

Tuesday, 22 August 2023

1

2 (10.00 am)

3 LADY SMITH: Good morning. Welcome to the second day this
4 week in which we're looking into evidence regarding
5 children at the Edinburgh Academy School.

6 Mr Brown, I think our first in-person witness is
7 ready, is that right?

8 MR BROWN: He is. The first in-person witness is
9 Nicky Campbell.

10 LADY SMITH: Thank you.

11 Nicky Campbell (affirmed)

12 LADY SMITH: Nicky, that red folder that is on your
13 left-hand side has your statement in it. Feel free to
14 use it if you find that helpful or indeed any other
15 notes that I see you have with you.

16 If at some time there is something you've prepared
17 that you want to say I would be delighted to hear it.
18 I don't know, maybe at the end of your evidence might be
19 the best time, but you let me know what would work for
20 you.

21 A. Thank you.

22 LADY SMITH: Nicky, can I also say at the outset we all know
23 that you live a lot of your life making public
24 broadcasts and it could easily be assumed that you find
25 this easy. I don't think that for one moment. This is

1 quite different to anything else you've agreed to do
2 before and I do understand that it could be very
3 stressful and indeed distressing, as we take you through
4 the evidence that we're asking you to help us with
5 today.

6 So just as with any other witness, if you want
7 a break or a breather you must let me know and you must
8 let me know if there is anything else I can do or
9 Mr Brown can do to help you give the best evidence that
10 you can, and make it as comfortable for you as possible.
11 So please speak up. Don't hold back.

12 A. Thank you, your Ladyship.

13 LADY SMITH: If you have any questions at the moment
14 I'm happy to deal with them. Is there anything you want
15 to ask just now?

16 A. I don't think so, but you're absolutely right,
17 I'm terrified.

18 LADY SMITH: Yes, I appreciate that. It's not easy, and
19 maybe harder because people know about you speaking in
20 public, but from my perspective you are an applicant to
21 this Inquiry and you are coming to talk about when you
22 were a child and be that child telling me what you
23 remember from your time at school. So please don't
24 forget that.

25 A. I apologise if at any stage I get emotional.

1 LADY SMITH: There is no need to apologise. You mustn't
2 hold back if that's what is happening to you.

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

5 A. Mr Brown, my learned friend.

6 Questions from Mr Brown

7 MR BROWN: Thank you, my Lady.

8 Nicky, good morning.

9 A. Good morning.

10 Q. Could we just turn briefly to the red folder.

11 A. Sure.

12 Q. This is your statement. It's a document with
13 a reference number WIT-1-000001264. It runs to 36 pages
14 and I think at the end the last page we see you have
15 signed it in June and ended the statement, as all
16 Inquiry statements close:

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

21 That is correct?

22 A. That is correct.

23 Q. Thank you very much indeed.

24 You are now 62?

25 A. Unfortunately.

1 Q. And you were brought up in Edinburgh?

2 A. Mm hmm.

3 Q. And went to the Edinburgh Academy, as I would understand

4 it, between 1966 and 1978, is that right?

5 A. That's right.

6 Q. From five to 17?

7 A. Yeah.

8 Q. Yeah. And you were a day boy?

9 A. Yeah.

10 Q. In terms of background, and as you will understand there

11 is a lot of material in the statement which gives us

12 background, which we don't need to rehearse, we can

13 read, but you were adopted and I think that is one of

14 the connectors with this Inquiry, because you were

15 writing about that in 2003 and I think you were awarded

16 an OBE because of your involvement with adoption, is

17 that correct?

18 A. Yes. I'm very proud to say for adoption and fostering,

19 I've always taken a great interest in young children's

20 lives and I was very proud to have been honoured in that

21 way, whatever honours mean, but it was just a fantastic

22 day for my mum to go with her to Buckingham Palace and

23 it was a matter of great pride for her and it was one of

24 the happiest days, because she was so proud and my

25 daughters were there as well and, you know, as I say,

1 whatever honours mean, I think that her selfie with the
2 Beefeaters is one of the greatest pictures in our house.

3 Q. Okay. But the award was for services to children and
4 adoption?

5 A. Services to children.

6 Q. Okay. Thank you.

7 You were brought up on the south side of Edinburgh
8 and the Academy was chosen for you; do you know why?

9 A. I think my parents very much wanted the best for me.
10 I think the private school system was something that
11 they were culturally wedded to. And I think they
12 just -- and they really pushed the boat out because like
13 a lot of people that I've been associated with and I've
14 met over the last incredible 13/14 months, many of us,
15 our parents didn't have a lot of money and it was a big
16 thing. There was always an undercurrent. I was so
17 fortunate to have been adopted into a very loving
18 family, not everyone is so lucky, but I had a wonderful
19 home, but I think in those circumstances there was
20 always a murmur, a kindly murmur, that they were doing
21 a lot and they were really working hard and they really
22 couldn't afford it, but I had to -- I had to try and
23 work hard and I had to try and do well and so it was
24 a constant, not in a nagging, pointing way, but just
25 in -- a general awareness that I was very lucky.

1 Q. That was something, whether it was said or unsaid, that
2 followed you through your schooling, it was a constant?

3 A. Yeah. At one stage, when I was in the preparatory
4 school, dad's circumstance changed and I sat a test for
5 Stewart's Melville, or Daniel Stewart's as it might have
6 been in those days, and it was a very disruptive time.
7 I remember a very worrying time, because I was going to
8 be taken away from my friends but then things were okay,
9 but I have that memory.

10 Q. Yes. I think you say in the statement you don't know,
11 but you have a suspicion that perhaps one of your
12 teachers wanted your continuity of education to
13 continue?

14 A. Yes. A teacher called Ms Peterkin, who was a very nice
15 teacher, took a great deal of care to phone my parents
16 and see if I was all right.

17 Q. Yes.

18 We've obviously been hearing a lot about other
19 people's experiences over the last two weeks. And we've
20 heard in evidence and we can read in statements and
21 we're interested to hear obviously your particular
22 experiences, but you have a state of knowledge, as we'll
23 come to at the end, because of the last 13/14 months and
24 we'll talk about that discretely, if we may?

25 A. Now?

1 Q. No. At the end.

2 A. Okay.

3 Q. We'll come to that, but let's go through your schooling
4 first.

5 A. Okay.

6 Q. Because, as we know, there are three parts to
7 Edinburgh Academy and they are in a sense, from what
8 we've heard quite distinct, would you agree, Denham
9 Green, the prep school and the senior school?

