Dawson, he had a nickname as far as you
25 were concerned of Doughey. Thinking back, I imagine to

1 everyone in this room's school careers, there would be
2 teachers would you know about and try to keep on the
3 right side of, others you would be more relaxed about.

4 A. Mm-hm.

5 Q. Was Dawson -- because we read what you say about him: he
6 was a very violent individual; 'he was an awful shocking
7 man; he was a vindictive bastard.' All descriptions you
8 give of him; did you know that before you went into his
9 class?

10 A. I can't say for sure I did, but I probably did.

11 Q. All right.

12 A. I was -- I mean, we must have talked amongst ourselves
13 about people like that, and somebody would have said
14 something about what a -- what I would have to expect.

15 Q. And do you remember what year he taught you?

16 A. Yes. It was the second -- you went from preparatory
17 school to the upper school. The first year was called
18 the Geits, G-E-I-T-S, and the second year was Dawson.
19 So it is the second year in the upper school.

20 Q. Thank you.

21 A. Class 2B, I think.

22 Q. Thank you very much. And he was a history teacher?

23 A. Yes.

24 Q. And you liked history?

25 A. I did.

1 Q. As you say, you had been promoted into his class because
2 you were good at it?

3 A. I don't know if I was promoted into his class. I was --
4 my overall performance in the Geits got me into a higher
5 stream, which was his class.

6 Q. All right. But you describe him having a high desk with
7 a lift up top, where he --

8 A. Yes.

9 Q. -- would keep what you described as his "implements of
10 punishment". Tell us about those.

11 A. They were just all -- I mean, there would be a tawse
12 there, there would be slippers there, there would be
13 wooden instruments there, and maybe some other things,
14 I can't remember. But he made it very clear what was in
15 there and we all knew, and he used them with abandon.

16 In fact, as I described in my statement, he,
17 I believe, deliberately created circumstances whereby he
18 could use them and beat boys.

19 Q. And I think you described this as "the copying"?

20 A. Yes. Well, that's right, he said -- look, he would be
21 writing the history of the Roman empire or whatever it
22 was on a rolling blackboard and you had to copy it into
23 your exercise book exactly, word for word what he had
24 written. You didn't make notes, you copied what he had
25 written. And if you made a copying mistake, he would

1 beat you for it. That merited one hit.

2 Now, what he did, he would -- and he would pause, he
3 would walk around the classroom, he would look at your
4 work, and if he spotted a copying mistake, you were
5 pulled out in front and you got hit.

6 And at times he was writing so fast, and he would
7 roll the board over, and if you hadn't captured what was
8 on the board earlier, you missed it. So you could have
9 multiple -- whole paragraphs missing, and the guy would
10 then hit you for that, but even more, of course. In
11 fact, that would merit the tawse.

12 Q. So he was generating an excuse for corporal punishment?

13 A. I don't doubt it for a minute. When I heard another
14 person, who you will be more than aware of, who has
15 drawn attention to him, Nicky Campbell, who was probably
16 15 or so years younger than me and was talking about
17 Dawson ten years later, I think that man obviously
18 persisted with his violence without being checked for
19 many, many years.

20 Q. You --

21 A. I certainly felt that he disliked me and he absolutely
22 shattered my confidence in any ability I had at the
23 time.

24 Q. You talk about being 12, so this would be in the mid to
25 late 1950s?

1 A. That's right.

2 Q. I think we know that Dawson joined the school in 1953
3 and left in 1984.

4 A. I don't know the dates, yes.

5 Q. All right. Take it from me, we are aware of his dates.
6 This was being done to you; was it being done to others
7 in your class?

8 A. Oh yes, he would hit others. It wasn't just me. But
9 I think -- I felt I got it worse than the others from
10 him. I don't know, I may have been over-sensitive,
11 I don't know. But I certainly felt he disliked me
12 intensely and I hated his classes.

13 Q. And I think you were moved on to another class where
14 life returned to some normality?

15 A. Only in the following year, having completed the year in
16 Dawson's class. Because he was the class master as well
17 as teaching me history. So I was in Dawson's class for
18 the year, and then I went up to -- then I did very badly
19 in that year, which was not surprising, and so I went
20 down a stream, and I went into class 3, which was headed
21 up by a teacher by the name of Ford, PDL Ford,
22 I remember him, and I remember him as being a very nice,
23 encouraging man, and he gave me confidence to go on.
24 And I did well in his class.

25 Q. Just to understand, though, Dawson was your history

1 teacher and your form teacher, I think, from what you
2 have just said?

3 A. That's right.

4 Q. Was the violence you have just been describing only in
5 history or was it in the form class as well?

6 A. I think it was really -- I think it was only in the
7 history. I think it was in the teaching he generated
8 the excuse for violence which he meted out.

9 Q. All right. How often was this happening?

10 A. Oh, I recollect it as a daily experience. Well, however
11 often I got history lessons.

12 Q. Thank you. We will move on to you leaving school in
13 a moment. But, in terms of the ethos of the school, we
14 have talked about the lack of pastoral, the normality of
15 discipline and beating. Just in terms of your view of
16 the school's view of itself in Edinburgh; did it feel or
17 did it view itself as a place that was special?

18 A. Oh, absolutely. I can remember one master -- you have
19 the correspondence on file, I wrote to him -- a chap
20 called Cook, MH Cook, who had an MC, he would also teach
21 history. And some misbehaviour had occurred, and I can
22 remember him saying, "You are very lucky to be at this
23 school. You are behaving like boys from Stockbridge,
24 perhaps you should be there".

25 So yes, the Edinburgh Academy felt itself to be

1 special amongst the top schools in Edinburgh, but
2 certainly way above any other State schools in
3 Edinburgh. I took that comment to be pretty reflective
4 of an overall attitude.

5 Q. Did you see that in other ways that you can remember?

6 A. Er, not really. Just -- it was just seen as a very
7 special school. I mean, founded by Sir Walter Scott,
8 and all of this kind of stuff. Very classical origins,
9 and so on and so forth. It was just made to appear
10 quite elite and special.

11 Q. And if you complained about it; how would that be seen?

12 A. Complain about what?

13 Q. About Edinburgh Academy. You clearly didn't complain
14 about Edinburgh Academy. But, if you did, what do you
15 think the response would have been?

16 A. Oh, I would be ungrateful.

17 Q. You would be wrong?

18 A. Yes, I would be. Basically, we were very privileged to
19 be there. And I saw myself as being -- the older I got,
20 the more I realised that it was seen as a privilege to
21 be there.

22 Q. Was that how it felt to you?

23 A. Um, my mother always used to say that private schools
24 created the leaders. That was the only sort of half
25 educational comment she ever made. But I just thought

1 as soon as -- once I left, I just saw myself as having
2 been given a privilege in the eyes of my parents and
3 I think they did that with good intent. But had
4 I expressed any misgivings or complaints, I would have
5 been seen as ungrateful.

6 Q. Was this a reason for not complaining in itself?

7 A. It could have been. I can't say. We have spoken about
8 complaining before. It would rebound on you in ways
9 which would be unpleasant and not worthwhile.

10 Q. You have just talked about your parents, and from what
11 you were saying, from their perspective, they were doing
12 it with the best of intentions; is that fair?

13 A. I think that is fair.

14 Q. Did they sacrifice much for you to go to Edinburgh
15 Academy?

16 A. Um, financially, in part. I think my grandparents
17 helped them a lot. Because whilst my parents had quite
18 an affluent lifestyle, in those days, and in the days
19 following the war, there wouldn't have been much money
20 in the family coffers. But my grandfather had made
21 quite a lot of money as a builder and developer, and
22 I think that probably paid for my early fees.

23 Q. Was the --

24 A. Sacrifice -- sorry, the other thing is my parents were
25 emotionally very -- and educationally very remote from

1 what was going on up there. So they weren't sacrificing
2 their time. So the sacrifice I don't think was that
3 great.

4 Q. Okay. Is this something that you view your parents
5 critically for, then?

6 A. Yes, I do. I do, I have to say.

7 Q. Did you ever raise that with them?

8 A. No.

9 Q. Why not?

10 A. I wouldn't want to upset them, because they had tried to
11 give me a privileged start in life, which they did, in
12 some ways.

13 Q. Yes. Let's move on briefly, then. We know about --
14 from the statement, what you went on to do. And you
15 became a probation officer, and a senior probation
16 officer?

17 A. I ended up as the deputy chief probation officer for
18 ██████████ which was in those days an eight borough
19 entity in the North West of London.

20 Q. And that presumably was trying to cater for people in
21 a way that was completely opposite to your experience of
22 Edinburgh Academy?

23 A. It certainly was in those days. As a rather sort of --
24 there was an adage we had in the Probation Service at
25 those days, which was to advise, assist and befriend.

1 And the purpose was really to influence those who had
2 broken the law through the medium of personal
3 relationships in a way that would help them on the way
4 to being constructive, law abiding citizens in the
5 future.

6 And in order to do that you had to deal with their
7 deprivations and lack of privilege, and I found it to be
8 a very rewarding career in which I was very, very happy.

9 Q. Did it make you think of your time at Edinburgh Academy,
10 or was that something that you shut away?

11 A. No, no, no, the -- I mentioned here, you will see from
12 my statement, I married a Dutch woman. We were very
13 young. And I think it was -- we got sort of engaged
14 very young and very quickly because, in those days, it
15 was before we were in the EU, or the EEC, as it was
16 then, and she couldn't get a work permit. And so we
17 thought: well, we will get married then, then you can
18 work in this country.

19 And she went back to Holland and we were sort of
20 engaged and corresponding for six months before I went
21 over there. And when I went over there, I discovered
22 she was -- and I had no idea before I got there,
23 really -- from a very working class, ordinary,
24 straightforward family, living in a council house, where
25 there was a lot of warmth and love and all of the rest

1 of it, and I do mention that in my statement. And that
2 made me very aware of what I had been through, and the
3 contrast. So it was that, rather than the Probation
4 Service that reminded -- that kept -- that put the
5 strangeness of my upbringing, if you like, into
6 perspective.

7 But joining the Probation Service and doing what
8 I did there, with the moral purpose, I believe, that
9 enthused the organisation, was very important to me.

10 Q. And looking at your life in toto, it seems perhaps not
11 connected with your experiences at school, because it is
12 the complete opposite?

13 A. That's for a psychologist or a psychiatrist to
14 determine, but I am sure you could be right.

15 Q. All right. You have talked about the work you did and
16 the importance and the satisfaction it gave you; how
17 would you sum up the impact of your time at Edinburgh
18 Academy on you?

19 A. Hmm, I don't know. That's a difficult question.

20 Q. Well, you talk about your confidence being damaged by
21 Dawson?

22 A. Well -- oh, I see. Yes, I think I can -- yes, put it
23 this way: of course, when you -- my career choice was
24 not typical of a boy from the Edinburgh Academy, or
25 indeed from any elite private school. What it brought

1 me into contact with was a lot of very able people who
2 hadn't been to that kind of privileged institution, and
3 they -- I felt quite -- I felt: hang on, I have had all
4 of these opportunities, all these experiences, this
5 fantastic education, so to speak, and yet these other
6 people are more able than I am.

7 And I felt quite inferior in a way. And so I think
8 it had a bearing on my making a real effort to recapture
9 some confidence in higher and further education. And
10 the Probation Service was very good to me, and actually
11 enabled me to pursue not just my qualification to do the
12 work there, in social work, but also higher education in
13 order to get a diploma from London University, and
14 thereafter a degree. So that was very important to me.
15 So I think it had that kind of effect as well.

16 Q. A positive after the negative?

17 A. Very much so. And also at a family and an emotional
18 level, we had two daughters, and the one thing we --
19 I couldn't afford it, anyway, at the time, but there was
20 no way that I would ever countenance my daughters going
21 away from home for education. And I think I got a lot
22 of my childhood back vicariously -- I hope my daughters
23 haven't suffered from that -- by being with them and
24 having a real family atmosphere around, putting them to
25 bed at night, getting the food for them, reading them

1 stories, having the cuddles, all of that kind of stuff.
2 That meant an enormous amount to me.

3 Q. Thank you. One last thing -- and this is by way of
4 a passing reference you make at paragraph 88 of your
5 statement -- and this is to one of your contemporaries,
6 who was a man, Hugh Padley?

7 A. Yes.

8 Q. Who wrote a book, "The joys of entrepreneurship".

9 A. Yes.

10 Q. You recommended that the Inquiry examine his comments
11 about bullying at Edinburgh Academy.

12 A. Yes.

13 Q. And just to read from that, because I think we
14 understand from his book, which is available, he joined
15 the school in the spring term of 1955.

16 A. That's right, the term after me.

17 Q. Yes. He describes encountering some serious bullying:
18 "Some was directed at me, but one particular boy was
19 very badly tortured by hot needles."

20 A. I don't remember anything like that. That came as quite
21 a shock to me to read that.

22 Q. Yes.

23 A. But Hugh was a very balanced, able boy. So I was
24 shocked to read that.

25 Q. And he went on:

1 "All new entrants were forced to go through
2 an initiation where they had their ankles tied together
3 with wire and were forced by the older boys to hop
4 around the playing fields, a distance of about
5 1.5 miles, with the wire cutting into the ankles."

6 Is that something that you remember?

7 A. Not at all.

8 Q. No:

9 "It was a tough baptism from someone who had had a
10 relatively sheltered upbringing. Fortunately, the main
11 culprit was identified and he was expelled from the
12 school. This harrowing experience ..."

13 Together with the fact of having been the brightest
14 pupil at his previous school:

15 "I was now in the bottom set, did knock my
16 confidence."

17 Do you recognise that?

18 A. I recognise the issues about lack of confidence and
19 being knocked, which I mentioned to you in relation to
20 Dawson.

21 Q. Yes.

22 A. I don't remember -- I really don't remember the
23 expulsion that he talks about, nor do I remember
24 anything like the degree of torture he describes, with
25 wire and so on. I don't remember that. I am surprised,

1 I am surprised at that.

2 Q. All right.

3 But the serious bullying he describes is certainly
4 something you experienced?

5 A. Yes.

6 Q. 'Sam', thank you very much indeed. Is there anything
7 else that you would like to add?

8 A. I don't think so. I don't think so. I think we have
9 been -- you have seen my statement and I think we have
10 had quite a detailed exchange. I can't think of
11 anything off-hand that I wanted to raise that I haven't.

12 MR BROWN: Well, thank you very much indeed.

13 LADY SMITH: 'Sam' --

14 A. A pleasure, thank you.

15 LADY SMITH: 'Sam', before we switch off the link could
16 I add my thanks to you, not just for engaging with us so
17 clearly and thoughtfully as you have done today, but by
18 providing your very detailed statement, which of course
19 is also your evidence, and will be analysed and
20 reflected on, along with what you have said to us in the
21 hearing room through the link.

22 You are probably really weary now, because I know it
23 is hard work giving evidence, so I am glad to be able to
24 let you go and I hope you have a more restful day ahead.
25 Thank you.

1 A. Thank you. And thank you for making it relatively easy
2 in the circumstances, you and Mr Brown. Thank you.

3 LADY SMITH: Thank you. Thank you, 'Sam'.

4 (The witness withdrew)

5 LADY SMITH: I will rise now for the morning break and we
6 will sit again in about a quarter of an hour, when we
7 will hear from a witness who will be here in person.
8 Thank you.

9 (11.33 am)

10 (A short break)

11 (11.48 am)

12 LADY SMITH: Mr Brown.

13 MR BROWN: My Lady, the next witness, as your Ladyship
14 indicated, is in person and is 'Colum'.

15 LADY SMITH: Thank you.

16 'Colum' (sworn)

17 LADY SMITH: Good morning, 'Colum'. Could we begin by you
18 raising your right-hand, and repeat after me.

19 (The witness was sworn)

20 LADY SMITH: Please sit down and make yourself comfortable.
21 'Colum', thank you for coming in this morning to
22 give oral evidence to us, in addition to the statement
23 that you have already provided.

24 Before I handover to Mr Brown, just a couple of
25 things. First of all, I know I do quite a lot of this,

1 but I know that you probably don't do quite a lot of
2 this.

3 A. I don't, no.

4 LADY SMITH: As in giving evidence in public. I do
5 understand it is difficult, it is stressful, and it can
6 take people by surprise just how stressful it may
7 become. If you need a break at any time you must let me
8 know. It is no problem. If it works for you, it works
9 for me. If you are not sure about anything, or if you
10 have any questions, please speak up, don't keep them to
11 yourself.

12 Otherwise, the normal plan is that I will sit from
13 now until about 1 o'clock and we plan to complete your
14 oral evidence in that time. But, equally, you mustn't
15 feel under pressure to rush, don't let us do that to
16 you; all right?

17 If you are ready, I will hand over to Mr Brown and
18 he will take it from there.

19 A. Right.

20 LADY SMITH: Mr Brown.

21 Questions by MR BROWN

22 MR BROWN: Thank you, my Lady. 'Colum', good morning again.

23 A. Good morning, Andrew.

24 Q. First things first, this is formality. You have
25 a statement in front of you in the red folder. For the

1 record, it is reference WIT-1-000001176, and we see that
2 it runs to 28 pages; correct?

3 A. Yes.

4 Q. On the last page, we see your signature, the date of
5 signing, and a final paragraph, which reads:

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

10 There are a number of minor date errors; fair?
11 Which you have discussed with me --

12 A. Yes.

13 Q. -- and which can be corrected. I think a suggestion of
14 1976, when it is 1966, and another year out. But it is
15 not material to the essence of your statement; correct?