10 A. Yes.

11 Q. They're physically separate?

12 A. Yes.

13 Q. And distinct, is that a fair --

14 A. Denham Green was a very happy time. I met my best
15 friend for life at Denham Green on the first day. He's
16 no longer with us. He became a boarder. He died when
17 he was 49. I would love to have a conversation with him
18 now. But it was a happy time. Mainly female teachers.
19 I don't remember any male teachers at Denham Green.
20 I might be wrong. But it was a good, caring, loving
21 environment, as I remember.

22 Q. Then there comes a stage where you move up to the prep
23 school in Arboretum Road?

24 A. Mm hmm.

25 Q. We have seen the building. Presumably when you were

1 there it was quite a modern building, as in constructed
2 in the last ten years?

3 A. That's right.

4 Q. We have seen the pictures, glass fronted, rows of
5 classrooms, but was it already too small when you
6 started there, in the sense there were prefabs being
7 used?

8 A. Well, there was a prefab, wasn't there, that
9 Iain Wares's classroom was a prefab, but I don't have
10 any memory of the prefabs because lots of people I have
11 been talking to, the notorious prefab classroom where
12 Iain Wares taught, but I can't picture it. I can't
13 remember it. I can walk -- mentally I can walk around
14 the school itself, I can go in there and I can walk up
15 to John Brownlee's classroom and remember the exact
16 point where he attacked me with his knuckles. I can --
17 you know, I can walk round the school and go up the
18 stairs that way and through -- past the stage and all
19 that, but I have no recollection of the prefab at all.

20 Q. Okay.

21 Again, and we'll come to the particular memories in
22 a moment, but just thinking of the school generally,
23 Denham Green, as you recall it, all female teachers, was
24 Arboretum Road a change in that sense?

25 A. Henderson Row? Oh Arboretum Road, a change from --

1 Q. Teachers, all female -- we understand there would be
2 some female, but is it correct to say as you got older
3 the teachers became increasingly, if not altogether,
4 men?

5 A. Yeah. It was -- there was very much, looking back,
6 there was far more, as my young adult daughters would
7 say, toxic masculinity.

8 Q. When you started at Arboretum Road, was that apparent or
9 did you just think it was continuity?

10 A. I'm thinking back at it. There was a different
11 atmosphere.

12 Q. Right, did you pick that up at the time when you joined?

13 A. Well, I think it just was osmosis, because there was
14 some very violent teachers and very, you know -- there
15 was Wares as well.

16 Q. Yes, indeed.

17 Would I be right in saying, just reflecting on other
18 evidence we have heard, that initially in the prep
19 school there were female teachers, but as you progressed
20 through the years, it was men towards the end?

21 A. Yeah, I would say that's probably right. The female
22 teachers probably filtered out a bit as we went on.

23 Q. Yes, this is what I'm getting to, were the initial years
24 with female teachers okay?

25 A. I mean, some were, as we -- as you would say, firm but

1 fair. I remember getting the ruler on my hand, but
2 nothing to what we experienced elsewhere.

3 Q. No.

4 I think you mention a Mrs Baxter who used the ruler?

5 A. Yes.

6 Q. But at the time you wouldn't have said that there was
7 anything untowards about that. That was the way it was
8 and it wasn't discipline that was perceived to be
9 abusive?

10 A. No one has been to the police about Mrs Baxter.

11 Q. No, quite.

12 A. As far as I know.

13 Q. I think you say the ruler was uncomfortable but it
14 wasn't a big deal; is that the point?

15 A. No, it was par for the course.

16 Q. But then you start and can you remember which year you
17 first experienced what you have just described as toxic
18 male masculinity?

19 A. No. I was in Mr Brownlee's class, I think, because
20 I saw him every day. I don't know, it might have been
21 my second year there. I don't know.

22 Q. It's not a memory test. I think in the statement you
23 say between eight or ten?

24 A. Yeah, possibly so.

25 Q. He was your form teacher?

1 A. I didn't sleep very well last night, so my brain's a bit
2 slow.

3 Q. Don't worry, we'll go as fast as you need.

4 A. A terrible night's sleep.

5 Q. Mr Brownlee I think was your form teacher?

6 A. I think he was, because I saw him a lot.

7 Q. Again, and we all experience thinking back to schooling
8 there were good teachers, there were bad teachers, and
9 you mention in a number of places good teachers who had
10 a very positive impact on your career for example?

11 A. Mm hmm. One.

12 Q. One. Who is that?

13 A. Who had a positive impact on my career.

14 Q. Yes, that was?

15 A. That was a teacher called Mr **IDX** in the upper
16 school, because I wrote an essay and he took me to one
17 side and he said: have you ever thought about being
18 a journalist? And I've never forgotten that. But it
19 didn't happen very often, stuff like that.

20 Q. Mr **IDX** perhaps got you in ways others didn't.
21 Okay.

22 The reason I'm asking is we all have pictures of
23 teachers from our own experiences and in a school
24 context there are teachers you become aware of and
25 perhaps to be wary of. Was that the case with

1 Mr Brownlee before you went into his class; did you have
2 any sense of him?

3 A. No. I think it was the experience of the class.
4 Iain Wares was very different.

5 Q. We'll come to him.

6 Tell us about Mr Brownlee.

7 A. I've just made some notes on Mr Brownlee. But he had
8 a swagger. He had a smirk. He would say -- I mean, the
9 beatings were relentless. It was like a golf shot.

10 Q. What was he using?

11 A. A clacken.

12 Q. We have seen a clacken.

13 A. Mm hmm. He would say at the beginning of the lesson,
14 and it was for no reason or no reason that you would
15 discern, he would say at the beginning of the lesson,
16 "You, and you and you, I don't like your behaviour
17 [I'm paraphrasing], I want to see you at the end of the
18 lesson out here".

19 LADY SMITH: That was before the lesson was really underway?

20 A. It could be, yeah. I do recall that, yeah. Or very
21 quickly into the lesson, but I do remember,
22 your Ladyship, that there could have been -- there was
23 a long time waiting for it to happen and so that was not
24 as bad as beating itself, but it was agony in its own
25 way, you know. It was terrifying.

1 MR BROWN: It's prolonging the agony?

2 A. Yeah, it was a torture.

3 Q. You spend the entire lesson waiting for the end,
4 dreading it?

5 A. Yes, and you couldn't concentrate on anything that was
6 going on in the lesson. I -- allow me to do this.
7 I received an email from one of the -- when this all
8 started from my point of view, I received an email from
9 one of the teachers at the prep school who was generally
10 seen as a good guy and he wrote a very nice email
11 saying: this is terrible what you boys went through.
12 And he's -- it's the closest that anyone has come from
13 staff who are still around of coming close to saying
14 that this was not right.

15 He said of John Brownlee:

16 "You mentioned John Brownlee. I was never happy
17 around him. He seemed to revel in the power of being
18 a deputy head. Between him and me there was a wall of
19 awareness. He was state school Fife, I was state school
20 plus three degrees Lanarkshire. Maybe he felt a bit
21 threatened. I don't know. He was known grimly to get
22 out the clacken. I was totally familiar with the
23 Lochgelly tawse but after arriving at the Academy
24 I never physically punished anyone, barbaric. I can
25 only just remember some things from that time. Brownlee

1 was an unpleasant jealous person and an arse licker."

2 He also goes on to talk about Iain Wares, which
3 I'll come to later.

4 Q. Okay, but going back to your recollection, this
5 selection before the class starts or early into it, was
6 it entirely arbitrary or was there some --

7 A. That is my feeling, it was arbitrary or the slightest of
8 pretexts.

9 Q. Did you understand at that stage there were rules,
10 presumably you got: don't misbehave or bad things may
11 happen, but this doesn't sound like discipline in the
12 ordinary sense?

13 A. No. We came to -- we were groomed into thinking this is
14 what happens, shit happens, as they say.

15 Q. Presumably you remember a good teacher, the one you have
16 just quoted from?

17 A. In the upper school.

18 Q. This was -- no, no, from what you just read out?

19 A. Oh, yeah, yeah.

20 Q. The point is presumably, or am I wrong, Brownlee would
21 really stand out because his conduct was so different
22 from others?

23 A. There was a teacher called **IDO** who used to take
24 pleasure in just kicking people up the coccyx and up the
25 backside as well.

1 Q. I don't think you were ever taught by --

2 A. I was never taught by IDO, but he was known --

3 Q. That's the point, you were aware of his reputation?

4 A. As I was aware of Iain Wares'. Their reputations -- so

5 when -- at break time when they're walking around, one

6 of them would walk round, they would take it on a rota

7 or something to supervise at break time, it would be

8 very much of, "Oh, God, it's him".

9 Q. So there were three who have reputations and you are

10 experiencing -- we'll comes to Wares in a minute --

11 Brownlee first hand?

12 A. Mm hmm.

13 Q. How often, thinking back, would this happen, every day?

14 A. With Brownlee?

15 Q. Yes.

16 A. I don't know. It may be it happened four times to me in

17 my time there. The punishment beating?

18 Q. Yes.

19 A. The actual physical attack, the knuckle attack, was

20 a one off, a gratuitous one off for no reason.

21 Q. Tell us about that.

22 A. I remember being outside his classroom and I remember

23 him -- it was like when he walked he almost like he slid

24 along, he was like on wheels. He was very fond of

25 himself. Not a man who would wake up in the middle of

1 the night wracked with self-doubt. And it was the first
2 time I had smelt aftershave. He used to wear
3 aftershave. And the interesting thing about him as
4 well, other people don't have this recollection, but
5 I have a recollection of him being quite funny in that
6 he would impersonate the other teachers, with some
7 cruelty.

8 There was an old teacher called Mr IBL who was
9 a bit of a loner, an old sort of dedicated Mr Chips type
10 of character teacher with bicycle clips who meant well
11 and he used to come in and do this impression of
12 Mr IBL in the class, like that and we all used to
13 laugh and laugh and laugh and laugh and sometimes he
14 would talk about football. So when you were beaten you
15 kind of thought: maybe I deserved this. It's kind of
16 like an abusive domestic relationship in that -- and
17 it's the same with others who did this, I was never
18 taught by Iain Wares, but I believe he could be nice,
19 whatever that means, charming.

20 Q. Okay.

21 A. Warm. So I think you thought well, you know, they're
22 being nice and now they're being nasty, there must be
23 a reason why they are being nasty, maybe it's my fault.
24 Maybe that's the reason why they're being nasty. So we
25 approached and I've got a feeling that there's two

1 people behind me. I can remember the light coming
2 through and I remember him taking me -- knock, knock,
3 knock, knock, knock, and I remember thinking what the
4 hell is going on and falling to the ground and him just
5 walking off.

6 Q. Just to be clear, you have just been rapping on the desk
7 with your fist closed, that's what he was doing to the
8 back of --

9 A. Knuckles, the sharp end of the knuckles.

10 Q. On your head?

11 A. Yeah.

12 LADY SMITH: Nicky, can I just check, you said you remember
13 him taking your... and then you knocked on the desk,
14 what part of you did he take hold of?

15 A. I think he held me down.

16 LADY SMITH: On the back of your neck?

17 A. Yes, just held me down so I couldn't move.

18 LADY SMITH: And pushed your head down?

19 A. Yeah. So I couldn't move it and then just banged it.

20 MR BROWN: Where was this taking place?

21 A. Just outside his classroom.

22 Q. In the corridor?

23 A. Mm hmm. I've got a sense that there were -- cubbyholes
24 or whatever, where people put their gym kits, I have got
25 a sense of that, I've got a sense of light, because it

1 was a very light classroom.

2 LADY SMITH: Do you remember, Nicky, what the classroom

3 looked out onto?

4 A. Yeah, it looked out onto the front. So in that picture

5 I could point out just about where the classroom was.

6 LADY SMITH: Was that where children went at break times?

7 A. Yeah. And also down to the field. There was a field

8 beyond. And you think -- you know, I remember the

9 surroundings, but it's the feeling and it's the moment

10 and it's the brutality that never leaves you.

11 MR BROWN: And this was happening to other boys, you would

12 watch?

13 A. Yeah, to be honest -- I watched obviously when they were

14 being beaten, but I don't -- I can't honestly say

15 I remember seeing anyone else being attacked like that.

16 I've got a sense that there might have been one other

17 person there behind me, but I don't have a sense of

18 anyone else in that space at the time and of course he

19 was unleashed in the boarding houses where, as we know,

20 it was happening on a regular basis.

21 Q. In terms of your experience of the beatings, we have

22 seen the clacken, I think we can all imagine a clacken

23 being used on an eight-, nine- or ten-year old?

24 A. For no reason is the key phrase.

25 Q. Yes. Can you comment on the degree of force used,

1 remembering the age of the children involved?

2 A. It was like teeing off at the Open.

3 Q. Right. So there was no restraint, remembering the youth
4 of the children in the class?

5 A. I had a moment of triumph. He couldn't find the clacken
6 and he was looking around and he couldn't find it
7 anywhere and so he got hold of a tennis -- table tennis
8 bat and I was the first in line, I remember bending over
9 thinking: just a minute and he whacked me with the table
10 tennis bat. If you think about it, as hard as you whack
11 somebody with a table tennis bat, it's not sore, and so
12 I was in line and I'm looking at the class and
13 I remember -- it's like a really sweet memory of
14 childhood, a moment of absolute defiant triumph, so he
15 hit me with this thing and it wasn't sore and there's
16 people lining up behind me to get theirs as well and the
17 class is looking at me obviously thinking thank God it's
18 not me and I remember going to the class, winking to the
19 class, sort of going ... making a funny face because
20 I said, "It's not sore".