16 A. Yes, there is nothing substantive.

17 Q. No, thank you very much indeed.

18 You -- sorry, bear with me.
19 (Pause)

20 You are now 69?

21 A. I am, yes.

22 Q. And you were born in Edinburgh?

23 A. Yes.

24 Q. And your father was a lawyer?

25 A. Yes.

1 Q. As I think you would understand, like many lawyers'
2 sons, you went to Edinburgh Academy?
3 A. Yes.
4 Q. Is that correct?
5 A. It is, yes. I mean, it wasn't the school he had
6 attended, but I was asked that at the initial thing, why
7 he chose to send me to the Academy, and I imagine that
8 was the reason. I have never really known exactly why,
9 yes.
10 Q. No. But just from looking around your fellow class
11 mates and the other boys in the school; was it very much
12 the sons, and it was, from your perspective, a boys
13 school, the sons of lawyers and other professionals?
14 A. Yes, I would have said so. Yes, probably.
15 Q. In the main?
16 A. In the main, yes.
17 Q. Yes. I think we will hear evidence of some boys coming
18 in, farmers' sons and the like?
19 A. Yes.
20 Q. Does that accord?
21 A. Yes.
22 Q. What about children from far away? Do you remember many
23 of those?
24 A. Well, the Academy had boarding houses in those days,
25 obviously, and there were a few from -- where their

1 fathers were working abroad or something like that, yes.

2 Q. Yes.

3 A. And there were quite a few boarders in my class,
4 actually, yes.

5 Q. Right. You were a day boy, clearly?

6 A. Yes, I was. I was never a boarder.

7 Q. You were never a boarder. What was the relationship
8 like between day boys and boarders?

9 A. Absolutely normal. You weren't really aware of any
10 particular -- the school divided itself into houses and,
11 in sport, the boarding houses would compete separately
12 as a house in their own right, but there was no us and
13 them attitude at all. Obviously, with things like prep,
14 the boarders would do that in the houses and it would
15 probably be supervised. Whereas prep for day boys would
16 be done at home.

17 Q. As a day boy, how much did you know about the boarding
18 houses?

19 A. Um, well, I mean, I was aware of what my class mates
20 might have said about the boarding houses. But, in
21 terms of -- as far as I know, I was never in one of the
22 boarding houses, to be honest.

23 Q. We know they were physically distant.

24 A. Day boys wouldn't necessarily have been going into the
25 boarding houses. I don't think that would have been

1 encouraged.

2 So, yes, I mean, I wasn't aware of the procedures,
3 or how things worked, kind of thing, yes, in the
4 boarding houses.

5 Q. But was there discussion? Did you learn things from
6 talking to the boarding houses, be they good or bad?

7 A. Um, well, in the time -- really, the only adverse things
8 that I heard about the boarding houses, in particular
9 the one run by Mr Dawson, was that he would stand
10 watching the boys walking naked to the showers, and he
11 would regularly do this.

12 I didn't -- beyond that, I didn't hear anything,
13 really, much stronger than that, to be honest, against
14 Mr Dawson, and the boarding houses. That's not to say
15 there wasn't -- there may have been things that were
16 stronger, but I didn't hear any -- and any of the
17 boarders in my class saying anything beyond that.

18 Q. Thank you. You can only speak from your experience, and
19 that's the thing that you remember, going back decades.

20 A. Yes.

21 Q. That there was talk from the boarders that Dawson --

22 A. Yes, definitely.

23 Q. -- would watch boys walking naked from the showers?

24 A. Yes, he could argue that was part of making sure that
25 they had a shower. I would suggest otherwise. But

1 that's neither here nor there.

2 Q. Whatever, that's the one thing that after 50/60 years

3 you remember from the boarding houses, or hearing about

4 the boarding houses?

5 A. Yes.

6 Q. Thank you.

7 You went, I think, as we see from the second page,

8 to the academy when you were 7?

9 A. Yes.

10 Q. And you had a year in the primary part, Denham Green,

11 which was without problem; correct?

12 A. Yes, correct.

13 Q. Where had you been prior to that? Just a local primary?

14 A. A school called Buckingham House, which no longer

15 exists, actually.

16 Q. Okay.

17 A. Yes.

18 Q. And what was the culture in Buckingham House? You would

19 be presumably 5/6?

20 A. Yes, it was fine. It was fine. I don't have any

21 particular -- my parents were quite keen to get me from

22 there into the Academy. I didn't get in to the Academy

23 at the first attempt, but I certainly have no adverse

24 memories of Buckingham House at that time.

25 Q. All right. And no adverse memories of your first year

1 at Denham Green?

2 A. No.

3 Q. But then you move from Denham Green to the prep school?

4 A. Yes.

5 Q. And that's in Arboretum Road?

6 A. Yes.

7 Q. And that, I think, is 6█, not 7█, as set out.

8 A. Arboretum Road.

9 Q. Paragraph 5, last line.

10 A. No, I think it's before that. I have the dates here,

11 I think. No, no, sorry, I started in Arboretum Road, in

12 196█.

13 Q. Yes, I'm sorry, it was my mistake. You went to the

14 senior school in 196█, not 196█?

15 A. The senior school in 196█, yes.

16 Q. Yes, thank you. You say, looking on to paragraph 6:

17 "Arboretum Road was different ... a lot of elderly

18 spinsters employed as teachers."

19 And you found them frightening; would that be --

20 A. Yes.

21 Q. Or some of them.

22 A. I think that's definitely true. My dentist used to say

23 his experiences with Ms ICF█ still give him

24 nightmares. I mean, there were boys who actually -- I

25 mean, she was very reluctant to let people leave the

1 room to go to the toilet. And I remember once or twice
2 boys actually wet their trousers.

3 Now, the thing is, it is hard to say this was abuse.
4 These teachers generally thought they were probably
5 instilling discipline into young minds. A lot of them
6 were elderly spinsters and I think with the 1960s they
7 probably thought they were kind of remedying what was
8 going on in society, in some ways. But, I mean, I have
9 children of my own and I actually -- when I look back at
10 primary and how young we were, and how we were taught
11 there, I can't really think that -- many of them, though
12 well intentioned, just really shouldn't have been
13 teaching children of that age. I mean, that's my view.
14 Yes.

15 Q. Well, you talk about SNR [REDACTED], and you thought
16 her terrifying.

17 A. Yes, Ms ICP [REDACTED]. She is one of the people that
18 mentioned -- well, there'd be the most division, in the
19 sense that a lot of people would have said she was
20 absolutely wonderful. I found her quite frightening.
21 And in particular I saw a boy that she had tawsed for
22 pushing another boy off -- it was a kind of muddy path
23 that led from -- it is not there now, because ... and,
24 I mean, she tawsed him in a way that I don't even think
25 then should have been done. She tawsed him right up the

1 arm.

2 And I remember saying to my daughter, as a secondary
3 school teacher, you know, really nowadays that would be
4 assault, treated as assault. And her reply was, "It was
5 assault then, too", and I tend to think: yes, that is
6 the way I see it.

7 I found her quite frightening. The way other people
8 you would speak to who thought she was wonderful -- and
9 in fact my parents think that I was so afraid of her
10 that -- because I moved from a A stream to a B stream,
11 I got on the circuit in the final year there. They
12 always thought that was partly because I was so worried
13 about getting Ms ICP .

14 Q. All right. Comparing Arboretum Road and the previous
15 Buckingham House and then Denham Green; had corporal
16 punishment featured at all in those earlier years?
17 Presumably not.

18 A. No, and in the preparatory school, the only corporal
19 punishment that was evident to me was the tawse. And
20 that would only really have been given in exceptional
21 circumstances.

22 It isn't just that I am getting at. It was -- there
23 was this kind of intimidation aspect that if you look at
24 the age of the children I think it was very doubtful,
25 yes.

1 Q. But I think the episode you talk -- where the
2 SNR used a tawse and you described seeing the
3 boy's --

4 A. I saw him when he came out. He had welts right up his
5 arm.

6 Q. Yes. And I think as we have heard from many other
7 schools, one of the concerns is being beaten beyond the
8 palm of the hand, because of the risks involved?

9 A. Yes.

10 Q. But this isn't just going over wrist; this is going up
11 the arm?

12 A. Yes. She wouldn't have in any way -- she would be
13 horrified to see that I thought that was abuse. I mean,
14 she is dead now and the school named SNR after her.

15 One of the problems in the Inquiry, I suppose, is
16 you have to link to the era as it was then. It is very
17 easy to look at things nowadays and say, "Well, you
18 would lose your job if you did that nowadays", which you
19 would. I still think it was excessive, given the age of
20 the children, and I became even more aware of that when
21 I had children of my own, and at that similar ages, you
22 know, that really this was wrong, what we were put
23 through there.

24 Q. You make the point there was SNR named after her.

25 A. Yes. There was, yes.

1 Q. Your parents were clearly aware that you were terrified
2 of her?

3 A. I think they were, yes. But, I mean, I don't ever
4 really remember getting much help from my parents in any
5 of the issues that I had at school, to be honest.
6 They -- certainly, my mother thought that was one of the
7 reasons I had been moved --

8 Q. Yes?

9 A. -- in that I deliberately underperformed. I am not sure
10 that is even true, but it might be.

11 Q. Yes, but the point is they were aware that you were
12 frightened of her?

13 A. Yes.

14 Q. And presumably her fearsome qualities were known?

15 A. Oh yes, yes.

16 Q. Apart from anything else, welts up a boy's arms can't be
17 missed?

18 A. No, they can't. And she was quite intimidating. It is
19 a difficult thing. She probably saw -- would see it
20 that she was instilling discipline in young boys ahead
21 of going to the upper school. But, you know, it depends
22 which way you look at it, yes.

23 Q. Well, you could say that was the way it was, and it
24 clearly was, but it wasn't hidden, was it?

25 A. No. Though I would be wary of labelling her as abusive,

1 deliberately, anyway. She definitely was not
2 deliberately abusive. She probably, mentally, thought
3 that she was doing the right thing.

4 Q. All right. But presumably, from your perspective, going
5 into that atmosphere came as a shock?

6 A. I think Ms ICF's class was a shock, definitely.
7 Ms Urquhart was very good. She was a different type of
8 teacher, much more sympathetic. And I think, actually,
9 academically, I did a lot better under her. I think
10 there is a link. But, you know -- yes.

11 Q. Yes. You mentioned one other teacher -- and this is
12 paragraph 9 -- in the prep school.

13 A. Yes.

14 Q. You are describing crossing the yard, in the summer of
15 1966, and the teacher called another boy back and said,
16 "Come to my room, it's your birthday", and the other boy
17 said, "It is your birthday as well", pointing at you.

18 A. Yes, we had the same birthday.

19 Q. To which the teacher replied to him, "Yes, but I like
20 you", and you discovered this teacher gives birthday
21 beatings.

22 A. Yes, that's right.

23 Q. Were you aware of them prior to this?

24 A. No, I wasn't. Fortunately, he didn't like me. Yes, but
25 this is John Brownlee. He certainly didn't abuse me

1 personally. He was a teacher there. I thought it was
2 very odd and I asked [REDACTED] the next day, and he replied
3 that he, John Brownlee, gave birthday beatings to the
4 boys that he liked. I just thought it was rather
5 bizarre.

6 He didn't say it was kind of particularly painful or
7 anything, and I think there must have been a sexual
8 element to it, or Brownlee taking pleasure out of doing
9 that.

10 But, beyond that, obviously I'm aware that there is
11 a lot of press coverage of John Brownlee, he did not
12 abuse me personally. And if he didn't like me, I am
13 very glad that he didn't, to be quite honest, yes.

14 Q. You then, as we know from the statement, move on to the
15 senior school in Henderson Row?

16 A. Yes.

17 Q. We will come back, if we may, to talk about your first
18 class teacher, and other teachers in due course.

19 A. Right.

20 Q. But if we could start with the culture of the senior
21 school, as you saw it. You have described a preparatory
22 school where you were frightened and there was corporal
23 punishment; was that something that was seamlessly
24 transferred to the senior school?

25 A. No, I would have thought it was worse, in a sense, at

1 the senior school. Because it is quite normal going
2 into senior school to find there are boys twice your
3 age, height or size, in the school. But what's not so
4 normal is the prefects would have the right to beat you.
5 So that was definitely quite a shock.

6 The ephors, as they were called, actually had the
7 right to administer corporal punishment. It never
8 happened to me, but the stories about it, that you were
9 supposed to kind of put your hands on the desk with your
10 head under while they kind of took a small run up with
11 their clacken and beat you on the back side.

12 It does -- I mean, one of the problems there was
13 that Mr ICH [REDACTED], the headmaster, who was a nice man, but
14 a poor headmaster to my mind, he had this idea that to
15 be a prefect at the school you had to be in either the
16 first fifteen for rugby or the first eleven at that
17 time. This changed later, but that was the case when
18 I came.

19 Now, the problem there is that -- particularly with
20 the rugby, some of the -- not all of the first fifteen
21 would be prefects, but you had to be in the first
22 fifteen or first eleven to become one. And some of the
23 people that he made prefects were not of the kind of
24 calibre, in terms of responsibility or ethical
25 perspective, to be given that kind of right, to my mind.

1 So that was definitely intimidating, yes. And it
2 didn't happen to me, but it -- certainly, you were
3 worried. I mean, the idea -- I think if you were
4 popular it would probably have been okay, but if you
5 weren't it certainly wouldn't have been. Some of these
6 guys were potentially quite aggressive, I would have
7 thought, yes.

8 Q. Right. So with -- sorry.

9 A. No, on you go.

10 Q. So you go in to the senior school; were you aware of
11 this power that ephors had?

12 A. Not until I got to the school, no.

13 Q. Not until you got there?

14 A. No.

15 Q. Was it explained to you, or were there rules issued that
16 made that clear?

17 A. Well, I don't have a school rulebook from that era, so
18 I don't know whether it was defined in the school rules
19 or not. Certainly, I was aware of it, yes. I mean,
20 that kind of thing, when you join the school, it is
21 going to be talked about, I can guarantee you, yes.

22 Q. Yes. And it was talked about?

23 A. Yes.

24 Q. And --

25 A. And it did happen, yes.

1 Q. And how often did it happen?

2 A. I don't know. I don't know.

3 Q. Not to you?

4 A. It never happened to me, no, no.

5 Q. Were you aware when it happened to others? Would it be

6 discussed?

7 A. I was aware. I can't remember his first name, but a boy

8 called [REDACTED], him and his friends, they had done

9 something seriously wrong, I have no idea what. He was

10 older than me, at least two or three years older. And

11 they were about to be beaten by -- because I remember

12 they were at the blocks, one of the school blocks,

13 talking about it. I don't know what they did. But ...

14 I mean, there are many schools, particularly in

15 England, that allowed corporal punishment from prefects.

16 I think it is a pretty doubtful thing to allow, and

17 I think [REDACTED] made it worse by the way that he chose to

18 appoint prefects.

19 Q. Yes.

20 A. Yes.

21 Q. Was the beating -- and we have heard that it would take

22 place in the ephors common room.

23 A. That's right, yes.

24 Q. Was there a set time in the week that it took place?

25 A. I think it was on Fridays. Yes, I think so.

1 Q. So, presumably, you might learn that you were going to
2 be beaten?

3 A. As far as I know, I can't remember anyone in the class
4 I was in being beaten by the prefects.

5 Q. All right. Were you aware whether this was to be
6 recorded or not?

7 A. Um, I have no idea whether the prefects kept a record.
8 I imagine they should have, but whether the school will
9 have retained that would be another matter.

10 Q. I think in fact we do have a beat book.

11 A. Oh, do you? Excellent, right.

12 Q. From the 1930s, certainly until 1957/58.

13 A. Right.

14 Q. Whether there were further later beat books --

15 A. Yes, there obviously were beatings carried on beyond
16 1958.

17 Q. Right. But I think there became a time where the
18 beatings by prefects stopped?

19 A. Yes, it was stopped at some point, as was the policy
20 that you had to be in the first fifteen to be a prefect.
21 Now, I can't say categorically when that happened.

22 Q. Do you know why it happened?

23 A. Well, the -- I mean, I think [REDACTED] was under pressure
24 from some of the directors. I mean, work-wise I had
25 contact, years later, with David Miller, who was on the

1 board of the Edinburgh Academy, and I think there were
2 quite a few people aware that, you know, probably
3 parents and things, the way ICH was appointing
4 prefects was not ideal.

5 Certainly [REDACTED], when he became a prefect,
6 he wasn't in the first eleven, or first eleven, and
7 the -- so that was a definite, that was a definite
8 change. I think it was about 1970.

9 But I can't say categorically when the policy itself
10 has changed. I don't know.

11 Q. All right. But there came a time where prefects could
12 not beat --

13 A. Yes, definitely.

14 Q. Was that broadcast to the school?

15 A. No, not officially. I think the class masters may have
16 told us. Or they may not have. I mean, the school
17 didn't necessarily announce everything that was
18 happening, kind of thing. But certainly I would be
19 aware by the time -- the time I was out of -- in fourth
20 year I suspect I would have known that it had stopped,
21 I think, yes. It is hard, I can't be too categorical
22 about it.

23 Q. No, it's a long time ago. But the description you give
24 of putting a head under a desk and then a run up; that
25 was common knowledge? You didn't experience it, but

1 that seemed to be understood?

2 A. Yes, that seemed to be what people said was happening,
3 yes.

4 Q. Right. Thank you.

5 We will come back to talk about discipline from
6 teachers again, when we come back to teachers in
7 general.

8 But in the day-to-day running of the school,
9 thinking of ethos again; was there delegation outwith
10 the classroom simply to ephors and senior boys?

11 A. Yes, well, they could give lines to write up -- I mean,
12 I got lines when I was 16 or 17 for cutting a corner
13 going to the games field. I had to write out the school
14 rules, which is quite a long thing to do, actually. So,
15 yes, the ephors had that power, yes, yes.

16 Q. Right.

17 A. And it could be abused. But, I mean, I was guilty,
18 I did cut the corner, yes.

19 Q. You cut the corner of a playing field?

20 A. Yes, on the way up to New Field, it is cutting the
21 corner at Inverleith Park, yes.

22 Q. And how long did it take you to write out the school
23 rules?

24 A. A long time. At least -- they are quite bulky, yes.

25 Q. All right.

1 A. I remember people saying, actually, I should have
2 refused, but it is easy to say that. I had to do exams
3 and things. The school's -- I mean, the discipline side
4 of the school was quite strong, and there was that kind
5 of fear and intimidation aspect to some of it as well.

6 Q. How so? Other than beating; what was the intimidation?

7 A. Well, I think it partly depends on -- I think the
8 problem there is you are getting in to individual
9 teachers, I think. It partly depends on the teachers,
10 but some teachers relied on that quite strongly.