21 Q. You remember that sweet victory?

22 A. Oh, you know, it's as much part of my mental furniture
23 as the bad stuff, because you sort -- that sort of
24 counteracts it, doesn't it?

25 Q. Okay. But thinking of the bad stuff and you talk about

1 this in the statement, you would be bruised?

2 A. I don't think we were bruised. I think we were just
3 red, stinging and red, because it's a flat surface, so
4 it wouldn't bruise you.

5 Q. Okay.

6 A. I don't think. I remember it stinging for, you know,
7 a day or two and the last thing we are going to go home
8 is, "Oh, I was beaten today".

9 Q. That is what I was coming to. Thinking about --
10 forgetting home for a moment, did you talk to each other
11 about it?

12 A. I'm sure we did. I have no recollection now.

13 Q. But then you would go home, but you wouldn't say --

14 A. "How was your day today?"

15 "Fine."

16 Q. Why was that?

17 A. Because they might think you were being bad and deserved
18 it. They might think you got into trouble and you did
19 something really bad. Because we couldn't process it.
20 We couldn't understand it. We thought -- as I say, you
21 are groomed into thinking this stuff happens, this is
22 what teachers do. These are strict teachers, they hurt
23 us, not so much to punish us as to control us. I think
24 that was the process, so the last thing I'm going to
25 do -- because I don't want to upset my parents and this

1 is really applicable for the Hamish Dawson situation as
2 well.

3 LADY SMITH: Nicky, at this stage, nine, ten years old,
4 a child such as you, quite new to life and quite new to
5 engaging with adults that aren't within the family
6 circle. I've heard other people tell me: well, you just
7 think life's like that because you don't have anything
8 else to compare it with.

9 A. You think school's like that, because that's what
10 teachers do at school and so when you've got your
11 friends saying, "DO [REDACTED] kicked me as hard as he
12 could", I remember that being common knowledge, up the
13 backside and you just thought: oh, it's another one.
14 That's what they do, these young, swaggering men, with
15 looking after -- obviously they were youngish men,
16 because obviously you do the maths in your head. So if
17 I was that old, how old was he, how old would he be now?
18 Loads of us have done that calibration and calculation
19 over the years.

20 MR BROWN: Staying with the junior school, but as you have
21 said not someone who taught you, let's touch on
22 Iain Wares and we'll come back to him in terms of more
23 recent events.

24 I think, as you say, your experience of Iain Wares
25 was watching him with another boy and --

1 A. This has haunted me for ... since it happened. It all
2 haunts you, but it's strange that -- you know, I've had
3 my penis touched by a teacher, but ... and I've tried to
4 rationalise this. It's just like the other stuff and it
5 didn't happen to me and I think that it was three feet
6 away and I think that if that image which is indelibly
7 on my mind, it's like the vilest -- having worked in the
8 sector, the phrase "child pornography" is an obscene
9 phrase, because pornography is a legitimate activity.
10 It's "abusive images of children", I actually scream at
11 the Daily Mail every time I read it, but it's abusive
12 images of children.

13 I've got that abusive image in my mind. God knows
14 what it must have been like for people on a daily basis,
15 but it's like if I sent that to someone on a WhatsApp,
16 that image, I'd be arrested.

17 Next question.

18 Q. Sure. You said already that Wares was a known quantity
19 though, he had a nickname?

20 A. "Weirdo".

21 Q. Weirdo. You never were taught by him, but you did have
22 experience of him with sport, is that correct?

23 A. No.

24 Q. No?

25 A. But he came into the -- I remember -- he wasn't teaching

1 us, but I remember he came into the changing room and
2 this was this -- I'm thinking about this a lot. It was
3 almost like a throwback to 1920s/1930s, because it was
4 all slightly dilapidated and maybe some of the attitudes
5 were throwbacks to the 1920s or 1930s as well. It was
6 sort of Tom Brown's School Days, it was all sort of dark
7 wood, going round with hooks and there was an island in
8 the middle going round with hooks as well, there were
9 chipped terracotta tiles in the shower, the smell of
10 carbolic soap, which to this day is pretty, as the kids
11 say, triggering.

12 Sometimes -- I -- maybe there were two classes in,
13 maybe there was like the people he was teaching and
14 there was us as well, so obviously it was a big changing
15 room, so he would have been teaching people, but he used
16 to stand by the entrance to the shower towel flicking
17 people as well.

18 LADY SMITH: Nicky, was this the changing room in a building
19 that I've had described as a pavilion at the sports
20 fields on Kinnear Road?

21 A. Yes, I think there was a pavilion beside it. There were
22 two changing rooms.

23 LADY SMITH: So not a changing room in the prep school
24 building?

25 A. No, it was across the road, your Ladyship. So -- and

1 you come along past the boarding houses and go down and
2 there was a field and then there was the changing rooms
3 there.

4 LADY SMITH: Thank you.

5 MR BROWN: Wares on this occasion did more than towel
6 flicking?

7 A. Well, yes. Do you want me to describe what he did?

8 Q. Yes.

9 A. Right. So I got ... my friend's there and I remember
10 him leaning over the back of my friend and I guess
11 masturbating him, so my friend is about --

12 Q. How old?

13 A. Nine or ten, I think. And I remember my friend laughing
14 and giggling, it's a game, it's a game, it's a game, but
15 obviously I just -- you know that sort of uncomfortable,
16 "Stop it, stop it, stop it, no". That sort of thing.
17 And I remember Wares smiling, like, it's a game, it's
18 a game. And I remember my friend, careful not to say
19 his name, I remember my friend sort of moving away and
20 Wares following him, just -- you know walking across
21 playing with his penis, where that screen is from me.

22 Q. So about four feet away?

23 A. Yeah.

24 Q. How long did this last, your friend is trying to move
25 away, did he manage to get away?

1 A. It was a matter of -- I don't know, you know,
2 15 seconds, something like that.

3 Q. Right. That's the image that is still in your memory?

4 A. Yes. And it's like -- they were both -- there's a funny
5 kind of mini me thing going on, because they both --
6 both Wares and my friend had sharpish features and blond
7 hair, and so it's a strange memory, but I just remember
8 it was almost like a kind of mirror going on, a little
9 one and a big one and that awareness -- I'm sorry,
10 Mr Brown, but that awareness of what he did and was
11 going on was very much manifested by -- we knew about
12 his extreme violence as well. And I remember him once
13 walking around the field opposite the prep school there
14 was a running track and I remember him walking around
15 there and -- because we weren't taught by him and people
16 saying: oh, God, you know he's dangerous, Weirdo,
17 Weirdo. Violence was a big thing for him too. And this
18 teacher said -- allow me to do this because it adds to
19 the picture if I may:

20 "I remember ..."

21 This is the email from the teacher who emailed me
22 when all this happened, a teacher who was like -- we
23 held in great affection:

24 "I remember the arrival ..."

25 This is when he was referred to as 'Edgar',

1 Lady Smith, initially:

2 "I remember the arrival of the South African. His
3 name sadly not. Probably this comes from the fact that
4 I never felt that I needed to be round him. There was
5 something which I cannot explain. Just not my sort of
6 person. It looks like this may be the 'Edgar'
7 character."

8 And it was kind of that. It was kind of -- there
9 was a lurking, looming sense of danger about him.
10 Whether that was informed by -- I think it was informed
11 by my friends telling me about it.

12 Q. That's the point. He had the reputation which was
13 shared amongst you?

14 A. Of danger.

15 Q. Yes.

16 A. And also it manifested -- I'm interrupting you, it's
17 like I'm on the radio again. It was informed by a game
18 which I was reminded of and came dashing back into my
19 head when we -- I remember playing it on one occasion,
20 my friend said that we played it on a few occasions,
21 when we were hanging about by a bus stop or hanging in
22 groups, it was like we would play tag but we would touch
23 each other's genitals instead, touching each other's
24 genitals and it was kind of the Iain Wares's game.

25 Q. Okay.

1 When you moved up to the senior school was there
2 a sense of relief that you were getting away from this
3 toxic male environment?

4 A. I think we had become -- I'm back guessing to an extent,
5 but I think we had possibly had become inured to it,
6 it's just that that is what happens. There are people
7 like this at the school who teach. Violent people and
8 violent people who want to touch us and would I have
9 gone home and told my parents, not in a million years,
10 I would have got into trouble and if I get into trouble
11 I get hit. So you're in a double bind. And also you
12 know it's wrong but it can't be that wrong because he
13 does it and if he's doing it all the time how can it be
14 that wrong? So all that psychology is working on you.

15 So when I went to the upper school it was a case of
16 this is an exciting thing. It's a new thing and in the
17 first year of course we were still wearing shorts.
18 I just want to -- there is one other thing here as well
19 and this just occurred to me and it just -- this might
20 be more applicable later, but let me do it now in case
21 I forget, but this applies -- a certain sort of
22 antediluvian if you might say, certainly old
23 anachronistic attitudes to these sort of things, about
24 what was acceptable, what you did, how you dealt with it
25 when you were a little boy.

1 When I was writing the book about my adoption,
2 Blue-eyed Son, to which you referred, Lady Smith, my
3 birth sister, birth half sister, because it was about my
4 adoption search, she came to me and traced me and our
5 birth mother had from Dublin taken us both over to
6 Edinburgh to be adopted by middle class families in
7 Edinburgh, and I was and she was, I was sent to the
8 Academy and she was sent to St George's and we kind of
9 had lots of mutual friends and when we met we were: oh,
10 my God. I remember you and [REDACTED] and [REDACTED] used to --
11 you were the three guys who used to watch football, the
12 1978 World Cup every day and you were the friend of --
13 it was like incredible stuff like that.

14 So when we did our research for the book and Esther
15 came with me, we hired a car and I drove into the
16 grounds of the prep school and I went kind of [intake of
17 breath] here we go, have a look at this. There is the
18 classroom. Da, da, da, da. And it was a November
19 night, a Saturday November night and on the way out
20 there was a house there on the left as you were coming
21 out and this voice said:

22 "Can I help you?"

23 And I said:

24 "Yes, I used to ..."

25 "I recognise you. You're on the television. Come

1 in and have a cup of tea."

2 And I've established by looking at ... googling
3 pictures and stuff like that, that this was the rector
4 of the time, John Light.

5 This was shortly after [REDACTED]

6 [REDACTED] --

7 Q. In 2001?

8 A. -- with Iain Wares, and I think my book came out in
9 2003, so I was researching and so we had a cup of tea
10 and of course abuse is very much on my mind, because
11 I was in the scene of the crime. So I said:

12 "What about that [REDACTED] [REDACTED]?"

13 He went:

14 "Ah, uff, I don't know about you, but in my day if
15 somebody touched you there you said, 'Don't touch that,
16 it's mine, go away'."

17 Q. Yes.

18 A. And that was a 21st century reaction to a situation
19 where a 30-year-old man is masturbating a nine-year-old.

20 Q. Going back to the senior school and what was the norm,
21 from your statement it appears that played into the
22 hands of Hamish Dawson when you --

23 A. That's an interesting turn of phrase.

24 Q. When you were taught by him. You have talked about the
25 reputation Wares had. Did Hamish Dawson have

1 a reputation before you met him?

2 A. No. As a character, I suppose, sort of -- nobody -- no,
3 nobody said -- there wasn't any sort of
4 intergenerational/interyear communication that
5 I remember. I can't remember. If I can't remember,
6 I can't say.

7 Q. No. But what you can tell us and you say it very
8 clearly in the statement is he's clownish, it's jokey,
9 we've heard it described as theatrical, involving the
10 class in humour.

11 A. What a lot of fun.

12 Q. Is that all correct?

13 A. Yeah. What we were doing, is we were wearing shorts in
14 the first year. We were called Geits. That is the
15 first year. And so I suppose we were quite daunted by
16 everything and there was this man who was a decent
17 history teacher and it was all quite stern and grown-up
18 and the atmosphere was. Oh, you're in the big school
19 now. Here we go. This is it. You know, we've taken
20 a different turn on the path of life here.

21 And so it's quite tense, the lessons are quite
22 tense, you know. We think we've got to really start
23 doing this properly. Also, I'd just been promoted,
24 I think it was that year or the next. No, I think it
25 was that year, the first year. I had just been promoted

1 from the B stream to the A stream and I had shown
2 a certain amount of promise.

3 No, it was the next year because I remember going to
4 the notice board and we found out. That was into the
5 second year.

6 So we thought -- so when this was this comic
7 interlude in the class you thought, oh, we can all relax
8 and there's a bit of funny, a bit of jokiness and it
9 was:

10 "Come here, you. Come here."

11 And everyone is laughing. What's going to happen
12 now? What's going to happen now? What's going to
13 happen now? And then he used to have this phrase:
14 I shall use your surname to protect:

15 "Oh, acres and acres of pink, tickly Smith, how
16 lovely."

17 Q. What would he be doing when he said that?

18 A. He would get you over his knee and he's tickling.

19 Of course you're laughing and the desk was on a plinth
20 and he had a big desk and I'm not sure if people could
21 see exactly what was going on behind the desk, but he
22 was -- he would tickle you and you're laughing and then
23 he would take -- and it happened to me on I would say
24 three occasions. The fourth occasion was the killer
25 occasion.