11 Q. Yes, we will come back to that, if we may.

12 A. Yes.

13 Q. But, in terms of oversight of boys disciplining boys;
14 were you aware of oversight by the school to prevent
15 excess or inappropriate punishment?

16 A. No.

17 LADY SMITH: 'Colum', can I just take you back to this
18 matter of cutting a corner? You were on your way from
19 the school in Henderson Row?

20 A. Yes.

21 LADY SMITH: The building there, to go up to New Field,
22 which was near the prep school.

23 A. That's right, yes.

24 LADY SMITH: And you cut the corner across Inverleith Park.

25 A. Yes.

1 LADY SMITH: Which was not school property.

2 A. Yes, that's right.

3 LADY SMITH: What's the problem?

4 A. Well, we weren't allowed to do that.

5 LADY SMITH: Why not?

6 A. Um, I suppose because, I mean, there would be -- I mean,
7 if you have kind of 100 plus boys cutting the corner at
8 Inverleith Park, you had to stay on the road, the
9 pavement.

10 LADY SMITH: Oh, I see.

11 A. Turn left and then go through the gate, you weren't
12 allowed do that, and to be honest I knew that I just
13 didn't know --

14 LADY SMITH: Thank you.

15 MR BROWN: All right.

16 We have talked about the lack of oversight of pupils
17 disciplining pupils. What about oversight of pupils
18 bullying other pupils, which you talk about at some
19 length?

20 A. Yes, bullying was a huge problem at the Academy when
21 I was there, particularly in fourth year. Mr [REDACTED]
22 attitude to bullying was he used to have this thing
23 about play hard in the term time and -- work hard in the
24 term time and play hard in the holidays and he thought
25 bullying was just best left to sort itself out. And

1 I mean some boys were physically stronger than others,
2 and also once you get the intimidatory aspect of
3 bullying you get a jeering mob surrounding you, I found
4 in fourth year I was literally paralysed by fear
5 sometimes, and I am not proud that that happened to me,
6 and I still look and think, you know, what could I have
7 done that was different, because that was the problem,
8 and I only discovered that years later, the problem was
9 that I wasn't in control of myself and the fear was
10 paralysing me and I did eventually learn to control, in
11 the sense that it did -- I mean the reason that when
12 I joined university I had this thing that I never wanted
13 to be paralysed by the actions of others in the way that
14 I had been. I almost, as I said in my statement, would
15 rather die than go through that again so I joined
16 a martial arts club at the university and I did that for
17 about three years and that did not teach me in any way
18 that I would win fights but it did teach me that I would
19 be in control of myself. And that was something that
20 I had never understood when I was younger, that that was
21 really the problem. So I do -- the bullying, I mean
22 I didn't realise when I made my first statement that the
23 abuse Inquiry was even interested in bullying, but the
24 bullying was a serious problem at the Academy when I was
25 there and I do think I got over it, actually, mainly due

1 to the benefits of karate. But I remember it vividly,
2 you know, it had a deep and lasting impression on me.

3 The thing as well is once boys got out of fourth
4 year, once they got a bit older, a lot of them -- girls
5 came on the scene, a lot of them became much more
6 mature, I remember one of the boys bullying me saying
7 "that's all forgotten now" and I remember thinking well,
8 for you it may have been. Many of them matured into
9 normal, well adjusted adults. But I think the scars for
10 a lot of other people remained. Yes.

11 LADY SMITH: 'Colum', can you tell me how old you would have
12 been in fourth year?

13 A. 15.

14 LADY SMITH: 15. And you tell me that if intimidation
15 begins then you have the jeering mobs situations. And
16 you found that you were literally paralysed by fear
17 sometimes, and you are not proud that that happened to
18 you. What is it you are explaining by saying that? Why
19 should you not be proud that that happened to you? Are
20 you blaming yourself?

21 A. Er, to some extent. Because I remember this guy
22 punching me repeatedly and saying you know, he wanted me
23 to strike the first blow, that's what he was waiting for
24 and he would have beaten me up. Yes, I am not
25 completely proud that I didn't know how to stand up for

1 myself, if you want the truth. I mean --

2 LADY SMITH: But why should you have known?

3 A. I just think that -- I mean I often look back and think

4 well, what could I have done differently and it is very

5 hard sometimes to know. I mean a fourth year -- you

6 see, the fourth block was completely unsupervised and

7 all of the fourth year classes were in the same block at

8 the Academy, and this was a really bad idea. I mean

9 I used to find going -- dropped off at school I would go

10 to the toilets seeking refuge, not to go into the

11 classroom, and I would try to escape so not to be caught

12 in the classroom at break time, and if I found refuge in

13 the library sometimes they would come for me there too.

14 LADY SMITH: So you weren't the sort of person they were.

15 A. Um, I was weak in the sense that I was vulnerable in

16 a way that I subsequently learnt I didn't need to have

17 been. And -- but I mean I had to do something about it.

18 I don't change what I did at university. I wasn't

19 a natural person to be in a martial arts school, it was

20 tough, I had rib injuries and all kinds of things. But

21 it did teach me something that stayed with me, and that

22 I am very grateful to, actually, because I do feel

23 mentally I had to get beyond what had happened to me

24 there, definitely.

25 LADY SMITH: Yes. And at 15 boys are developing at

1 different paces.

2 A. Yes they are, yes.

3 LADY SMITH: And am I right as you think back there would
4 have been different sizes, different levels of
5 confidence, different stages of physical and personal
6 development, particularly --

7 A. Yes.

8 LADY SMITH: -- acute at that age?

9 A. And also when you get the -- because I do think the
10 jeering mob for want of a better way of putting it was
11 one of the things that paralyses you, it is kind of, you
12 know, it can be difficult to deal with. It was very
13 difficult to deal with, yes.

14 LADY SMITH: No child of whatever age wants to be excluded
15 from the group.

16 A. No.

17 LADY SMITH: And that's what it does.

18 A. Yes, yes.

19 LADY SMITH: Mr Brown.

20 MR BROWN: Thank you, my Lady.

21 Were you aware of others being bullied similarly?

22 A. Yes, I mean bullying was -- there were bullying problems
23 in the Academy, without a doubt. And actually not --
24 I mean I am aware of one pupil, because his parents were
25 friends of my mother's, who was withdrawn from the

1 Academy, and Mr [CL] saying to us in third year that
2 he discovered a case of bullying that was the worst he
3 had ever come across and he had beaten the boys
4 responsible. And so I think that was actually bullying
5 in third year rather than fourth year, to be honest,
6 because I am pretty sure this was bullying that the boy
7 I am talking about was withdrawn from the Academy. But
8 that was because of bullying. So yes, there tended to
9 be -- you have the peer group thing as well, some
10 classes were better than others, and that is probably
11 true at any school in any time period. There was one
12 class in the year above me which unfortunately some of
13 them, I attracted their attention for whatever reason,
14 and that was a particularly bad class for bullying,
15 there were a number of people in this who were -- I mean
16 the Academy made things worse in a way because they had
17 this ABCD stream system which was linked to so-called
18 ability. So they put people into a D stream and more or
19 less were trying to imply "you are going nowhere
20 academically" kind of thing. And they gave them the
21 worst teachers and so some of them were probably
22 reacting partly, you know, they just felt well, this is
23 hopeless, kind of thing, and I hate it here and I'm
24 going to, you know, make people pay for it. I don't
25 know. But I do think, though, culturally there were

1 other issues as well.

2 Q. All right. What sort of boys would tend to be bullied?
3 Was it the non-sporty?

4 A. Well, I always think I was better at sport than I was
5 given credit for, that is partly because I was being
6 bullied. I probably proved that subsequently as well,
7 but anyway. I think people who were for whatever
8 reason, and I was one of them, either unwilling or
9 unable to go for help. And I am not 100 per cent sure
10 how much you would have got help. I mean I certainly
11 mentioned to Mr [ICR] who was the -- he knew I was
12 being bullied before going out for the rugby, he was the
13 rugby master, and he just smirked at me. And I never
14 came -- another situation where I was in the library,
15 being reduced to tears because they were trying to get
16 me out, an ephor appeared and told us all to leave and
17 I refused to leave saying I was being bullied, and he
18 just smiled and did nothing. Clearly, you know, there
19 weren't many remedies. The only thing I would say,
20 reading the papers, bullying is still a problem in
21 schools. Sexual abuse has obviously improved since
22 Childline and the Children's Act, but bullying is still
23 a big issue, so I have no simple answers as to how you
24 address bullying in schools.

25 Q. No, but from what you say about the Academy there are a

1 number of factors at play in fourth year, which was the
2 peak?

3 A. Yes, it got better after that.

4 Q. Yes, but in the fourth year you said the school had
5 responsibility because all of the fourth year classes
6 were in one area and your words were it was relatively
7 unsupervised?

8 A. It was completely unsupervised. The masters would go
9 off to the masters' lodge and read papers and smoke
10 cigars and whatever, and there was no supervision in the
11 fourth block whatsoever.

12 Q. And this is 15 year olds who from your experience are at
13 the height of their bullying?

14 A. I would think that age group is pretty bad, yes,
15 especially in an all male school. As we have to
16 remember, this is a culture with over 500 pupils, and it
17 is all male.

18 Q. Yes.

19 A. Yes.

20 Q. But the other aspect, and you have touched upon it, both
21 in the third year and the senior years, and you speaking
22 to teachers, it wasn't being hidden, it was known about,
23 but nothing was done, except in the third year where
24 they expelled, because it was so bad something
25 presumably had to be done?

1 A. Well, no, the case [ICL] is talking about, he beat
2 them, I don't think they were expelled.

3 Q. All right. From your experience having a teacher there
4 was no help in the same way as having an ephor was no
5 help?

6 A. The two examples I have cited?

7 Q. Yes.

8 A. To be honest, though, I have to accept that I probably
9 had an inability to go for help because the example I am
10 giving with Mr [ICL], I know the boy went for help.
11 He may have been helped by his parents as well. So it
12 is a -- it is a difficult one. I think it is partly
13 cultural that you can't have put all of the fourth years
14 of an age group that's clearly potentially problematic
15 into a block where there was no supervision whatsoever,
16 it is just not going to work and that is probably true
17 nowadays.

18 Q. Is there a cultural element too, though, and a mentality
19 that you don't clype, was that prevalent?

20 A. Probably. I certainly don't remember clyping on anyone,
21 no. If you want to use that word, yes. Probably.

22 Q. All right. But I think, and we don't need to go into
23 the detail of it, because you have set it out very
24 fully, the one instance in particular when you go to
25 athletics and the teacher in charge isn't there.

1 A. Yes.

2 Q. And there was a prefect in charge and there are, to put
3 it simply, terrifying threats made to you.

4 A. Yes, that I believe were real, absolutely.

5 Q. This is paragraph 59.

6 A. One of them had brought a -- so I am 15, and, yes, it is
7 the summer, the athletics option, one of them brought
8 a castrating knife and I was sitting on the ground, as
9 we all were, and I heard them, this guy, [REDACTED] saying
10 "oh, I will move slowly", and I saw them coming towards
11 me, and I realised something was afoot, I got up and
12 ran, and I was chased by two guys who the school would
13 have said would have been able to catch me easily, I am
14 not convinced that is the case. Well, they didn't.
15 Obviously I would have adrenaline, and anyway one of
16 them the next day told me what they had planned, and
17 they thought kind of being expelled or a couple of weeks
18 in borstal would have been worth it. It stayed with me
19 my whole life, actually, that incident, I am quite
20 visual in the way I can kind of visualise being chased
21 by these two across the training field, two I shouldn't
22 have been able to out run, by all things. I still run,
23 by the way. And the reality of it is, as I have said,
24 I probably was better at sport; they realised I can run.

25 Q. Yes.

1 A. So -- but it was a frightening incident. But the
2 trouble is from the school's point of view it is very
3 difficult, Mr. [REDACTED] the PE teacher wasn't there, okay,
4 he is not responsible. The prefect in charge is, but as
5 I say, some of the prefects were just not the right kind
6 of people to be prefects, to put it another way. And
7 I mean I don't know whether they would have gone right
8 through with it, or whether it was to scare me, it
9 certainly stayed with me. Yes.

10 Q. Yes. We will come back to impact in a little while.

11 A. Fine.

12 Q. Let's go back to teachers, though. And you discuss
13 teachers in the round. And if we can just talk about
14 teachers in the round and the use of discipline, as in
15 corporal punishment.

16 A. Right.

17 Q. That was common?

18 A. It depends on the teacher.

19 Q. Yes, exactly. Some didn't need to use it?

20 A. Some would only use it very infrequently, and they would
21 use it for a demonstrable reason.

22 Q. And thinking back corporal punishment was legal at the
23 time?

24 A. Yes.

25 Q. Was that understood by you and your --

1 A. Yes, yes, yes.

2 Q. -- contemporaries to be reasonable?

3 A. Yes, for example Mr IDZ [REDACTED] gave me six of the best with
4 a blackboard duster, because he caught me doing prep for
5 another subject in his [REDACTED] class. That was legal.
6 He, I would not say in any way, was guilty of abusive
7 behaviour. That was just what he did. It was more kind
8 of demeaning than it was anything else, if you want the
9 truth, yes.

10 Q. All right. Whether one might have an argument about
11 whether it is appropriate to beat someone for that
12 offence is another matter, but of its time it was --

13 A. At the time that would not have been remarkable, and he
14 was not a teacher that I would have in any way said was
15 abusing boys.

16 Q. No. Thinking of the teaching staff as a body, was he
17 representative of most of the teaching staff or were
18 a minority, as you saw it, only beating when it was
19 appropriate to do so, or not beating at all?

20 A. Um, well, there was some that wouldn't be beating at
21 all, IDX [REDACTED], or Mr Lister, I don't recall any of
22 them. I think the problem wasn't as much that there was
23 a capacity for corporal punishment, there was the danger
24 that some were getting kind of sexual gratification out
25 of it. Mr Dawson in particular. I mean I was in class

1 █ in 196█. The average age of that class is 12. He
2 would, on the slightest pretext, put you over his knee
3 and use his hand to smack you on the bottom, and his
4 hand would rest there for unnatural lengths of time. He
5 would -- he had this system of rewards and punishments,
6 jelly babies as a reward, and being spanked as
7 a punishment, and it was one or the other, they weren't
8 mixed, he didn't spank you and then offer you a jelly
9 baby, and he would sometimes put you over his knee and
10 tickle you.

11 I think looking back it is very easy to forget how
12 young we were. The average age of that class was 12 and
13 I am not convinced that we understood what being felt up
14 actually meant.

15 Q. How common was this?

16 A. Very common. He would almost set it up so that he -- he
17 had a class prefect who used -- and he would
18 deliberately leave the room and the class prefect would
19 report anyone who mumbled or talked at all to him and
20 then you would get put over his knee. And I'm sure he
21 was kind of, in many ways, deliberately precipitating
22 that, yes.

23 I should say I don't remember -- in the year that
24 I was there, I do not remember him touching my genitals
25 or anything at all. As I said to you, it is possible

1 that Mr Dawson's behaviour deteriorated in
2 subsequent years. But he certainly would put you over
3 his knee regularly, he would tickle you sometimes, and
4 then he would spank you.

5 And you would be -- you would be aware that his hand
6 was resting unnaturally, for an unnatural period of
7 time, yes. And everyone in that class -- everyone in
8 that class will have been aware of that, without
9 a shadow of doubt.

10 Q. And was he doing it to everyone in the class?

11 A. Yes. On occasion, yes. I mean, it's kind of -- um,
12 I mean, Dawson was a -- I think his prime sexual
13 orientation was towards young males, to be honest.
14 I have identified subsequently, aged 15, he came into
15 the rugby changing room, said I still had mud on my
16 legs, and made me -- made me strip naked and said
17 I wouldn't need my towel. Normally, you would leave the
18 towel at the entrance to the showers. And I was
19 completely aware of his complete fixation on my naked
20 body, absolutely. It felt like -- it felt mortifying,
21 to be quite honest, it felt like being violated. This
22 was on the way there, so he could hit me with a shoe,
23 which he had picked up from a boy, ██████████, so he --
24 and, I mean, I have also pointed out that -- it is not
25 actually in my statement, but I think Mr Dawson had

1 a real lack of self awareness. I played the oboe at
2 school, and Hamish Dawson played the French horn. I was
3 in a wind group.

4 So it was about 1971, and he was talking about the
5 film *The Go Between*, the film of the book by Hartley,
6 and he started going on about the music and then he
7 said, "Oh, it was absolutely shocking, dreadful, what
8 the two who were having the clandestine affair had done
9 to the 12-year old boy, Leo, and how the impact has
10 stayed with him for his whole life", and I kind of
11 stared at him and thought: for goodness sake, have you
12 absolutely no awareness of your actions on -- the impact
13 that they will have had on boys of a similar age?

14 And I don't think he did. I actually just don't
15 think he thought that way. That he didn't have the
16 a kind of natural self-awareness that he was actually
17 damaging people. And as I say, aged 12, we were very
18 young, I am not sure we fully understood the
19 implications of what was happening.

20 Q. Just to follow up on that, the film *The Go Between*,
21 1970s, it involves people having an affair and the
22 12-year old's role is what?

23 A. Leo is acting as the intermediary, delivering the
24 messages between the two. It is a very evocative film.
25 It is very well made, actually. It is quite moving.

1 And one thing it really brings out, because they have
2 Leo as the 12-year old and then jump forward to when he
3 was much older, the impact on him has stayed with him
4 his whole life, yes.

5 Q. Yes. So that's what Dawson was talking about?

6 A. Well, no, the fact that he saw it -- originally, the
7 conversation started about the music in The Go Between,
8 which he was praising.

9 Q. Yes.

10 A. But, yes, it was just that he then made this kind of
11 thing about how dreadful or shocking it was. How they
12 had used this boy as this -- because, of course, it is
13 set in the period of the time. The clandestine affair
14 that they were having would have been -- it might be
15 nothing nowadays, but it would have been very serious in
16 that era, yes.