1 On the first three occasions, he would -- and it was
2 always on my inner thigh. I know some people had it on
3 their back, but he'd draw pictures with felt tip pen on
4 my inner thigh and of course that involved getting
5 a certain amount of purchase with his fingers. So you
6 could -- everyone is laughing and it's the laugh. He's
7 drawing a smiley face on the inner thigh.

8 And then the comic interlude is over and then you go
9 home and when I went home I remember running in and
10 washing it off, because I didn't want my parents to
11 know. Because it would have been awkward. In a strange
12 way, I was protecting him because he was funny and he
13 was providing us with fun in the class, you know, when
14 we're trying to learn about all the other stuff, you
15 know. And I probably thought: oh, my parents think
16 I maybe did something wrong. I wouldn't want them to
17 know. Because I was aware it would cause a big hoo-ha
18 and also he -- you kind of thought that you were part of
19 it.

20 So you went up. You were tickled. Everyone's
21 laughing so you were in on it. And if you're in on it
22 is it your fault? Is it partly your fault?

23 LADY SMITH: Nicky, this was your first experience of

24 Dawson, I think, am I right?

25 A. Yes, that first year.

1 LADY SMITH: Because as a day boy you hadn't come across him
2 otherwise?

3 A. No, I hadn't come across him.

4 Then on the fourth occasion, he was doing the same
5 thing and his fingers went into -- under my underwear
6 and he started playing with my penis. And I went ...
7 (Pause)

8 And I went home and I remember being confused, not
9 telling anyone, because again it was -- it could have
10 been my fault. And not saying anything at home and
11 I don't know if it's the same thing but my sister says
12 she remembers me coming home and we used to play and we
13 used to play fight and she said I remember there was one
14 point you come home and you had changed forever and you
15 just didn't like anyone touching you after that.

16 That could be the situation, she said, when you were
17 in the first year. And he would give you a jelly bean
18 or a jelly baby, one of the two, or a fun-sized Mars
19 bar.

20 Q. What sort of things --

21 A. Do you know what a fun-sized Mars bar is?

22 Q. I do indeed. You were talking about being gestured
23 forward by him. What sort of reason would there be for
24 him calling you forward?

25 A. Saying something cheeky, doing something. Nothing --

1 I don't know, just laughing or -- you know, it didn't
2 come -- I don't know. It was just -- you had attracted
3 his attention.

4 Q. It wasn't to the point of -- it wasn't the arbitrary
5 experience of --

6 A. No, it would have been, "You've been cheeky, hang on
7 a minute". Come -- yeah.

8 Q. And was there any, and I'm just coming to it, we have
9 heard about the various instruments that were on open
10 view in his desk?

11 A. The instruments of torture?

12 Q. Or correction, I think, is the other description we have
13 heard.

14 A. Yes, that is my inference.

15 The instruments of correction. Yes, I've no
16 recollection of being hit by him. I kind of remember
17 these instruments sort of hanging on the wall and stuff
18 like that. As you say, it was a very performative --

19 Q. They were props?

20 A. The whole thing was performative, yes. And because it
21 was performative and it was funny and it was a comical
22 interlude in our lives in first year, because he
23 wouldn't have done it to us in second year, firstly
24 because we had trousers and, secondly, because we were
25 all wising up. You wise up as you get to 13/14 years

1 old on that stuff.

2 Q. The instruments were on public view. There seems to be
3 a general recognition he was known as different, quirky,
4 eccentric, whatever you want to call it, but you recall
5 on one occasion a teacher coming in when this was going
6 on?

7 A. I do.

8 Q. Was this when you were being --

9 A. No.

10 Q. It was someone else?

11 A. Yeah.

12 Q. Was over his lap or on the desk?

13 A. Yeah.

14 So someone's over his lap, being tickled. Do
15 I mention the teacher who came in?

16 Q. I think it's -- you have been fairly clear in your
17 statement, so I mean I think we know who it was?

18 LADY SMITH: We have it. You remember him as being a [REDACTED]
19 teacher?

20 A. Yeah. He was a [REDACTED] teacher. He was garrulous. He
21 was very -- he was very rugby, rugby club,
22 Raeburn Place. I think he was a very good rugby player,
23 so he would have been one for a pint of Guinness and
24 a bit of banter.

25 So it was almost like a 1970s situation comedy or

1 a West End farce. He's -- somebody is over
2 Hamish Dawson's legs being tickled and all this stuff is
3 going on, and the class is laughing, and BXX ,
4 Mr BXX , must have forgotten something or
5 absentmindedly not knocked or knocked and -- maybe he
6 knocked -- I'm speculating -- maybe he knocked but
7 because there was so much laughter going on in the class
8 the knock wasn't heard, something like that. Anyway, he
9 came in and he literally did a woah, and then out again.

10 And I -- then he went back to the masters' lodge,
11 you know, not a mention when he got there. Would you
12 have mentioned something?

13 Q. I think from what you're saying though what he's seeing
14 is tickling and a class laughing.

15 A. And he's seeing somebody over his knees.

16 Would you have said something?

17 Q. I'm not here to answer the questions, Nicky.

18 A. I won't ask you, your Ladyship.

19 LADY SMITH: Well, Nicky, you know the way this works, we
20 get to ask the questions. You're the witness. You
21 answer.

22 A. I know. Let me put a rhetorical one out to everyone
23 sitting in this room, if anyone in this room would not
24 have said something, speak now or forever hold your
25 tongue.

1 LADY SMITH: I have one witness speaking at the moment,
2 Nicky, you.
3 We have to keep things in some sort of organised
4 pattern.
5 A. My --
6 LADY SMITH: I get your point.
7 A. My apologies.
8 LADY SMITH: I think you're telling me that you think if it
9 had been you as an adult seeing that you would have gone
10 and talked about it?
11 A. I would at least have said: bloody hell, I went in there
12 and Dawson had him over his knee and that was going on.
13 Was it currency? Was it known about? Was it accepted?
14 Was it -- I don't know, but if you're that incurious
15 you're in the wrong job if you're a teacher.
16 Q. Perhaps we can ask some teachers about that very thing.
17 A. Right. I know that there was banter in the masters'
18 lodge, because I was discussing this -- they went in and
19 they bantered and I was discussing this with a friend
20 recently. His mother was a teacher, maybe a little bit
21 after that, a very good teacher and after girls came to
22 the Academy --
23 LADY SMITH: Are you talking about the stage at which they
24 just had girls in sixth year?
25 A. Yeah, yeah. When girls came to the Academy, she was

1 appalled by the banter from certain teachers in the
2 masters' lodge about bra straps and breasts and
3 buttocks. So it wasn't a place of Trappist monastic,
4 whatever it is, silence, obviously there was -- there
5 was rumour and there was banter, as we would call it, so
6 I -- yeah, I can't believe that nothing was said.