17 Q. Quite. The point you are making is he was having
18 an impact on 12-year olds and a 15-year old, going back
19 to the shower episode, and was oblivious?

20 A. Yes. An example of what I am saying about his not
21 really understanding, at the end of ■■■ there was
22 actually a class collection for Mr Dawson, and it was
23 actually organised by a boarder, I can name him if you
24 want?

25 Q. No, it's not necessary.

1 A. I think I was quite surprised that this happened, but it
2 did happen. And, I mean, Dawson's reaction was -- he
3 seemed quite moved by it. He said, "Oh", for the first
4 time in his teaching career he was actually speechless.
5 And I don't think we fully understood at the age we
6 were. We were very young. 12 is young in the sense of
7 sexual development and understanding what was being done
8 to us, yes. I would say.

9 Q. The one thing --

10 A. And I don't know anything about -- beyond what I have
11 said about the boarding house and the stories that he
12 was watching boys going to the showers. I have no
13 knowledge beyond that, yes.

14 Q. But you can say, at 15, that's exactly what he did to
15 you?

16 A. Yes, definitely.

17 Q. As you say in the statement, the worst part was the
18 embarrassment, not the subsequent beating with the shoe?

19 A. Yes, it felt like being violated, funnily enough, to be
20 honest.

21 Q. Yes.

22 A. And, I mean, people -- I mean, the other boys say they
23 weren't laughing, to be honest. They weren't
24 necessarily my friends, but they didn't find it funny in
25 any sense of the word, not at that age, and some said

1 I should have refused. And I don't know, I don't know.
2 I'm older, you know, it's difficult.
3 Q. The one thing, though, you haven't said, it is in the
4 statement, but it is perhaps worth mentioning, this is
5 paragraph 66, and this is saying any excuse to tickle
6 and fondle. And you say:
7 "Queuing in a line of boys for this punishment
8 I would notice he was clearly sexually aroused."
9 A. Yes. I remember particularly on one occasion, yes.
10 Q. That was when being pulled across his knee?
11 A. Yes.
12 Q. Could you feel his penis, presumably?
13 A. Yes, and could see --
14 Q. That he was aroused?
15 A. Yes.
16 Q. Going on to page 16, we see that he was not the only
17 teacher involved in matters sexual; correct?
18 A. Yes, to be fair, I don't know whether you want me to
19 name the teacher involved here or not.
20 Q. You can, it's fine.
21 A. Yes, Mr IBP taught maths. Very overweight,
22 unmarried. This was not typical behaviour of
23 Mr IBP, to be fair. But it certainly happened,
24 and everyone in that class will remember it.
25 And I think it was -- he couldn't keep order and

1 I think people were repeatedly talking and, yes, he
2 pulled ██████ out and he took his shorts down. We were
3 wearing shorts in first year, in Year 1, and spanked him
4 on the bare bottom, yes.

5 Q. You certainly think now, though you might not have at
6 the time because of your youth, that there was a sexual
7 element to it?

8 A. It certainly wasn't a regular occurrence for him.

9 ██████ said, as he realised what was going on, said,
10 "Please, sir", and he ignored that. I wouldn't like to
11 be too categoric about that, whether there was a sexual
12 element in it. But it was certainly, I mean, yes,
13 I have said it is hard to say there isn't. Yes.

14 The only thing I would say, I don't think that was
15 necessarily typical behaviour for Mr IBP ██████ in the
16 way that it was for Dawson, yes.

17 Q. All right. But then moving on to 71 and 73, there is
18 another teacher where there is no doubt it would appear
19 in your mind?

20 A. Well, this is the one who had the biggest effect on me.
21 I think I got over Dawson. It took me 15 years to get
22 over what happened with ICQ ██████, who was the
23 ██████.

24 As you go in, this is -- he was a ██████ teacher. As
25 you go into the classroom, I was in the front row, on

1 the left-hand side, and next to a wall, and he would
2 leave his desk, come to where I was sat, and say, "Shift
3 along", and sit beside me. And then whilst still, as
4 I said in my statement, ostensibly teaching, he would
5 slide his hand along my upper leg and fondle and stroke
6 my genitals, probably trying to arouse me.

7 And on another occasion he put his hand under my
8 seated bottom.

9 He singled me out. I think he was trying to groom
10 me. I was 13 years old. I did try moving to another
11 seat at the beginning of the summer term. That didn't
12 work, he made us all go back to the seats we had. And
13 he was less visible there, but it was very regular and
14 it was seen by other pupils.

15 And I don't think he felt any kind of guilt about
16 this. He used to talk about the ancient Greek thing,
17 about pederasty, the relationship between an adult male
18 and an adolescent youth, and he would smirk as though
19 this was fine.

20 He was a very clever man, he used to do the Times
21 crossword, the cryptic one, and he entered competitions.

22 I tend to think the school did know something. For
23 instance, he was the [REDACTED] of the
24 school, but he was never the senior master, which was
25 very unusual. And normally there would have been a link

1 between that.

2 He did try, I remember [REDACTED], a classmate, he
3 tried the same thing with him and he put his hand down
4 and said, "No, sir, I will tell my Mum", and that seems
5 to have worked. So you are going to ask why couldn't
6 I do the same thing.

7 My home situation wasn't good. My father was
8 an alcoholic and could be violent, and my mother was
9 a fairly fanatical member of the Christian science
10 religion, which reviles the flesh and, certainly,
11 I didn't feel there was anywhere I could go for help.
12 I often agonise about this, when I think: surely I could
13 have knocked his hand away.

14 I was thinking: I want to be a man. I don't want
15 this.

16 I'm 13.

17 Q. You have just talked about the [REDACTED] teacher; how much
18 awareness do you think there was generally, for example,
19 of Dawson from the other teachers or of [REDACTED]?

20 A. Well, jumping forward, I had a conversation with [REDACTED]
21 [REDACTED] that suggested that more was known. He was
22 trying to move me from the class I was in to a more
23 academic class, and there was some opposition to that,
24 and he was making that clear. Some of it was academic,
25 some of it was linked to behavioural issues. And I said

1 to him I was sure I would have many sins to answer for
2 in my life, but I expected to be vindicated for what has
3 happened to me here. And he said, "You mean because of
4 the bullying?" and I said, "no, something else,
5 something that I hope you know nothing about."

6 And he said, "why?" and I said, "Because it is not
7 the kind of thing that you can stay silent about", to
8 which he replied that he found my response absolutely
9 chilling. And I apologised and he said, "I do have
10 an inkling about what you are speaking about, but the
11 problem is proof".

12 And IDX was a very sympathetic teacher,
13 I owe him a great deal, but I think he knew, yes, that
14 there was a problem, definitely.

15 Whether he knew who it was, I have no idea. He --
16 in that era -- I mean, in his obituary, it said during
17 the time when teachers relied on fear and intimidation
18 he stood out, and he did. And he is a man who helped me
19 greatly, so I am not wild at having to admit that I
20 think he knew.

21 And you could argue, yes, but what could he have
22 done about it? Because proof is a big issue. This is
23 long before Esther Rantzen and Childline. For many
24 people in this situation there was nowhere to go.

25 Another example, in seventh modern, now, they were

1 close to leaving school, ██████ told IFN ██████
2 IFN ██████, who was the ██████ teacher, that abuse was
3 happening at the Edinburgh Academy. And IFN ██████
4 IFN ██████ -- who I didn't like -- was shocked. He did
5 not know. Without a shadow of a doubt he didn't know.

6 And then he said -- well, he assumed if there was
7 someone who was guilty of this, they weren't married.
8 And someone in the class said, "No, don't assume that".
9 And -- because of the people who had been, Dawson,
10 Brownlee and ICQ ██████ were all married and I'm sure they
11 didn't abuse -- well, I am sure ICQ ██████ didn't abuse his
12 own son, ██████.

13 The thing is, I was asked at the meeting when I said
14 that about ██████, well, did I know, did IFN ██████
15 IFN ██████ do anything about that?

16 I don't know, because we left school shortly after.
17 And the other side of it is I could have jumped up and
18 said, "Yes, and I am one of the people who was abused".
19 All I could think about at that stage was getting out of
20 here, leaving the Academy, so I didn't step forward and
21 say.

22 I think the fact -- well, (a) you have IDX ██████
23 IDX ██████, I am absolutely sure he knew. And he is
24 someone -- I had opened to him about bullying, I told
25 him about my father being an alcoholic. I hadn't told

1 anyone else those things. And, I mean, he said, you
2 know, your father being an alcoholic wasn't my problem.
3 Well, it didn't seem that way to me. And the fact, as
4 I say, he was the [REDACTED] and never
5 became senior master.

6 I mean, I have always worried that the school wrote
7 great eulogies for both Dawson and ICQ [REDACTED] in the
8 magazines when they retired, which anyone who suffered
9 from them must have found incredibly annoying to be
10 honest. And it begs the question: did the school really
11 know nothing?

12 And, I mean, I said to [REDACTED], when she was taking
13 the statement, that I suspect we will never know the
14 answer to that. Because in my view, if there are
15 doubtful records on either of those people, they have
16 probably been edited since. Because it is -- I was
17 quite staggered, one of the reasons I came forward,
18 really, is, at the beginning, when the Academy's
19 representative said the school accepted there had been
20 a lack of training, I thought: for goodness sake, this
21 is not a lack of training.

22 It was much, much worse than that. And it --
23 really, if nothing else comes out of giving evidence to
24 the Inquiry like this, I would hope that if enough
25 people support that view, that the school should be

1 told: no, there was much more wrong than a lack of
2 training.

3 Q. I think you can hear what the school says, both from
4 submissions this morning, but also in due course.

5 From what you are saying, and you make the point
6 there was no Childline. The culture, as you said, was
7 not one where you would say things, perhaps, but
8 equally, from what you are saying, things were being
9 said to teachers.

10 A. Not generally, probably.

11 Q. No, but there was knowledge.

12 A. Yes. I mean, I didn't open up about abuse I had
13 suffered from [ICQ] until 1982.

14 Q. Yes.

15 A. When I went to see -- I knocked on a door -- I am not
16 a member of the Catholic Church, but I saw a Franciscan
17 priest in what is now Jericho House and I had a series
18 of conversations with him and I opened by saying, "When
19 I was younger I found myself in a situation that wasn't
20 survivable", and he said, "Well, finish that sentence",
21 and I said, "And I didn't survive it", because as
22 a person I hadn't. And that was the first time I had
23 opened up about [ICQ], because I do think the one that
24 damaged me -- I had got over Dawson by then, I had
25 actually got over the bullying as well. It is 1982,

1 I am married. None of this I have told my wife, but
2 things are preying on my mind and it was like I opened
3 a door that I had locked, traumatically, behind me, and
4 it was only really after those conversations that I felt
5 I had been able to get over what had happened with
6 [REDACTED].

7 I mean, [REDACTED] said to me it is an odd place for me
8 to have gone, given Spotlight and all that, but father
9 John Christen (?) was very helpful and I will always
10 remember him in that way.

11 LADY SMITH: And would you have been in your late 20s by
12 then.

13 A. Yes, yes.

14 LADY SMITH: Thank you.

15 A. 15 years after I had left the school, yes.

16 MR BROWN: I am sorry to ask one matter of detail, but you
17 said, both in your statement and in your evidence, "He
18 did this regularly", [REDACTED].

19 A. Yes.

20 Q. What does "regularly" mean?

21 A. There wouldn't be a week going by without that
22 happening, very regularly. Other people noticed.
23 That's the thing, it followed me. In 1972, I was then
24 lured there on the pretext of old times, kind of thing,
25 and I was confronted with a group who brought this up,

1 and there were girls there as well, who said I must have
2 enjoyed it because I hadn't done anything to stop it.

3 And, I mean, yes, that really hit mentally. So, no,
4 it was anyone -- people knew -- saw that. And, again,
5 I am faced with this: why couldn't I do something?

6 I have to remember I was 13.

7 Q. Yes.

8 One final question of fact -- and this is just
9 looking to paragraph 76 -- you describe a teacher, and
10 this is one of the mistakes in the dates, it is 197█ not
11 196█.

12 A. Mr █, yes.

13 Q. And you say:

14 "He would beat boys with a broken hockey stick."

15 A. Yes.

16 Q. "To my mind he had clear sadistic tendencies."

17 Did he hit you with the hockey stick?

18 A. No, but I narrowly escaped a beating from him. Me and
19 another boy had -- would cut -- this is part of our
20 cross country course. And he planned -- we were waiting
21 outside of his room and he said he would call us in one
22 by one, and I said to █, "He is trying to beat us",
23 and █ said, "Oh no", and he walked off and, when
24 █ appeared he said, "No, I have to meet my
25 parents", and I followed him, and █ was left

1 walking at us, looking at us.

2 Anyway, the next day -- this is why I put this in
3 the statement -- Mr Lister was my class master, said
4 ICR had spoken to him and he said that he had told
5 him that he had planned to make a -- to thrash me and
6 make a complete fool of me. And Mr Lister said, in
7 a way, he hoped I wouldn't have participated in, which
8 made him wonder if Mr ICR was fit to be a teacher at
9 this school.

10 Now, I am 16, and it always struck me as
11 a staggering thing for a teacher, a highly respected
12 teacher, to say about another teacher at that school.
13 And Mr Lister was more than my class master in a way
14 because I was involved in school debating at that time,
15 and he ran the debating -- but I still think -- I mean,
16 it wasn't the norm for teachers to make that kind of
17 comment about another teacher.

18 And I do think he had -- I mean, when I -- he
19 certainly gave no help, when he was the rugby master,
20 with bullying. And I think he knew. Well, he did know.

21 I think he had -- my own -- that is just my
22 impression. I think he had sadistic tendencies,
23 slightly, definitely, yes. And the only reason that he
24 didn't beat me personally, he never managed to, but
25 I had a narrow escape. The only reason I put that in is

1 because of Mr Lister's comment, which I found really
2 quite staggering.

3 He was another teacher who I would say was -- to be
4 fair, the Academy had some good teachers. It was
5 an academic school and there is a danger in this that
6 the whole school gets tarnished, and it is important to
7 remember that the actions of a few individuals, though
8 very serious, were not necessarily representative of the
9 whole school.

10 Q. Although it also imputes knowledge which didn't lead to
11 action.

12 A. Yes. I mean, I liked Mr [REDACTED], he taught me French. He
13 was a nice man, but a poor headmaster.

14 Q. All right.

15 You talked about suffering for 15 years?

16 A. [REDACTED], yes.

17 Q. With [REDACTED].

18 A. Yes.

19 Q. Other things could you put behind, but [REDACTED] --

20 A. That was the one. I put the bullying behind me by the
21 time I got out of university.

22 Dawson, I mean, I still -- particularly the incident
23 when I was 15, but I think I got over that. But
24 I clearly hadn't got over [REDACTED]. And the fact it was so
25 regular, I had hadn't been able to do anything about it

1 and it followed me into -- out of school, and I -- you
2 know, I just -- and made worse by the fact that the
3 school kind of made it -- wrote very positive remarks
4 about him, yes.

5 Q. Yes.

6 But then, in 1982, the door opens again?

7 A. Yes.

8 Q. In your mind.

9 A. Yes. I mean, I would say that -- I mean, to be honest,
10 I don't think I'd languish in the trauma of childhood
11 abuse. I got over it, and the two things that brought
12 me over it were probably martial arts and religion.

13 And I would like to say religion was the stronger of
14 the two, but I'm not sure about that, because the
15 bullying, the ability to cope with the bullying came
16 from martial arts. So I do think one of the reasons
17 I was probably happy to speak about the past was that
18 I think I got over it.

19 If I try and remember my 13-year old self, I feel
20 kind of defeated and lost, because I was. And my
21 15-year old self isn't much better, but I do think I did
22 manage to leave the past behind me.

23 Q. Okay.

24 In paragraph 113, you have mentioned your daughter
25 already, and she is a teacher.

1 A. Yes. She doesn't know that I am here, though.

2 Q. No, no. One of the things she said to you is, "To be
3 a good school, it first needs to be safe".

4 A. Yes.

5 Q. You would agree with that?

6 A. Absolutely. And the Academy wasn't safe.

7 Q. No.

8 A. Yes.

9 Q. Looking to the future, you talk about your hopes for the
10 Inquiry, and we can read those towards the end. But it
11 is striking that you mention talking to others. You
12 mention -- page 27, paragraph 106 -- your mother's
13 godson was at the Academy, was a boarder, and the first
14 person he named was Dawson.

15 A. Yes.

16 Q. We are well aware there has been a great amount of
17 interchange of experience, but are you concerned there
18 are many who have not come forward?

19 A. Oh, definitely. I mean, particularly from my era, a lot
20 of them won't want to go back there.

21 The guy I mentioned, [REDACTED] with Mr [IBP [REDACTED]], he
22 will not want to go -- revisit that.

23 I think the one thing about my mother's godson, who
24 is ten years younger than me, and his colleague, it
25 lends weight to the possibility that Mr Dawson's

1 behaviour deteriorated subsequently. I can only talk
2 about his behaviour when I was there.

3 Q. Yes.

4 A. Yes.

5 Q. And we can hear the evidence of others from later years.

6 A. Yes.

7 Q. All right. Thank you very much indeed. Is there
8 anything else you would wish to say while you are here?

9 A. I am glad I have been allowed the opportunity to name
10 [ICQ] because I do feel everyone else has been
11 named, and even though it will be redacted in the press,
12 I did feel that I wasn't going to be comfortable coming
13 here and having to use a pseudonym for someone who left
14 a lasting impact on my life, yes.

15 MR BROWN: I think, my Lady, and I note your Ladyship has
16 been taking notes at various stages, I am sure there
17 will be a warning later in the day, to recognise the
18 point 'Colum' has just made.

19 LADY SMITH: 'Colum', before I say one or two other things
20 to you; can I just pick up on something that has arisen
21 in this morning's evidence? It follows on about from
22 what I said in my opening comments today. It is
23 a reminder to all who are here that we have been using
24 names of some people whose identity is protected by my
25 general restriction order.

1 Now, that means that anything in our evidence that
2 identifies them cannot be repeated outside of this room.
3 And the names on the list I have were with 'Sam',
4 Mr IGE [REDACTED].

5 Then in the last session of evidence with 'Colum',
6 we have ICP [REDACTED] and Mr IBP [REDACTED], and ICQ [REDACTED]
7 and Mr ICR [REDACTED]. And some boys as well that were
8 mentioned, who are protected by my general restriction
9 order, with surnames, [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

10 If I have missed any and anybody has any doubts as
11 to whether or not they can identify these people as
12 having been referred to in our evidence and what was
13 said about them, please check now.

14 Let me turn to thanking you 'Colum'. I know you
15 have said you are thankful to us for hearing you, but
16 really my thanks go to you for bringing your evidence.
17 It is in black and white before me, and bringing your
18 very detailed statement to life and letting me see you
19 in person and seeing the impact that the school has had
20 on you. As I said at the beginning, I know it is not
21 easy to do that, but I am very grateful to you for being
22 able to share it with me.

23 A. Thank you, my Lady.

24 LADY SMITH: I hope you have a more restful day ahead or are
25 able to put your feet up this afternoon, or go for

1 a run, if that's what you you have in mind. I am now
2 able to let you go, so thank you very much.

3 (The witness withdrew)

4 LADY SMITH: Well, it is now time for the lunch break. I am
5 going to rise now for that. At 2 o'clock, we are
6 joining another witness by a Webex link, aren't we?

7 MR BROWN: Yes.

8 LADY SMITH: Very well. I will rise.

9 (1.07 pm)

10 (The short adjournment)

11 (2.00 pm)

12 LADY SMITH: Good afternoon. Mr Brown, I see we have
13 a witness.

14 MR BROWN: We have 'Richard'.

15 LADY SMITH: Thank you.

16 'Richard' (affirmed)

17 LADY SMITH: 'Richard', can you hear me?

18 A. I can indeed.

19 LADY SMITH: Good afternoon. Before we begin, could I ask
20 you to make the formal affirmation to tell the truth.
21 If you could raise your right-hand, please, as I have
22 just done, and repeat after me.

23 (The witness affirmed)

24 LADY SMITH: Thank you. Now, 'Richard', I am Lady Smith,
25 you probably worked that out. I chair the Scottish

1 Child Abuse Inquiry. I am grateful to you for agreeing
2 to give us your evidence in person, but over the link
3 this afternoon. It is really helpful to hear what you
4 are able to talk to us about in addition to the written
5 statement that we already have from you.

6 Now, if at any time you have any questions about
7 anything, or if there is a problem with the link, or if
8 you want a break, I will normally take a break around
9 the middle of the afternoon, around 3 o'clock or so, for
10 five or ten minutes, so you can bear that in mind
11 anyway. But if you need a breather at any other point,
12 don't hesitate to let me know.

13 It is really important to me that we do what we can
14 to help you be as comfortable as you can when you are
15 giving your evidence. I know this isn't easy and the
16 subject matter we are asking you to talk about is really
17 quite difficult and can be stressful, and the emotion of
18 doing it can take people by surprise at times. So do
19 guide me if there is anything we can do to make it less
20 stressful for you.

21 So, if you are ready, I will hand over to Mr Brown
22 and he will take it from there; is that all right?

23 A. Thank you.

24 LADY SMITH: Thank you. Mr Brown.

25

1 Questions by MR BROWN

2 MR BROWN: My Lady, thank you.

3 'Richard', good afternoon.

4 A. Good afternoon.

5 Q. I think you have before you a copy of your statement
6 and, for the record, it has a reference number
7 WIT-1-000001160. We see from that statement that it
8 runs to 26 pages. You signed it and dated it on the
9 final page, and on the penultimate page, page 25, at
10 paragraph 108, you confirmed that you have no objection
11 to your witness statement being published as part of the
12 evidence to the Inquiry, and you believe the facts
13 stated in this witness statement are true; and that's
14 correct?

15 A. That is.

16 Q. Thank you very much indeed.

17 We are going to be talking, obviously, about the
18 Edinburgh Academy. In your statement, you make clear
19 there were parts that you approved of, but other parts
20 you didn't, and we will cover both.

21 A. Thank you.

22 Q. But, just before we get there, a little bit about you.
23 You were born in the [REDACTED]; so you are now in your
24 late 60s?

25 A. That is correct.

1 Q. You were born in the south of England, which wouldn't be
2 the most obvious place to send someone to Edinburgh
3 Academy from, but we would understand that your father
4 had been to Edinburgh Academy; is that correct?
5 A. That is.
6 Q. Was he a boarder?
7 A. For part of the time.
8 Q. Thank you. You set out, at paragraphs 4 to 7, the
9 background as to why you ended up at the Academy, and
10 reading short, local secondary schooling where you were
11 brought up would have meant travelling a fair distance;
12 is that correct?
13 A. That is.
14 Q. Your parents both had experience of boarding, so to them
15 it seemed a solution?
16 A. That's right.
17 Q. And --
18 A. I think it is also --
19 Q. Sorry.
20 A. I think it is also worth saying that although I don't
21 recall it at the time, my mother subsequently said that
22 I was very keen to go to boarding school, as that's what
23 a lot of my friends were doing.
24 Q. I was coming to that. Because, culturally, that
25 presumably was relatively normal amongst your age group

1 and in your part of the world. But the decision to go
2 to Edinburgh; how did you view that as compared to
3 boarding perhaps closer to home?

4 A. It is difficult to recall precisely, but I think that
5 I thought that was a -- the solution was okay, and that
6 the Academy -- I perceived the Academy, obviously, from
7 what my parents said about it, to be a very good
8 boarding school, and whilst there was -- were some
9 much -- very local boarding schools, they were perceived
10 by me, although obviously through the eyes of my
11 parents, to be much weaker.

12 Q. I see. So in your parents' eyes, Edinburgh Academy had,
13 perhaps, a status that others didn't?

14 A. Above those very locally. If I had gone to one of the
15 top English boarding schools, it still would have been
16 a bit of a trek to get to.

17 Q. Yes.

18 A. If I can put it like that.

19 Q. Okay. We see from the statement, you sat an entrance
20 exam and you were shown around the boarding house, and
21 then you would start at the beginning of the academic
22 term, in September; do you remember your impressions of
23 the boarding when you were shown around?

24 A. I think the only bit that I can remember now of
25 particular significance was the -- there was a slight

1 concern that we would all be bathing in a communal way,
2 because that's something I had not experienced. By
3 "communal way", there was a wash room with half a dozen
4 basins and two baths in it and so on, and I think I had
5 some slight trepidation about that because it was
6 something I wasn't used to.

7 Q. All right.

8 A. But I think my feeling was about -- just a feeling of
9 excitement. I was going to be moving out into the big
10 wide world in some way.

11 Q. Yes. And there then comes the day, in September, when
12 you arrive at the school; do you remember whether that
13 excitement was in any way dissipated, or did the
14 excitement continue once you actually arrived?

15 A. It's really difficult to know at this stage. But, as my
16 experience at the school was generally positive, I would
17 think that I felt I had positive feelings.

18 Q. All right.

19 A. I certainly relished being in the company of a group
20 of -- I say "kids", but boys, all my same age, and able
21 to sort of do unlimited things together and not
22 constrained by the relative rural isolation I had been
23 in.

24 Q. Okay. You were coming from the south of England into
25 an environment where the boarders, presumably, were

1 largely Scottish?

2 A. I would have said whilst they may have been largely
3 Scottish, it was pretty -- I was in some ways as
4 Scottish as many of them, because some of them had spent
5 their childhood abroad because their parents had been
6 working in the Colonial Service or whatever.

7 I had a Scottish father and felt myself to be
8 Scottish, so I didn't feel particularly English, as it
9 were.

10 Q. So there was no issue on that front?

11 A. No, none that I can remember.

12 Q. All right. And you helpfully set out, on page 3, the
13 progression of the boarding houses. MacKenzie for
14 juniors, with about 40 pupils. Dundas had 16; and was
15 that an intermediate?

16 A. That was for just one year.

17 Q. Yes.

18 A. So, as I think I said, MacKenzie was about four years,
19 one in Dundas, and then four in one of the two senior
20 houses.

21 Q. Which were Jeffrey and Scott?

22 A. That's it.

23 Q. Yes. You talk -- and this is just looking at split.
24 You've heard about boarding schools, Edinburgh Academy
25 was perhaps a day school with boarding; is that a fair

1 way of putting it?

2 A. Reasonably. I have always felt that the boarders in the
3 Edinburgh Academy were of sufficient size not to feel
4 sort of unusual or out of it. Yet the ethos of the
5 school meant that they didn't feel they were isolated in
6 the middle of some rural space, like some of the other
7 top English and Scots boarding schools.

8 Q. Sure. You talk about the boarders making up perhaps
9 a quarter of the total school population.

10 A. I think that -- certainly at the senior school level --

11 Q. Yes.

12 A. -- less at the junior school.

13 Q. Okay. Just taking up the point you have just made, you
14 thought the Academy was more balanced in outlook than
15 schools boarding exclusively in the countryside; what
16 was the greater balance?

17 A. Sorry, I don't quite understand the question.

18 Q. Well, you say --

19 A. Balance between what?

20 Q. Well, I am asking you that. You say:

21 "I have always thought that this, combined with the
22 location [numbers, in other words] of the school in
23 a major city meant that the Academy was rather more
24 balanced in outlook than schools that were all boarding,
25 isolated in the countryside."

1 A. Um, yes, interesting. I am not quite sure what I mean
2 by "balanced" now. I think it meant that it wasn't
3 isolated. We could go in and out to the town right from
4 the start. We weren't sort of -- didn't feel
5 segregated.

6 Q. Horizon --

7 A. I suppose I am --

8 Q. Were horizons greater?

9 A. Yes.

10 Q. All right.

11 A. I think by "balanced" I am saying balanced, as opposed
12 to imbalanced.

13 Q. All right, thank you.

14 Just looking at the school as a whole, because you
15 do make the point that there were positives, and if we
16 go to paragraph 27, on page 7, you start by saying:

17 "I think it's only fair to point out some of the
18 positives about the Academy. It was a much better
19 education than I'd had previously. The classes were
20 setted so you were automatically with a group of peers
21 challenging for you, but similar enough that you
22 wouldn't feel inadequate. The teaching was generally
23 good, although one master spent most of his energy
24 producing the school plays which were good rather than
25 his teaching of geography, which was poor."

1 A. That's correct.

2 Q. Okay. And you say:

3 "The extracurricular activities were so much better
4 than anything I could have experienced at state school."
5 And you had a lot of happy times sailing, for
6 example. That's paragraph 28.

7 A. Sure, that's correct.

8 Q. And sporting-wise you make the point it was a good place
9 to be?

10 A. Yes.

11 Q. What about if you weren't a good sportsman?

12 A. Well, I think I go on to say a bit, that if you weren't
13 a good sportsman that had certain disadvantages.

14 Q. Yes.

15 A. Although I think it had enough flexibility that those
16 who didn't want anything to do with sport could work
17 their way round it.

18 And I think I can say that the school's music
19 tuition and environment was such that if you had any
20 musical ability -- so I understand, because I didn't,
21 but, if you did, there was plenty of opportunity for you
22 to take part in all sorts of things.

23 Q. Yes. I think you also make the point -- and this is
24 over the page, page 9, "Leisure time", there were lots
25 of opportunities given to you to do things?

1 A. Yes, absolutely. And I highlight in there hill walking,
2 which I think was a particular strength.

3 Q. I think we know that the headmaster at the time,
4 Mr ICH ██████, was a keen hillwalker?

5 A. I think we always called him ICH ██████.

6 Q. ICH ██████. Sorry, yes.

7 A. Yes, he was a keen hillwalker.

8 Q. That may have percolated into the school routine?

9 A. Difficult to say, because I think it had a lot of that
10 going for it. And when I was there, one of the reasons
11 why the hill walking was particularly strong was there
12 was an old boy who had left a donation of sufficient
13 size for the school to purchase this lodge up in the
14 hills.

15 Q. Yes.

16 A. So I don't think that was necessarily just ICH ██████,
17 I think there was an ethos of that, anyway.

18 Q. All right.

19 LADY SMITH: I have read in statements people referring to
20 Blair House in Glen Doll, I think; is that where you are
21 talking about?

22 A. That is indeed, yes.

23 LADY SMITH: Thank you.

24 MR BROWN: Thank you.

25 So, from your perspective, there were positives and

1 you set them out in detail?

2 A. That's right.

3 Q. Looking rather more focusedly on the boarding houses,
4 you talk about a variety of housemasters; would I be
5 right in saying the temperament of the housemaster would
6 be key to the mood of the house?

7 A. It is a bit difficult for me to say yes to that. I am
8 not sort of saying no. But, I mean, obviously I am not
9 quite sure I would make such a positive statement as
10 that.

11 Q. All right. But I think it is fair to say, would you
12 agree, that you set out details of a number of house
13 masters, some with strengths, others, perhaps, less so?

14 A. That's correct. I think my point where I was not quite
15 agreeing with you is: if you took 40 boys and put them
16 in a house together, they generated their own head of
17 steam, so it wouldn't be -- the housemaster on his own
18 couldn't shift it in a particular direction.

19 Q. Okay, thank you. But you make the point, at
20 paragraph 14, on page 4, that as far as you could see:
21 "A problem for the Academy was that the housemasters
22 appeared to have been chosen very strictly only by the
23 length of time they had been a master at the school,
24 with no reference to ability."

25 A. Well, that was my understanding at the time. Certainly,

1 it didn't seem possible to become a housemaster early,
2 because of ability.

3 It is possible, though, that some housemasters --
4 some masters were sort of not made housemasters because
5 of a lack of ability. But I couldn't say that ever
6 happened. It didn't look as if it happened, but I don't
7 know.

8 Q. All right. But, again, in fairness to the school, you
9 go through the housemasters you experienced and it might
10 be said that the majority -- and this is from
11 paragraph 12 on -- the majority you view favourably.
12 You describe your first housemaster at MacKenzie house,
13 Paddy McIlwaine, was old school, fierce but fair. Then
14 there is a housemaster ICG [REDACTED], the system was they
15 would be housemasters for ten years, so there was some
16 movement. I think Paddy McIlwaine moved on to
17 Scott House for a bit, "I'm not absolutely sure."

18 You then make the point that one of the
19 characteristics that was unattractive in some masters --
20 and I doubt things have changed since -- is the ability
21 for people to be either able to hold their temper or
22 not.

23 You make the point that Paddy McIlwaine was strict,
24 but didn't lose his temper. Whereas ICG [REDACTED] could
25 on occasion lose his temper:

1 "But he was still fairish and I wouldn't say there
2 were complaints about him."

3 So you are getting a range of people. There isn't
4 a type that would become a housemaster, it really could
5 be anyone?

6 A. Yes, but I think the Academy could have done better.
7 I think they could have made some younger men
8 housemasters earlier in their career, and thus got some
9 and raised the standard.

10 Q. Yes. That implies that you think the standard wasn't
11 great; was that something you thought at the time?

12 A. Um, well, in terms of the personalities, I think ICG
13 ICG was okay, but I think there were masters who
14 taught me at school that would have been stronger
15 candidates.

16 I won't give all the names, but we had a master who
17 taught us French and he'd had a career, first of all, in
18 doing -- in BP, the oil industry or something, and so
19 had come into teaching aged about 30-odd and he was
20 a very rounded individual and I think he would have been
21 an excellent housemaster. But because he had only
22 started at the school aged 30, he had virtually no
23 chance of ever being a housemaster.

24 Q. So the system in the Academy didn't allow good people
25 ever to progress?

1 A. That's the point.

2 Q. Yes, but could have allowed bad people to progress
3 because of time served?

4 A. Yes. Well, I think so.

5 Q. Yes.

6 A. We will go on to it no doubt. It certainly happened in
7 one case, but I just don't know whether some people were
8 told they couldn't be a housemaster. It didn't look
9 like it, but I can't speak, I don't know.

10 Q. But, for completeness, you are complimentary about the
11 housemaster of MacKenzie house, in paragraph 15.

12 In paragraph 17, you are complementary about other
13 housemasters in Jeffrey House, Jack Bevan and Colin
14 Evans, they were in your impression good appointments?

15 A. Yes. I mean, I unreservedly think that both Jack Bevan
16 and Colin Evans were good housemasters.

17 Q. All right.

18 A. I am just not so sure about Paddy McIlwaine and ICG
19 ICG. I didn't really have much experience of
20 housemasters. I can talk about whether they seemed fair
21 or not.

22 Q. And were they?

23 A. Yes, I think they were fair.

24 Q. All right.

25 A. I think ICG lost his temper a little bit, so

1 maybe he wasn't ideally suited. And Paddy McIlwaine was
2 only my housemaster a relatively short time, when I was
3 pretty young and I didn't know any better, but I think
4 he was okay.

5 Q. But the one housemaster -- and we will come on to in due
6 course -- that you think perhaps was not fair is Hamish
7 Dawson?

8 A. That's correct.

9 Q. Thank you. Each house, I think, would have a tutor; is
10 that right?

11 A. Well, it was a slightly complicated system. So the
12 bigger houses would have a resident tutor. And as
13 I think I have said, I don't know, I guess they got free
14 or cheap board and lodging in exchange for doing some
15 house tutoring.

16 But, in addition to that, on occasion in the bigger
17 houses someone would come in on the odd occasion, not
18 resident, but come in occasionally, maybe weekends or
19 whatever. That was in the three bigger houses. And in
20 the small house, Dundas house, that didn't happen.
21 There was no resident house tutor and any house tutors
22 that came in would just come in for the day.

23 Q. Thank you. What about matrons? What was your
24 experience of matrons?

25 A. Well, leaving aside Dundas house for the moment, that

1 didn't have a matron, the matrons in the other three
2 houses, as I think I have said in my statement, I think
3 they were pretty good.

4 I had different matrons at different ages, so it is
5 a bit difficult to contrast them because I am trying to
6 contrast the experiences of a 9-year old with a 17-year
7 old, and obviously we got treated slightly differently
8 by the matrons.