7 Q. Banter as would happen in any workplace, perhaps?

8 A. Barrister banter, absolutely.

9 Q. The statement talks about a number of other teachers,
10 but the one that I think I would like to focus on next
11 is IDT.

12 A. Yeah.

13 Q. Because in your book you allude to three teachers, but
14 I think you missed the fourth out. Just to understand,
15 why was that?

16 A. I don't know. I think my mother was heroic at the time
17 in how she dealt with it. It's a very good question,
18 because I alluded to Dawson, I alluded to Wares,
19 I alluded to Brownlee. Maybe I thought, you know,
20 enough's enough. I also downplayed it, because I didn't
21 want it to be too upsetting for mum and so I just kind
22 of snuck it in. But it was one of the worst days of my
23 life.

24 Q. Tell us why.

25 A. So basically I'm looking at a notice board, because it's

1 O-Level time or O-Grade time or something like that and
2 everything is higgledy-piggledy and no one knows what
3 class to go to and he -- I'm going to read a witness who
4 wants to go on the record. Who works for [REDACTED] and is
5 a writer of distinction.

6 Q. Sorry, who works for?

7 A. [REDACTED] Magazine. A published writer of distinction.
8 Very highly thought of who has felt so strongly about
9 this incident that he wants to go on the record and he's
10 prepared to sign an affidavit about it.

11 I just feel kind of validated if --

12 Q. Tell us what you remember first perhaps.

13 A. I'll tell you what I remember in a minute, I will read
14 this first.

15 Q. I was asking you about what you remember --

16 A. I remember being punched and kicked like a ragdoll from
17 nowhere. This figure running towards me, grabbing me,
18 dragging me, punching me brutally and kicking me and
19 pulling my hair and it was a flurry of violence and it
20 was -- and I'm crying and I'm screaming and I'm -- you
21 know, sobbing and he just carries on and carries on and
22 carries on.

23 Q. What age were you?

24 A. I don't know 14 or 15. IDT [REDACTED] was a thug. He was
25 an absolute thug and he was known for it. He was the

1 chalk duster guy. These people -- he just lost it and
2 he -- he nearly took a friend's eye out. I've had
3 a knife thrown at me in a hostile situation in the
4 course of my work and -- you can feel that -- and that's
5 what my friend felt. He could have taken his eye out.
6 He just completely lost it.

7 Q. Were you ever taught by him?

8 A. No. I remember being in a class once, maybe after that
9 happened, and I had one of those stomach bugs that you
10 get and you need to go to the toilet all the time and he
11 wouldn't let me go to the toilet and I shat myself. So
12 I think he had it -- he kind of had it in for me after
13 that.

14 And then he kind of calmed down and this is the
15 thing. He was a thug but he was like [REDACTED]
16 [REDACTED] and some of the people -- thinking back,
17 some of the people who are the most -- and I have
18 obviously -- I'm not decrying people of faith, I have
19 friends who have deep faith, but some of the people who
20 were the most vicious people, he had a Bible in one hand
21 and a chalk duster in the other and it was -- maybe it's
22 that whole motion of muscular Christianity, 19th/20th
23 century stuff or whatever, but I'm thinking you're
24 a Christian, did you not get the memo? You don't get
25 it, do you?

1 You know, what would Jesus have done? Beat the shit
2 out of me?

3 Q. You were saying he suddenly stopped?

4 A. He stopped because he realised -- I think he realised
5 what had happened and so we went into a room, a sixth
6 form common room, me and him and another guy who was
7 with me, close to me, and it was an empty yard, just my
8 friend and him and we went in and the power balance
9 shifted. And I could see he was -- I could see he was
10 panicking and I remember saying to him, "I could call
11 the police on you".

12 I suddenly felt emboldened and I could -- because
13 I could see him shrinking, I could smell his panic and
14 my friend was weeping as well, another friend there, who
15 I contacted, who lives in Australia and I emailed and he
16 emailed me back and he said:

17 "It was a miserable place. I don't want to talk
18 about anything that happened there. Are you well?"

19 And so we went in there and the power shift and
20 I'm still sobbing my way through it, heaving and sobbing
21 my way through it, but I've got some strength going and
22 he -- I went home, I can't remember, but he was kind of
23 looking worried, and I went home and I sobbed all the
24 way home and I ran into the house and I sobbed there and
25 mum said: what's wrong? I told her what had happened

1 and I could barely get the words out and she went for
2 it. And she rang the school.

3 Q. Can you remember what you told her?

4 A. I told her that I'd had the shit beaten out of me by
5 a thug.

6 My friend says:

7 "My name is [REDACTED], I attended the
8 Edinburgh Academy from 196[REDACTED] to 197[REDACTED]. Nicky was my
9 closest friend at school, especially during the latter
10 half of our time at Henderson Row. We were in many of
11 the same classes, spent much time before and after
12 school in each other's company and most of the time
13 throughout the school day. In and around the summer
14 term of 1975, when I would just have turned 14, we were
15 sitting exams. I saw Nicky and another friend, I think
16 [this guy in Australia] standing beside the noticeboard
17 that told us which classroom to go for the next exam.
18 Before I reached it I saw a figure rush over at quite
19 some pace and assault Nicky very suddenly and extremely
20 violently. I remember thinking, because it resembled
21 nothing so much as a frenzied attack by a random
22 stranger, that an intruder must have got in through the
23 main gates and was patrolling the yard. I was about to
24 head towards the masters' lodge to raise the alarm but
25 I realised the person doing the attacking was

1 IDT [REDACTED], a [REDACTED] teacher. I remember being
2 completely frozen to the spot and not much able to do
3 anything. It was the ferocity of the beating that was
4 so shocking. It was like a mugging. IDT [REDACTED] was tall
5 and broad and Nicky was -- well, he was a 14-year-old
6 boy. He had Nicky by what seemed to be his hair and was
7 shaking him violently. When he let go Nicky fell to the
8 ground and IDT [REDACTED] started kicking him. When he tried to
9 get up IDT [REDACTED] punched him repeatedly. It all took place
10 maybe in a couple of minutes. IDT [REDACTED] helped him up.
11 Nicky was sobbing and clearly in pain at this point,
12 I remember his shirt was torn."

13 He's quite happy about signing an affidavit and
14 going on the record about that.

15 LADY SMITH: When did he write that, Nicky, is it dated?

16 A. He wrote that this week.

17 LADY SMITH: So just the last couple of days?

18 A. I told him I was going to be appearing here and we spoke
19 to each other about the incident and he said it was
20 terrible and he said: your mum was just amazing and he
21 said I'll never forget it and I said do you want to
22 write down what happened? He said with pleasure.
23 I'll sign an affidavit, I'll put my name, you can read
24 my name out.