9 Q. Sure.

10 A. I wouldn't say any of them were a bad appointment.

11 Q. Okay. What about understanding how the houses worked?

12 When you go to MacKenzie in your first year; was it
13 explained you to what the routines would be, or did you
14 just pick it up as you went along?

15 A. I think it is a bit like a pack of dogs, and the younger
16 ones learn from the senior ones.

17 Q. All right. And within the house; what about discipline?

18 Did that vary from house to house and, if so, why?

19 A. Well, I have been reflecting on this since I did the
20 statement and there were two things going on. First of
21 all, I was growing older and so there was -- different
22 discipline appropriate. And it seemed to be that
23 discipline was different for different aged boys, and
24 also I think the whole system of discipline was evolving
25 over that period and I think it evolved pretty quickly

1 over that period.

2 So when I started -- the one particular aspect, when
3 I started senior boys could beat the junior boys.
4 Although that never actually happened to me. But that
5 was not just theory, in practice it happened.

6 Q. And to be clear: is that the house or in the school, or
7 both?

8 A. Well, I don't remember it happening in the house. But
9 I do remember it happening at school. But I would also
10 say that at the school it was a somewhat -- I wouldn't
11 say exceptional, unusual event when it happened, because
12 I think I put in the statement it happened when I was
13 about 12 years old or 13 years old. I remember
14 a 17-year old getting beaten and laughing to his mates
15 about it because they found out he had been drinking
16 under age.

17 Q. So, by the time you were there, and you were there from
18 I think early 1960s to early 1970s, there was
19 a transition. Beating by pupils eventually stopped, but
20 it wasn't very common to begin with?

21 A. Well, it is difficult for me to know what it was like to
22 begin with in the early 1960s because I was in the
23 junior school in a junior house, so what was going on in
24 the senior houses and the senior school I wouldn't know
25 about.

1 By the time I got to a senior house and the senior
2 school, in the senior house in -- I think I can say it
3 never happened. I couldn't be absolutely sure, but
4 I don't think it ever happened in the senior house. In
5 the senior school, it was still happening, which would
6 have been the late 1960s, not to me, but to some boys.

7 And by the time I became an ephor, it was never
8 suggested to us that we had the power to beat anybody.

9 Q. And do you understand why that changed?

10 A. I have no idea why. By way of conjecture, I would think
11 it was a combination of ICH [REDACTED] influence and what was
12 happening in the world at the time.

13 Q. Thank you. Going back to the house, though, and the
14 early period when you were in the junior house, I asked
15 about learning, and you talked about the pack of dogs.
16 At the very beginning, we have heard from some
17 witnesses, both at the Academy and other schools, of
18 initiation ceremonies for the new boys; is that
19 something you experienced?

20 A. Well, I don't think so. It certainly wasn't of a --
21 severe enough to make any -- much of an impact. I don't
22 remember it.

23 Q. Okay.

24 A. Sorry, let me just be clear. I don't remember any
25 initiation ceremony that was routinely applied to every

1 new boy. I don't think it ever happened.

2 Q. Okay.

3 A. I think there was other -- I don't remember anything,
4 initiation. That's not to say it didn't happen, but
5 I don't remember it.

6 Q. Okay, thank you. In terms of thinking of the house
7 still, fagging, we see from paragraph 54, page 13, that
8 there were chores to be done by junior boys; is that
9 correct?

10 A. Yes, there were chores and also some fagging.

11 Q. And how was that --

12 A. So that --

13 Q. Sorry, I interrupted you. Carry on.

14 A. Sorry, I made the distinction between chores, which was
15 something that I still do, such as putting out the bins,
16 and fagging, which I wouldn't -- well, I suppose I still
17 do now, I wash my children's rugby jerseys. But there
18 is a distinction between sort of personal services and
19 services for the communal good, might I put it like
20 that?

21 Q. Yes. And did you take umbrage at personal services?

22 A. Um, a bit, yes. I think mainly because the only time
23 I recall it was in the senior houses, where the junior
24 boys had to wash the senior boys' rugby jerseys, which
25 was such a waste of time, given there was a perfectly

1 good laundry service and so on, and we had to try to do
2 this with bars of soap, and that also died out. So by
3 the time I became entitled, as it were, to have my
4 shirts washed by junior boys, it didn't happen anymore.
5 So that kind of died out as well.

6 Q. All right.

7 A. I remember the washing of the rugby jerseys and there
8 was also this saga on a Sunday morning of going to
9 collect ice cream and the newspapers.

10 Q. Yes, the one thing do you remember from your first year
11 is one episode of bed wetting, but it was handled
12 without any issue, it would appear?

13 A. Well, looking back, I just think it was handled
14 incredibly sensitively.

15 Q. Yes. The problem was resolved without anything being
16 said?

17 A. Yes, and so I don't know what would have happened if it
18 had turned into a recurrent happening, but I was a small
19 boy and the matter just evaporated.

20 Q. Thank you. Turning to discipline, and you have talked
21 about ephors having powers which diminished and then
22 disappeared, in terms of discipline and corporal
23 punishment within the school from teachers; was that
24 routine when you started at the Academy?

25 A. Could I just sort of interrupt the beginning of your

1 question?

2 Q. Yes.

3 A. Because when you talk about the powers of discipline
4 disappeared, the powers to -- for corporal punishment
5 disappeared, but the powers, general powers of
6 discipline didn't disappear.

7 Q. Thank you. It was the powers of corporal punishment, as
8 we have just been discussing, that I was referring to.
9 I think you could still get lines; is that correct?

10 A. Yes, and other tedious things to do, but not corporal
11 punishment.

12 Q. Yes. But thinking of corporal punishment and
13 teachers -- and you talk about this on page 14, and you
14 have alluded to it in the comments about housemasters --
15 was corporal punishment from teachers routine?

16 A. It was certainly routine right when I started at the
17 school, in the year groups I was involved with, and it
18 sort of faded away as you got older.

19 But what I don't recall is whether that was because
20 there was less corporal punishment the whole way along
21 for older boys, and so as you got older it faded away or
22 whether it was fading away because it was fading away
23 throughout the school.

24 Q. Yes. At paragraph 59, on page 14, you talk about the
25 preparatory school and the SNR of the prep

1 school?

2 A. Yes.

3 Q. And you describe her as a fearsome character; were you
4 alone in thinking that?

5 A. No.

6 Q. I think you made the point she had been there long
7 enough to remember your father. So, like many of
8 Academy appointments, she spent a lot of time, a lot of
9 her life at the Academy?

10 A. Yes.

11 Q. She, you recall, used the tawse on your hand, but also
12 the tawse would hit the bottom of your forearm and that
13 was pretty painful; did you experience that?

14 A. Well, she certainly -- I think she only gave me the
15 tawse on one occasion.

16 Q. Right.

17 A. And my recollection was it was pretty painful. I can't
18 be absolutely sure whether the tawse was on the bottom
19 of my forearm or not. I think so, but I wouldn't like
20 to swear on an oath that it was the bottom of my
21 forearm. But I am prepared to say it was pretty
22 painful.

23 Q. You only had it once; was she someone who beat boys in
24 your class?

25 A. Sorry, I was in her class when she beat me.

1 Q. Yes, but the other boys in your class?

2 A. So because she was so fearsome no one really wanted to
3 cross her. So it was a bit unusual to get beaten. So
4 it only happened to me once. And, at a guess, I would
5 have said over the year maybe, you know, half of us, or
6 a third of us or something got beaten. I doubt if
7 anyone got beaten more than once. You know, it was
8 a pretty unusual occurrence.

9 Q. Okay.

10 A. And I would say there was nobody of this -- which we may
11 go on to talk about, none of this hanging around. That
12 was it, there and then, you know?

13 Q. But was it perceived to be -- thinking of the boys in
14 your class and you, when it happened to you; did you
15 think it was an unreasonable use of the belt or not?

16 A. Um, so I think the answer to that would be in two parts.
17 I think it was pretty clear, given what was expected of
18 me, I had transgressed whatever wrong it was and,
19 therefore, under the set of rules I should have been
20 beaten. However, whether it was reasonable for that
21 rule to be in existence, that would get you beaten if
22 you broke it, I suspect not.

23 Q. You talk about the junior house and one female teacher
24 telling you to be silent for a week; was that
25 reasonable?

1 A. This was the matron.

2 Q. Oh, right, thank you. Yes, you are quite right, the
3 matron in MacKenzie.

4 A. It seemed pretty harsh at the time.

5 Q. All right. Did that happen only to you?

6 A. Well, on that occasion, I think it was just me. But
7 there was another occasion -- I can't remember what we
8 had done -- when the whole of our year group had been
9 put on silence for a week. And that was really tough,
10 because it just needed one of you to break it and you
11 got another day added on. So it carried on for quite
12 a long time. Or quite a long time, I don't know, we got
13 about another three days added on or something, because
14 someone couldn't keep their mouth shut.

15 Q. Thank you. Was there any oversight of such penalties?
16 Did the housemaster know that was being done?

17 A. Um, I would suspect he did, in the case of it going on
18 for a whole year group for a week, in that the matron
19 had one day off a week and while on her day off the
20 housemaster's wife took over. And so she would
21 supervise the evening, going to bed, when the matron was
22 away. So I think, I think we had to be on silent that
23 night as well, and so she would have known why and so
24 on, and fed back. So my guess is she knew.

25 Q. You just used the words "fed back"; were you able to

1 give feedback to the housemaster or --

2 A. Sorry, it was fed back by his wife.

3 Q. I know that. But I am picking up on the fact that you

4 used the words, and I am asking whether you, as pupils

5 in the houses, could realistically give feedback about

6 anything?

7 A. Well, something like that would never have occurred to

8 us to. We would have assumed it was all part of the

9 institution. I don't recall any sort of feedback

10 mechanism.

11 Q. No. But I think you talk about that as being a concern

12 of yours, even now --

13 A. Absolutely.

14 Q. -- in schools; you feel that is something fundamental

15 and should happen?

16 A. Yes. And I think -- just to make the point, I think it

17 is wider than just schools. Sorry, just boarding

18 schools. We get feedback about all sorts of things

19 these days and I think -- thinking about it, actually,

20 my own children that went to school, you know,

21 many years later, there was restricted feedback

22 opportunities for them and for us to that school.

23 Q. Okay. You touch briefly on bullying, at page 22 of the

24 statement, and say:

25 "There was a bit of bullying going on. It was a bit

1 Lord of the Flies and you didn't want to be the weakest.
2 You'd gang up on the weakest a bit. I don't think
3 anything was too terrible though with hindsight I'm
4 ashamed of some of the group bullying that went on that
5 I would be a part of."

6 A. That's right.

7 Q. Are you talking about house, school or both?

8 A. Well, probably a bit of both. I mean, there was a bit
9 of picking on people that didn't quite fit in.
10 I wouldn't say it was extreme, but I don't think --
11 I think we could have made it a happier place for
12 everybody if everybody had been a bit more inclusive.

13 Q. Who was picked on, then? What sort of people?

14 A. Well, I think if you showed any sort of weakness you
15 were mocked.

16 Q. Mm-hm. But, as you go on to say, there was also
17 physical bullying.

18 A. I would have said -- I don't think there was much group
19 physical bullying, in the sense of a whole year group
20 ganging up on people, but there would be group mocking.
21 There were odd instances of physical bullying, not by
22 a big group, but a smaller group generally. Two or
23 three people might pick on someone.

24 Q. All right.

25 A. Although I would say I don't think -- I can't recall it

1 particularly happening to me, but I certainly knew of
2 it.

3 Q. But was it something that wasn't happening to you, you
4 were aware of it happening to others; was there any
5 mechanism where that could be reported or was that
6 simply something that would never happen?

7 A. Well, I certainly wasn't aware of any mechanism. And
8 I don't think -- sorry, I am being a bit imprecise here.
9 I certainly wasn't aware of a mechanism, of anything
10 happening, in terms of anybody feeding anything back
11 about bullying.

12 Q. I am thinking of the culture of the school while you
13 were there. Things are changing as you go towards the
14 1970s, as you have said, but was there a culture of
15 keeping quiet?

16 A. Um, possibly. I'm not really sure whether we felt we
17 had to keep quiet.

18 Q. Okay.

19 A. But as I go on to talk about Dawson, I don't think it
20 was -- it is a long time ago now, I don't know why
21 I didn't speak up about things. It must have been
22 a culture, just it wasn't done. But I don't think
23 anybody was enforcing the culture, it was just that was
24 the way it was.

25 Q. Okay.

1 A. It wasn't sort of North Korea, like where you were going
2 to get shot if you said anything.

3 Q. No, but it was the way it was, to use your words. In
4 terms of master oversight, school oversight, was very
5 much, if anything, done to address that?

6 A. Um, I am not aware of anything.

7 Q. I know we are coming on to talk about Dawson, but
8 putting him to one side; if there had been something of
9 concern to you, would you have had an obvious person to
10 go and speak to about it?

11 A. Well, I think by the time I became a senior boy. So,
12 I mean, I remember one specific incident in the -- later
13 on, when I was in Jeffrey House, where I was probably
14 the head of the house, or certainly one of the senior
15 boys, and there was a bit of bullying, group bullying
16 going on against one of the younger boys by the rest of
17 the boys in his dormitory, and I tried to put a stop to
18 it. But -- and if it had carried on, I would have
19 talked to the housemaster about it. I would have felt
20 able to talk to him.

21 Q. And what age were you?

22 A. I would have been 17 or 18 and these were 13-year old
23 boys.

24 Q. Right. So pretty much your last year at school?

25 A. Yes, yes, in my last year at school.

1 Q. Yes.

2 A. Last year at school, in the boarding house, I was in
3 a position of some authority, and I think I'd stopped
4 it. And I think if it hadn't stopped, I think I would
5 have talked to the housemaster about it.

6 Q. Okay, thank you.

7 A. It is interesting, that little bit, that little
8 recollection, which isn't in my statement, about how the
9 amount of authority we had, and we were encouraged to
10 sort out stuff.

11 Q. Well, that's a fair point. Was it expected that you
12 would just sort it out without having to bother the
13 housemaster?

14 A. Well, I think so. I think that was the ethos.

15 Q. Yes.

16 A. Something trivial like that, that's what we were
17 supposed to be doing.

18 Q. So would the housemaster have assumed that would you
19 sort that; it wasn't something for him to worry about?

20 A. I think so, yes. If it was -- which it was, relatively
21 trivial, if it was something serious, I know I didn't
22 discuss it with the housemaster, so I don't know.

23 Q. You don't know. It wasn't discussed either way.

24 A. Which is another interesting point. There was no real
25 discussion about what the authorities ever, at any

1 stages, were. There was no contract or even, you know,
2 job specification.

3 Q. So we are back to a lack of oversight, perhaps. There
4 is no clarity about what you are supposed to do; you are
5 just meant to do it somehow?

6 A. Well, it's lack of oversight and lack of definition.

7 Q. Yes. Let's go back, though, from your last year at
8 school to your experience in Dundas House, and
9 Mr Dawson. You have been at the school for a couple
10 of years before you move into Dundas?

11 A. No, it is four years at MacKenzie, one in Dundas, four
12 in the senior houses. It was my fifth year at the
13 school.

14 Q. Right, thank you. I think you had just turned 13, from
15 the statement.

16 A. I would have to double check. If I said in the
17 statement, it is almost certainly correct. I'll have to
18 check the arithmetic.

19 Q. All right.

20 A. I think I was about -- I think I was probably 12, and
21 I turned 13 during the year, I think.

22 Q. Right, thank you. Prior to moving to Dundas --

23 LADY SMITH: Sorry to interrupt, Mr Brown, I am sure
24 whoever's phones are sounding in the public seats
25 doesn't mean to have them switched on, but could I ask

1 that that doesn't happen, please? It is really
2 unfortunate for the witness, and it is going to
3 interrupt the concentration of people who are trying to
4 focus on the evidence. It is very unhelpful.

5 MR BROWN: Thank you, my Lady, I have noted it stopped, but
6 then it restarted.

7 LADY SMITH: Thank you. 'Richard', I am sorry about that.
8 The wonders of the modern world and the convenience of
9 the mobile phone and the horrors of the modern world are
10 its ability to interrupt. Sorry, Mr Brown.

11 MR BROWN: Thank you, my Lady, back to Dundas House --

12 A. Could I just say that little break has given me the
13 chance to check my arithmetic, and I would have been 12
14 when I went into Dundas House and I turned 13 during the
15 course of the year there.

16 Q. I think presciently what is what you worked out before
17 you worked it out. But thank you for doing so.

18 LADY SMITH: Thank you.

19 MR BROWN: Prior to you moving to Dundas House, you spending
20 the four years as you just told us at MacKenzie, you
21 know you are going to Dundas House, did you know what
22 you were going into, was it discussed?

23 A. No.

24 Q. Thinking of you aged 12 in MacKenzie, moving on to
25 Dundas, what did you think? Did you have any inkling,

1 or was it just "I'm moving house and that's that"?

2 A. Well, I think there was a certain relief, you know, you
3 are moving a step up, because by now I would have been
4 a 12-year old and in that house there would have been
5 some nine year olds. So you are about to be a teenager
6 and you have some children to put up with, so you feel
7 you are getting away from that. There was also one or
8 two little advantages, in Dundas House you could have
9 a bicycle so you could cycle to school, and for some
10 absurd reason while in the junior school everybody wore
11 shorts in the senior school you were allowed to wear
12 long trousers, but not if you were a boarder in
13 MacKenzie House you had to continue wearing shorts, but
14 when you moved in to Dundas House you could wear long
15 trousers so I think generally moving into Dundas House
16 had advantages, looking from the perspective of someone
17 in MacKenzie House.

18 LADY SMITH: So just to help me understand that, 'Richard',
19 does that mean that if you were in MacKenzie House
20 boarding would you move to Henderson Row part of the
21 school, the senior school, having to wear shorts, where
22 non-MacKenzie House boarders and the day boys were
23 wearing long trousers?

24 A. Absolutely. Just to be specific, in the first year in
25 the senior school, you were allowed to wear long

1 trousers, except if you were a boarder.

2 LADY SMITH: Oh.

3 A. But then in Year 2 in the senior school when you would
4 be in Dundas House you could wear long trousers like
5 everybody else.

6 LADY SMITH: Was any reason ever given to you for that?

7 A. No.

8 LADY SMITH: Thank you. Mr Brown.

9 MR BROWN: Thank you, my Lady.

10 And you presumably hated it but didn't question it
11 because you wouldn't do that sort of thing?

12 A. Well I wasn't entirely sure how you could get round it.

13 Q. It's just another example of that's the way it was?

14 A. That's right.

15 Q. Okay. But you had had experience of Dawson before you
16 moved to Dundas because he taught you history in your
17 first year, is that right?

18 A. That's right.

19 Q. When you were wearing shorts?

20 A. That's right.

21 Q. And you make the point that you knew he beat a lot in
22 the classroom, although to quote you "in an ostensibly
23 jovial way".

24 A. That's right.

25 Q. Was it viewed as jovial by the boys?

1 A. Well, I think so. I certainly didn't have any sort of
2 appreciation of the much darker side of his character.

3 Q. Although from what you say at paragraph 73 you were
4 being given the option of taking a risk in answering
5 a question. You get it right, you get a jelly bean, you
6 get it wrong, he beats you?

7 A. That's right.

8 Q. And you give the example of him asking the question "who
9 was chiefly responsible for the production of wool in
10 the middle ages" to which the majority write "monks" he
11 is triumphant because in his mind the answer is sheep so
12 he beats the lot of you?

13 A. That's correct.

14 Q. Literally every one, as you say, one by one?

15 A. Yes, everybody who entered the competition. Which was
16 about, by recollection, was about 20 out of 24.

17 Q. Would you discuss that with your classmates and wonder
18 what on earth was going on?

19 A. We didn't. I don't recall discussing it.

20 Q. And in terms of the beating that he issued, I appreciate
21 you have talked about some teachers beating with disdain
22 because they clearly didn't want to, others beating with
23 gusto, where did Dawson fit in the range?

24 A. Well, it is very difficult for me to recollect, but the
25 reason why I gave the example of Jack Bevan with disdain

1 is because it felt like he kind of tapped my bottom with
2 a gym shoe. If the punishment was meant to be painful
3 it was completely ineffective, but given that I think
4 I knew Jack Bevan reasonably well, I think he didn't
5 want to inflict pain on people he just wanted to signify
6 I had gone too far, this is too far, so that is why
7 I would have a beating, but actually it was a symbolic
8 act. Whereas in Dawson's case it certainly wasn't
9 symbolic.

10 Q. Did it hurt?

11 A. Well, difficult to recall at this time, and as I think
12 I said elsewhere in my statement. We were teenage boys,
13 and kind of a load of things hurt. Playing football in
14 the playground with a tennis ball in your breaks, and if
15 you fell over you hurt, you know. It would have hurt,
16 but it wouldn't have been screaming agony.

17 Q. All right. What was he using to beat the boys in the
18 class?

19 A. Well, I think there was a bit of a variety. But it is
20 difficult to recall. I think probably the clacken, the
21 tawse and the gym shoe.

22 Q. We have heard evidence that he would keep a variety of
23 implements which he was quite open about and it became
24 a thing in his desk, is that your recollection?

25 A. Well, not really. But I wouldn't want to say it's

1 wrong.

2 Q. All right.

3 A. I remember that he had a -- he didn't just use one
4 thing, but I don't remember the full variety.

5 Q. I think, as we will come on to, when he left the school,
6 and there is a glowing praise of him on his departure in
7 the Chronicle, one of the things that is discussed is
8 his implements with the names of torture which the
9 school seemed to treat as a joke, but perhaps some
10 pupils didn't?

11 A. Yes, I could confirm that's what they said.

12 Q. Yes.

13 A. I remember there being a range, but I don't remember the
14 specifics.

15 Q. All right.

16 A. And I can comment more about that statement, or later
17 when you get to it.

18 Q. We will come to it. The point I am making is you have
19 had the experience of his him as a history teacher in
20 form 1 and you then move into Dundas where he is the
21 housemaster and there is a continuity in that there is
22 a lot of beating, fair?

23 A. Fair.

24 Q. So to that extent I take it you expected it because you
25 had seen what he was like in the classroom scenario?

1 A. Well, it is interesting thinking back over it. I don't
2 think I realised quite the extent of what it was going
3 to be like. And I think possibly in the classroom it is
4 much easier to stay out of trouble, put it like that.
5 You wouldn't naturally expect to get into trouble in
6 class, you would keep your nose down, do your work, and
7 you have to do something almost deliberately wrong to
8 get beaten in the classroom.

9 Q. Unless there is a trick question.

10 A. Well, which you have chosen to take part in.

11 Q. All right. But you discover that the House is rather
12 different. Tell us about that.

13 A. Well, the problem with the House, looking back on it,
14 and the unfairness of it is it seemed to me it was
15 almost impossible to stay out of trouble. In my case,
16 anyway. I think possibly if you were very, how do I put
17 it, very quiet, unenergetic, conformist boy you could
18 probably stay out of trouble, but I think if you were
19 a natural 12 or 13-year old, having spent the day in
20 class, you would find it pretty difficult to stay out of
21 Dawson's way.

22 Q. Thinking back to the house, was he present a lot?

23 A. It is difficult for me to recall. Probably. But
24 I think so. But I'm not sure. I think so.

25 Q. More so than other housemasters in other houses, is

1 perhaps the comparator question?

2 A. I think so.

3 Q. But certainly from what you remember you think it was 10

4 and 14 days, but it might have only been 8 and 10, you

5 were being beaten with considerable regularity?

6 A. Yes.

7 Q. And for all --

8 A. Well, that's the only qualification I would put: it was

9 regular, it wasn't for the same thing at the same time.

10 I am not sure that regular is the right word, but often.

11 Q. Often. And for all manner of transgressions?

12 A. Absolutely.

13 Q. And you have given --

14 A. I am slightly disappointed I can't remember them all

15 now, but for a long time I could recite what they were,

16 and there were a bunch of trivial things.

17 Q. That's the point, it was trivial?

18 A. Absolutely.

19 Q. And was the conduct that you remember meted out in

20 similar quantity to other boys?

21 A. Well, I think that sustained period, which went on for

22 sort of a fortnight, wouldn't be happening to everybody

23 all of the time. And I don't know how often, you know,

24 how many others experienced the same treatment. But he

25 did do a lot of beating to a lot of the boys. I would

1 be reasonably confident in saying that.

2 Q. And was it a subject of discussion amongst the boys?

3 A. Um, a bit. The only thing which isn't in my statement,
4 and while I have started I will continue, I think the
5 year or two after we left Dundas House they had
6 a rebellion, they thought it was too unfair so they all,
7 point blank, walked out of the house and went to the
8 changing rooms or something, and wouldn't come back.
9 They just wouldn't take it any more.

10 Q. Was that something that the school was aware of?

11 A. I don't know. By now I was in Jeffrey House so I had
12 only heard of it. I mean it is absolute hearsay, but,
13 you know, at some stage in other groups, I think they
14 had had enough. I think. Among my group, which I can
15 speak to, we just -- I, at the time, thought he was
16 a sadist, he just liked beating boys, I didn't think of
17 it in the sense of him being a paedophile, I just
18 thought he was a sadist, we all thought that, and would
19 try to stay out of his way. I can't remember any more
20 at this range, I'm sorry.

21 Q. Thank you.

22 But he would introduce variety to the punishment
23 because he would give you options?

24 A. That I think was a standard option.

25 Q. Go on.

1 A. Well, the standard option, sorry, when I say standard,
2 it was an option. I don't think I was unusual in being
3 presented with that option. He had that as one of the
4 things he did, when he was beating you in the evening he
5 would offer you this choice, and I can't be absolutely
6 specific how it worked, but it was the choice of
7 implement was either the clacken or the slipper,
8 I think, but it might have been the -- I think it was
9 the clacken or the slipper and the alternative was on
10 your bare bottom or your pyjamas and the consequence of
11 that was one of the options went in the beat book and
12 the other didn't, but I can't be absolutely specific
13 about how the combination worked.

14 Q. But I think you took the view that you were going to
15 insist on it going in the beat book?

16 A. Absolutely.

17 Q. And why was that?

18 A. Well, the way he put it, it seemed to me that he felt
19 that it was in my interests not to go in the beat book
20 and I felt that I thought that this should be recorded.
21 And I think -- this is a long time ago now -- he just
22 seemed a bit too keen on this not going in the beat book
23 so therefore, perversely, or being obstinate, if he
24 wanted me to do something I was going to do the
25 opposite.

1 Q. But I think we see from the end of paragraph 77, if you
2 agreed to the gym shoe on your bare bottom, that wasn't
3 a proper beating so it didn't have to go in the beat
4 book?

5 A. That was the connotation, or that's what he was
6 implying.

7 Q. Yes. You are 12 or 13 at the time?

8 A. Correct.

9 Q. Did it occur to you that there was something potentially
10 troubling about that choice?

11 A. Well, it is really difficult for me to remember at this
12 range but I think I felt that he was beating so many
13 people the school ought to know about it, so they ought
14 to be in the beat book.

15 Q. Looking back on it now, though, do you see something
16 more sinister?

17 A. Well, I think actually it is the same point. He was
18 trying to not have his beatings recorded. Now, the
19 difference is now, the reason why is more sinister, but
20 it was the same basic point; he didn't want the beatings
21 recorded.

22 Q. Or I suppose another interpretation is he didn't want
23 them recorded and it was way of encouraging young boys
24 to take their trousers down?

25 A. Oh, sorry, yes. Yes, sorry, that's the bit at the time

1 I didn't appreciate. Now, absolutely, I think that may
2 well be a factor, have been a factor.

3 Q. You thought he was a sadist then, what do you think now?

4 A. Well, I think he was a sadist and probably a paedophile.

5 Q. Yes.

6 But from your perspective, and you talk about this,
7 and the detail we can read, there comes a stage where
8 you tell your grandmother about an event, and that seems
9 to stop him, because she phoned him?

10 A. Well, it is difficult to know what stopped him, because
11 these are all, this was all happening about the same
12 time, I think, in the spring term of that year when
13 I would have been 13 by now and I can't quite at this
14 range remember the order of events, how closely they
15 were linked, whether me saying it has to go in the beat
16 book, and the episode with my grandmother, how close in
17 time they were. But certainly I can still more or less
18 see the look on his face, he just seemed kind of
19 disappointed and irritated that I had told my
20 grandmother about this.

21 Q. And from that point on?

22 A. And then around -- well, that's the point I am making,
23 I am not sure whether it was that point on, or the beat
24 book, because I said I wanted it to go in the beat book,
25 which point on. But anyway, around that time it

1 stopped.

2 Q. For you.

3 A. For me, yes.

4 Q. And for others?

5 A. Well, it is difficult for me to say because we didn't
6 sort of go around with big chalk marks on our bedheads
7 about how often we had been beaten. I doubt it stopped
8 for the others but I can't, I don't really know.

9 Q. Okay. But this is the point where you do make
10 reference, page 20, to the remarks made in the Chronicle
11 when he left, where you have quoted:

12 "As a housemaster he made the care of boys far from
13 home a tireless vocation. Inmates of Dundas and
14 MacKenzie House during the Dawson years will remember
15 laughter and comfort, energy and invention, the
16 unpredictable and the reassuring, and always the highest
17 standard of behaviour expected and rewarded. They will
18 remember too Sheena Dawson playing her part in making
19 a junior boarding house, as near as possible, home."

20 And the short description is "that's just waffle, it
21 doesn't reflect our experiences of him".

22 Was there much laughter and comfort?

23 A. Well, I think there would have been a bit of laughter,
24 because, I don't like to say this, but he wasn't all
25 bad. You know, I do remember he would take us out on

1 trips and things, and you know, he took us as 13-year
2 olds to see Madam Butterfly, and he said, he asked us
3 how we thought about it and we said it was quite good,
4 and he said "good, that's a useful thing to introduce
5 you to opera at this age", that sort of thing. So he
6 was doing stuff, but the bits that, the reason why that
7 statement I say is just waffle, it looks to me as though
8 it was written, the person writing the Chronicle based
9 it on no factual inquiry whatsoever.

10 Q. No. It is a positive spin?

11 A. Well, I am not, it is -- almost made it up. I don't
12 think he talked to anybody.

13 Q. Well, if he had talked to anyone, the author of that
14 piece, presumably what he would have written would have
15 been very different, going on your experience?

16 A. Yes. And the bit about Sheena Dawson, that just seems
17 to me absurd from my experience.

18 Q. Why so?

19 A. Because I didn't see her play any part in the junior
20 boarding house.

21 Q. Was it only him you saw?

22 A. Well, that's not quite true. We did see her
23 occasionally. But certainly I didn't see her playing
24 any part in making the boarding house, as near as
25 possible, home. That's just garbage.

1 Q. And was that in contra distinction to the experience of
2 other housemasters' wives in other houses?

3 A. Well, there is a little bit of a time point here,
4 I think, because certainly I remember a very positive
5 view of Colin Evans' wife, who made a real effort,
6 particularly with the senior boys, to make them feel,
7 you know, that this wasn't a penal institution. We
8 would see the other housemasters' wives, but I don't
9 ever recall ever seeing much of Mrs Dawson.

10 Q. Okay.

11 A. So I think a comment about Mrs Dawson, we saw less of
12 her than we saw of the other housemasters' wives would
13 be my point, I think.

14 Q. Okay, thank you. The final point about the school you
15 make is about one of the house tutors, and as boys you
16 tried your best to wind him up.

17 A. Yes.

18 Q. And eventually did so successfully.

19 A. Yes.

20 Q. He flipped?

21 A. That's an example of group bullying, in hindsight.

22 Q. It is, but it reveals, and you make the point, he was
23 not given, you think, any training or coping strategies
24 to deal with that sort of thing. Are we back to your
25 concern about how people were appointed?

1 A. Well, it is not quite as much how they were appointed,
2 but what was, how they were monitored and how they were
3 trained and so on. And I don't know whether it still
4 happens, but at that time I think you could become
5 a house -- sorry, you could become a teacher in
6 a public, or private, school, a non-state school,
7 without having to do any teacher training course.

8 Q. But having wound this tutor up, he, as you set out, got
9 very cross with one of your friends and beat him, to the
10 point of making your friend's bottom go black and blue,
11 and you complained to your father and you understand
12 your father then wrote to ICH [REDACTED], the headmaster?

13 A. Yes, the point about, just to be clear, this was
14 a completely separate from the plug incident.

15 Q. Yes.

16 A. So when I say wound him up, this wasn't to do with the
17 winding up, this was a separate incident.

18 Q. Okay, thank you.

19 A. Yes, so my father, I can't quite remember why my father
20 asked me about it, because I didn't complain to him, he
21 was talking to me, and sort of more or less wheedled it
22 out to me unwillingly for my part. Because I wouldn't
23 lie to my father about that sort of thing, but
24 I wouldn't volunteer it.

25 Q. No.

1 A. Somehow he asked me the question in a way that I felt
2 I had to tell him about it and he then wrote to ICH ,
3 and ICH said --
4 Q. Sorry, carry on.
5 A. ICH , as I understand it, although I never saw the
6 letter myself, ICH wrote back to my father to say the
7 matter had been dealt with.
8 Q. Did you see any change in the teacher involved, or the
9 tutor?
10 A. Well, it is possible, indeed I think this happened in
11 the summer between MacKenzie House and Dundas House. So
12 I wasn't going back to MacKenzie House, so I wouldn't
13 know.
14 Q. All right. So you don't actually know if anything was
15 done?
16 A. I don't know what was done, if anything was done, and
17 what, if anything, what if any difference it made.
18 Q. Okay.
19 You then in the statement go on to the impact, and
20 in speaking to you you wanted this point made clear,
21 reading paragraph 94:
22 "I think it is important to make an initial point
23 that my abuse is far less to that which some other
24 victims have suffered."
25 A. Yes, and I feel quite strongly about that, because

1 I have read some of the other witness statements and
2 what they have suffered is just appalling. So on the
3 spectrum of abuse mine is far less than theirs.

4 Q. But you go on to talk about your disappointment that you
5 didn't say anything at the time.

6 A. Yes.

7 Q. Tell us about that.

8 A. Well, I mean Dawson then went on for another -- well,
9 I discovered -- originally, I thought housemasters were
10 only appointed for ten years, but looking back through
11 the time and all of the rest of it, it looks as if
12 Dawson did about 14 years. So if some of us in the
13 early days had kicked up and made a fuss about it, then
14 maybe we could have stopped him.

15 If enough boys had told their parents, if enough
16 parents had written to the rector, then it would have
17 made a difference, and that would have helped other
18 boys, and I feel bad about that.

19 Q. But, from what you say, the culture looking back to then
20 was that was the way it was and you didn't complain.

21 A. Yes, but I, you know, did tell my father about the other
22 teacher, and the beating my friend suffered, and I did
23 talk to my grandmother. So it would have been possible.

24 I am not saying it would have been easy, but it
25 would have been possible.

1 And that's one of the reasons why I have come
2 forward. I think people need to be encouraged to speak
3 out about these things. And we are seeing it in all
4 sorts of different environments, that loads of things
5 are coming to light and there is still, no doubt, more
6 things still out there that should be brought to light.

7 Q. Okay. Do you think the school knew about what -- how
8 Dawson was behaving?

9 A. Would you mind if I just said one more bit about this?

10 Q. Of course, please.

11 A. The reason is that it is not -- you know, although it is
12 on the low end of the abuse spectrum, if I can put it
13 like that, but it has still taken me -- it has got to me
14 quite a bit coming out about all of this, and how it
15 must be for other victims who suffered the more serious
16 abuse, how it must be for them to actually talk openly
17 about, it must be dreadful. So the more anybody who has
18 suffered some abuse and feels able to, the more that may
19 help other people. So I think that's the point I want
20 to make.

21 Q. Thank you. Do you think the school knew about Dawson?

22 A. Well, there is the other statement that we didn't refer
23 to that was made when Dawson left by the rector at the
24 time, something about how, you will probably find
25 quicker than I can, about the statement, about how life

1 wasn't always easy for him.

2 Q. Yes, it is paragraph 85, on page 20.

3 A. And looking at that, you just think: what does that
4 mean? The rector must have known something, to put
5 those words in. So he must have known something about
6 Dawson that was not entirely straightforward.

7 And the other thing, I would think somebody must
8 know about is when he moved on to MacKenzie House, which
9 I think wasn't all that long after. I think he was only
10 at Dundas House for about four years. When he moved to
11 MacKenzie House, in that environment, there would have
12 been a matron who was full time resident in the house
13 and there would have been house tutors who were resident
14 in that house.

15 Now, I dare say if you were a young 22-year old
16 teacher in your first appointment you might have found
17 it a bit difficult to speak out about someone who has
18 been there 25 years or whatever. But some of those
19 masters, I would think, must have known something about
20 it. But whether it was passed up the chain of command,
21 who knows?

22 Although, as I have said, that statement of the
23 rector suggests he knew something.

24 Q. Yes, thank you.

25 LADY SMITH: 'Richard', could I just check one thing with

1 you, please? You make what you say an important point
2 about your abuse being far less to that which some other
3 victims have suffered, and you are saying that on the
4 basis of having read some of the other witness
5 statements, and that what they have suffered is just
6 appalling. Am I to take it from that that you have read
7 other statements that are on our website?

8 A. Yes.

9 LADY SMITH: So does that mean you have read statements in
10 relation to other schools in the boarding school case
11 study?

12 A. Yes.

13 LADY SMITH: Thank you. It is just to see where you are
14 coming from, and I appreciate what you are saying there,
15 and the comparisons you are trying to draw. But can
16 I just say this: it doesn't mean that what you suffered
17 is any less important to my learning; do you understand
18 that?

19 A. Thank you. Yes, thank you.

20 LADY SMITH: Thank you. Mr Brown.

21 MR BROWN: Thank you, my Lady. On the final page, you talk
22 about the lessons to be learned; is there anything
23 particular you would wish to say about that?

24 A. Um, I just think it is important that there is a culture
25 that is open enough that people can feel able to say

1 what's happening.

2 And I think as part of that, I don't think it is
3 good enough just to have a system that relies on, as it
4 were, whistleblowing. I think there has to be genuine
5 opportunity -- sorry, genuine enquiry, not in the way
6 of -- I know it sounds trite, we all get questionnaires
7 all the time, but people have to be asked, not just to
8 rely on them saying.

9 Q. Are you thinking about appointment of teachers or more
10 widely?

11 A. I am not talking about appointment of teachers. I am
12 talking about monitoring what's going on in a school.

13 Q. Thank you. Is there anything else you would wish to
14 tell Lady Smith?

15 A. Well, I think the other thing is I am disappointed that
16 the Academy hasn't done more, in that they have known
17 for months about Dawson and there has certainly been no
18 attempt to contact me. It must be pretty clear that
19 I was one of the cohorts that was in a boarding house
20 when Dawson was wandering around. You know, I am in the
21 alumni database and all this stuff. So I don't think
22 they have done anything to try to encourage victims to
23 come forward specifically.

24 And they have done -- and then following on from
25 that, if they did identify people, they have done

1 nothing to try to see what can be done about it.

2 I mean, I understand why it has happened. The
3 weakness of the whole process is that -- I have a lot of
4 time for the Inquiry team, and I am not being critical
5 about them. But, at one stage, one of the Inquiry team
6 asked me if I had thought about counselling. And
7 I said: how do I go about that? And they said, well,
8 perhaps I should contact my GP, which is not an easy
9 process given the constraints on the GP service. You
10 know, it is not really providing counselling support.

11 And I appreciate the Inquiry is trying to get to the
12 bottom of what's happened. It is not trying to sort out
13 with the victims, but there is nobody, really, coming
14 forward to help victims in that way. That's something
15 the Academy should be, you know, trying to look at.

16 MR BROWN: Thank you very much indeed.

17 A. Thank you.

18 LADY SMITH: Thank you. 'Richard', can I add my thanks for
19 everything you have done to assist us with your evidence
20 and improve my learning and understanding. It has been
21 really good to hear from you this afternoon.

22 On your last point about services, such as
23 counselling, can I just say our terms of reference, so
24 the powers I have in this public Inquiry, don't enable
25 me to set up those services, but I hope you find a way

1 of accessing what you feel you need to access.

2 Our team may have mentioned an organisation called
3 Future Pathways to you? I know that they have helped
4 some people. There may be others. I'm sorry you have
5 been having difficulty with that.

6 But thank you again for engaging with us as you have
7 done, and for bearing with us over the link, which
8 I know has gone a bit fuzzy at times. But we have
9 always been able to hear you clearly, so that is really
10 good. I am able to now let you go and hopefully have
11 a rest for the rest of today. Thank you.

12 A. Thank you very much.

13 (The witness disconnected)

14 LADY SMITH: Mr Brown.

15 MR BROWN: My Lady, the position is we have made good
16 progress, witness-wise, having started early. There is
17 scope for a brief read-in.

18 LADY SMITH: Yes.

19 MR BROWN: If your Ladyship would like that?

20 Just to explain, your Ladyship touched on the
21 read-ins this morning. I am trying to stagger the
22 read-ins so they fit with the evidence of live
23 witnesses, and there are certain matters where I prefer
24 to start with a live witness and then follow up, so we
25 are not hearing some things for the first time via

1 a read-in.

2 LADY SMITH: Yes, I am really grateful to you for working
3 that out, Mr Brown. We did it for the previous schools,
4 and it did make sense. It helped people to follow the
5 evidence. We have done it in other case studies, too.

6 If I took a ten minute break just now, which I am
7 sure the busy team on my right doing the stenography
8 will be grateful for, to say nothing of the rest of you
9 here. Then maybe we can progress to --

10 MR BROWN: It is a fairly brief read-in, but it's the only
11 one that fits at the moment. It starts the process.

12 LADY SMITH: That will be useful. Let's do that.

13 (3.20 pm)

14 (A short break)

15 (3.35 pm)

16 LADY SMITH: Ms Bennie, when you are ready.

17 MS BENNIE: Thank you, my Lady. My Lady, the first
18 statement bears the reference WIT-1-000000405 and it is
19 a statement of 'Gerald'.

20 "My name is 'Gerald', my year of birth is 1953 ..."

21 "Life before boarding school and Edinburgh Academy.

22 "My father was a surgeon and his first consultant
23 post was in Glasgow, so my family moved from England to
24 Glasgow and I was born shortly after we arrived in
25 Glasgow. My mother worked ... as a drugs worker. ...

1 I have three brothers who are all older than me ..."

2 "My childhood was very lonely, but my family was
3 a happy one. My experience was that I spent much of my
4 time sitting on the floor of my bedroom playing with my
5 Dinky toys. ... My siblings bullied me.

6 "We move to Edinburgh when I was an infant and lived
7 in Stockbridge. I went to Edinburgh Academy as a day
8 pupil from primary school age until I was 13 years old.

9 "I have wondered recently why the decision was taken
10 that I would board at school. I think a lot of it had
11 to do with my siblings. One of my [brothers] was at
12 Edinburgh Academy which was the most sadistic and
13 violent institution imaginable. He loved it there
14 because it suited his personality, but it didn't suit my
15 personality and I was scared every day going there.
16 I just hated it. My Mum and Dad realised that the
17 Academy wasn't going to work for me.

18 "Edinburgh Academy had a culture of institutional
19 abuse amongst both its teachers and its prefects.
20 Violence by teacher towards pupils was commonplace and
21 children would be beaten in front of a class full of
22 pupils. The tawse and the cane were both used by
23 teachers on pupils, and one teacher had managed to
24 weaponise the sleeve of his gown. He had sewn in a very
25 small metal tin which acted as a weight and allowed him

1 to use his sleeve as a cosh.

2 "Prefects, who were known an ephors, were also
3 violent towards younger pupils and would use a stick
4 called a clacken which was like a big wooden spoon with
5 a flat end, to beat children. It was very painful to be
6 hit by one of these ... my brother who went to the
7 Academy ... was a prefect. ... and he was happy to wield
8 the stick."

9 I now move to paragraph 11:

10 "I think my mum and dad felt that I needed to be
11 toughened up and I was very happy to be leaving the
12 Academy so any school which allowed me to do that would
13 have been fine with me. I don't know how Gordonstoun
14 came in to the frame. I think that my parents saw
15 Gordonstoun as somewhere where I would become a bit
16 tougher. ... when I was given the opportunity to go to
17 Gordonstoun I thought it was great and I was quite happy
18 about [that].

19 "I went to Gordonstoun at the start of the academic
20 year in September 1966, when I was 13 years old."

21 My Lady, I now move to paragraph 19:

22 "I was desperately homesick from an early point so
23 my memory is somewhat skewed but I think the ethos of
24 the school was that you stood on your own [two] feet.
25 The way my homesick was managed would suggest to me that

1 they simply couldn't cope with a child that couldn't
2 cope."

3 I now move to paragraph 49:

4 "My parents knew that I had problems with
5 homesickness, and they must have known that going to
6 Gordonstoun was going to be fairly challenging for me,
7 as I would have to leave home and go quite a distance
8 away. In those days, it was a two day drive to get
9 there.

10 "Very quickly, the Spartan side of life at
11 Gordonstoun had an impact on me. There were various
12 sized dormitories in Hopeman House but none of them were
13 particularly big. I ended up in a room one with one
14 other boy, so it was fairly small room, however, there
15 was no curtain on the window. I couldn't understand how
16 you could have a window that didn't have a curtain to
17 draw. It just felt so cold. I had a fairly sleepless
18 night thinking that my bedroom at home had a curtain.

19 "My homesickness manifested itself in that way and
20 I think there was also a learned behaviour of some sort.
21 I had a previous episode of homesickness when I had gone
22 on holiday with a friend to a youth hostel and on that
23 occasion my dad came and picked me up, so my learned
24 response to homesickness was that it needed to be made
25 better and that my mum and dad needed to stop it. The

1 sounds of powerlessness overwhelmed me at Gordonstoun.

2 "I phoned my mother in a panic of misery and unknown
3 to me she had phoned the housemaster of Hopeman House.
4 Before the evening meal the housemaster would make
5 an announcement and read out a list of names. These
6 were boys who I very quickly realised were making
7 problems of one sort of [sic] another, and they had to
8 go and see him after the meal. This meant that they had
9 the whole meal to wonder what was going on. My name
10 came on one of these roll calls and that was a bad way
11 to deal with it. I assumed that these boys were in
12 trouble due to my previous experience at Edinburgh
13 Academy.

14 "In the Academy on a Friday afternoon a prefect,
15 called an ephor, would summon various boys to come to
16 the room when the school finished on a Friday afternoon
17 and the boys who were summoned would then be assaulted
18 with wooden bats. One of the ephors went round on
19 a Friday lunchtime and the whole school would go quiet.
20 No one would be out in the playground messing around and
21 everyone stayed in their classrooms with their heads
22 down. The ephor came in with a list of names and if
23 your name was read out then you had to wait for the rest
24 of the afternoon knowing that by the end of that
25 afternoon you would have your head stuck under a wooden

1 table and several much older boys would run at you and
2 assault you with a big stick.

3 "That was terrifying so for me, against that
4 background, having my name read out at Gordonstoun and
5 then having to wait was very anxiety provoking. When
6 I heard my name read out I thought that I had done
7 something wrong. I vaguely remember going to see the
8 housemaster, but I don't remember much about his study
9 or the conversation. I remember him saying that he had
10 had a call from my mother and that she was worried about
11 me. He suggested that I go for a picnic on Sunday and
12 everything would be fine.

13 "The housemaster tried his best, but he didn't have
14 a clue. I don't remember the names of the housemaster
15 or his wife. I remember that he drove an estate car.
16 I was put in the back of their car with some other
17 pupils and we went away to have this picnic. I wasn't
18 used to going to picnics and I wasn't enjoying anything
19 there by that point. After the phone call to my Mum
20 I was moved into a bigger dormitory with half a dozen
21 boys. There was a bit more company, but that probably
22 made it worse.

23 "I think there was a bit of time after the picnic
24 when they were hoping that I would get over it and then
25 the headmaster summoned me to his grand study for me to

1 explain why I was unhappy there. I don't remember the
2 name of the headmaster but he was a fairly big chap.
3 When I went to see the headmaster I think my Mum and Dad
4 were considering removing me from the school.

5 "I don't know how often I was phoning home, but
6 I must have been keeping in touch with my parents and
7 they must have been aware that I was unhappy.
8 I remember the headmaster saying that he didn't know why
9 I thought I would be any happier sitting at home in the
10 kitchen with my mother than I would be at Gordonstoun.
11 My homesickness was seen as a problem that would be
12 sorted out by hanging on a bit longer, but there were no
13 strategies in place to help me to manage it and I wasn't
14 reassured that homesickness was a normal reaction.

15 "Nothing was communicated to me to suggest that the
16 teaching staff had any awareness of my homesickness.
17 I don't have any memory of the matron ever coming to
18 talk to me about my homesickness. I had a sense of the
19 housemaster's wife being present, but I don't remember
20 being emotionally supported by anyone at all.

21 "I think my homesickness affected my education
22 whilst I was there. I couldn't concentrate on my
23 learning when my head was so full of such unhappiness."

24 My Lady, I move to paragraph 63:

25 "As far as I knew, there was a period of time where

1 things were kept under review. The picnic didn't work
2 and the chat with the headmaster would have been seen as
3 the last resort. They were just seeing if I settled
4 down and then, after a few weeks, I left. I'm not sure
5 exactly how many weeks I was there but it wasn't a long
6 time. I wasn't involved in any discussions about
7 leaving. I must have been ready to go because when my
8 parents came it was a quick process of putting my trunk
9 in the car and off we went. I didn't have any sense of
10 surprise that they were there, but I don't remember
11 being told that I was leaving. I assume I must have
12 been told. For me, it had been a mistake that I had
13 gone to Gordonstoun, everyone acknowledged that and now
14 I should leave.

15 "When I left I would have been relieved in a way,
16 but there was also huge uncertainty about where I was
17 going to go next. I wasn't going to go back to the
18 Academy, that was for sure. I was very aware that my
19 brother's behaviour had a big effect on my parents. My
20 dad had to take the best part of a week off of work to
21 come and get me. That would have been a really big
22 thing for him ... my dad was very caring and I was very
23 close to him. When they came take to pick me up he put
24 his arms around me and took me for a walk to get away
25 from the school. He told me I hadn't done anything

1 wrong. It hadn't occurred to me that I might have done
2 something wrong until my dad told me that I hadn't.
3 I was aware that I had caused problems.

4 "Life after Gordonstoun.

5 "There were discussions when I went home about where
6 I was going to go. I remember being back at home and
7 hearing my mum on the phone to a friend saying quite
8 loudly that the sooner I was back behind a desk the
9 better. I am not sure I was meant to overhear that but
10 I certainly did.

11 "A school in Edinburgh, which may have been called
12 Rudolf Steiner was suggested. It was not mainstream and
13 my parents thought they could hope with the likes of me
14 and also toughen me up. I remember thinking that, from
15 what I had heard about the school, it was an odd place
16 and I didn't want to go to an odd place. I am not sure
17 how Merchiston came into the frame, but it was put to me
18 as a boarding school with a handful of day boys and
19 I would have the benefits of boarding school life with
20 the benefits of coming home every night. I thought that
21 was okay for me and it was a good compromise.

22 "I wasn't at home for long between schools and my
23 parents got me into Merchiston quite quickly, so I was
24 still 13 years old when I went there. I had very little
25 preparation. There was a sense that this was a crisis

1 that needed to be dealt with and Merchiston was a good
2 school for me so I had to get on with it and go.
3 I think I had been to Merchiston to watch my brother
4 play rugby, so I knew where it was and roughly what it
5 looked like. I don't think I had to sit an exam."

6 My Lady, I now move on to paragraph 153:

7 "Leaving Merchiston ...

8 "I was happy at Merchiston and everybody I knew was
9 happy there ... the main memories that I have are good.
10 ... I left the school at the end of my final year in
11 1971."

12 My Lady, I now move to paragraph 160:

13 "Impact.

14 "The abusive side of things was terrible and I wish
15 I could go back and protect me and protect others but
16 I just hope that things have moved on. When I say that
17 I am referring to both Gordonstoun and Merchiston ...
18 but also I think about my experiences at Edinburgh
19 Academy."

20 My Lady, I now move to paragraph 167, "Lessons to be
21 learned":

22 "I hope lessons have been learned and there is much
23 more integration between home and school ... I have no
24 objection to my witness statement being published as
25 part of the evidence to the Inquiry. I believe the

1 facts stated in this witness statement are true."

2 My Lady, this statement is signed by 'Gerald' and it
3 is dated 1 September 2020.

4 LADY SMITH: Thank you very much, Ms Bennie.

5 So Mr Brown.

6 MR BROWN: My Lady, that concludes today's evidence.

7 Tomorrow we will have two live witnesses, and one by
8 video link in the afternoon. I suspect there may be
9 scope, potentially, for another read-in.

10 LADY SMITH: Very well. I will be starting at 10 o'clock
11 tomorrow, not 9.15, I can assure those who have other
12 things do first thing. I look forward to seeing anyone
13 who is coming back then, but I will rise now until
14 tomorrow morning. Thank you.

15 (3.47 pm)

16 (The hearing adjourned until 10 am the following
17 day)

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25

I N D E X

1
2 Introduction1
3 Submissions by MR MCLEAN5
4 Submissions by MS O'NEILL17
5 Submissions by MR MCCLURE19
6 Submissions by MS PENDER22
7 Submissions by MS SHAND24
8 Submissions by MR WATSON25
9 Submissions by MR MACNEILL29
10 'Sam' (affirmed)34
11 Questions by MR BROWN36
12 'Colum' (sworn)84
13 Questions by MR BROWN85
14 'Richard' (affirmed)138
15 Questions by MR BROWN140
16 'Gerald' (read)193
17
18
19
20
21
22
23
24
25