25 LADY SMITH: Thank you.

1 A. Pardon me for going through it, but when stuff like that
2 happens it is quite validating that you can hear it from
3 somebody else as well. Because it was one of the worst
4 days of my school life like the Brownlee incident, like
5 the IDT incident, like the Wares incident, they're
6 there in your nightmares.

7 MR BROWN: I was going to come to that.

8 Because you still live this?

9 A. Yeah. They come to you, yeah. They come to you in the
10 dead of night.

11 Q. You told your mum, she could see the upset, she
12 contacted the school?

13 A. Yeah.

14 Q. You make mention of when you were clearing out their
15 house, you found correspondence?

16 A. Yes.

17 Q. Do you still have that?

18 A. No.

19 Q. Did you destroy it?

20 A. Yeah.

21 Q. Do you remember what it said?

22 A. Yeah, it was -- I didn't read it. I saw it. Or
23 I looked at it and it was correspondence between her and
24 the school and I was obviously upset because we were
25 clearing the house out, but also it was such a painful

1 memory that I took it to the tip the next day and in
2 a kind of ritual I threw the whole lot into the tip,
3 into the council tip. I didn't know all of this was
4 going to happen obviously. It was --

5 Q. But are you aware, did your mum tell you about
6 complaining --

7 A. She said that he phoned with a mealy-mouthed apology and
8 she said he was pathetic.

9 Q. Okay.

10 A. There was another famous occasion where somebody in the
11 year above, or two years above, had tied someone to
12 a desk, a group of people had tied someone to a desk and
13 dragged the desk out into the middle of the schoolyard
14 and this person was tied down and they couldn't escape
15 from the desk and IDT came running out and starting
16 beating the guy on the desk, banging and banging at the
17 guy on the desk, who had been tied to the desk by other
18 people.

19 Q. Is this something you saw or something you heard about?

20 A. Something I heard about.

21 Q. Thank you.

22 A. There was a famous incident.

23 Q. It was notorious?

24 A. Yes, in the conversations about IDT, it was spare the
25 rod, spoil the child, you know. It's spare the rod,

1 beat the shit out of the child.

2 Q. Okay. Can we take it then when you left at 17 you were
3 quite happy to be going?

4 A. Yeah. I mean, like -- it was -- it was a default
5 expulsion. Because Ellis, and this happened to other
6 people, we have convened on this, got into the office
7 and he said: I think you've got your results and
8 I think -- all right, then so off we went.

9 And Ellis -- now here's an interesting one, yes,
10 IDT . This is extremely important.

11 I was talking to one of the many guys who has got in
12 touch with me over the last 14 months, he would be quite
13 happy to have his name out. He -- Hamish Dawson pressed
14 his erection against him when he was in a room with him
15 and he went to complain. He was in a boarding house and
16 he complained to the matron and they had a meeting with
17 the matron and a teacher called Lister, who has passed
18 away, and then they all convened a meeting with Ellis,
19 the rector, about it and Ellis, the rector, they were
20 all convened in a meeting, talking about the
21 Hamish Dawson incident and they said:

22 "Oh, well, he's just -- he's a bit strange
23 sometimes, Mr Dawson."

24 So he was moved boarding houses and IDT
25 became his new housemaster. And the first thing

1 IDT said to him was:

2 "You are a troublemaker and I don't like
3 troublemakers."

4 Q. Okay.

5 Having gone and we can read and I think it's public
6 knowledge, your progression to university, to radio,
7 et cetera, were you relieved to get away from
8 Edinburgh Academy?

9 A. I think I was. It was a brutal environment. We were --
10 I was a delinquent. I was made feral by it. It was
11 a feral environment. We -- some people had violence as
12 their weapon. I had my tongue, I had my wit and my
13 quick thinking. It was not the empathy Academy and we
14 were in an unpleasant world --

15 Q. Was it a cruel place?

16 A. -- with some good teachers.

17 Q. Was it a cruel place?

18 A. It could be, yeah, yeah.

19 Q. Teachers clearly from what you're saying could be cruel?

20 A. I'll give an example. I had such a moving conversation
21 with this particular individual who got in touch with
22 Alex Renton, who's done incredible work on this in his
23 programme Dark Corners, which as we'll no doubt discuss
24 sparked me into action on this.

25 And this guy said I remember one of the people in

1 your -- you know, one of your friends and we had a large
2 sort of friendship group, coming into the changing room,
3 I was two years below and for no reason ripping up my
4 sports bag and then walking out again.

5 And I said:

6 "Oh, God, I think I remember, we were just thinking
7 what the fuck's he done now? Because he was wild, he
8 was uncontrollable and he was also one of the most
9 abused boys."

10 And the guy I spoke to said: when I found out what
11 had happened to him I just thought, I just wanted to hug
12 him.

13 Q. There was a bigger picture than just the simple one?

14 A. Yeah.

15 Q. Yeah.

16 You left school, you go to university, you start
17 a successful career. Yet you're still thinking, from
18 what we read in this statement, about school. Did you
19 ever not think about school?

20 A. I thought about all those things, yeah, all the stuff.

21 Q. But I think we read in 1993 you were making a radio
22 programme --

23 A. Radio 4 were doing this programme which was who was your
24 favourite teacher at school? Go back to the school and
25 talk to your favourite teacher at school. And so

1 I hatched a plan and I said: mm hmm, it was a teacher
2 called John Brownlee and they went okay, we'll get in
3 touch with him and see if he wants to do the programme
4 with you. And I got the message back saying: doesn't
5 remember you. So I thought, but I'd committed myself to
6 the programme, because my plan was to zap him and to
7 confront him. Sort of a bit of Jerry Springer on
8 Radio 4 and so that's my plan was to: oh, and by the
9 way, why did you do that? Why did you do that? Why
10 did -- do you remember the knuckle attack?

11 But he didn't want to do it for whatever reason.

12 So I ended up doing it with Mr **IDX**.

13 Q. Who is the teacher who --

14 A. Yes, I liked Mr **IDX**. Everyone's got different
15 experiences of different teachers. I liked Mr **IDX**.

16 LADY SMITH: I think you also mentioned two other teachers
17 in your statement, Mr Harris.

18 A. George Harris.

19 LADY SMITH: Mr Bevan.

20 A. George Harris is a fine teacher and a fine man.

21 LADY SMITH: And somebody called Bevan?

22 A. Jack Bevan. Indeed, Lady Smith, when -- Jack Bevan's
23 daughter got in touch with me at one stage and said:

24 "Please tell me my father isn't 'Edgar'. Please
25 tell me my father isn't 'Edgar'."

1 And there was a bit of that going on, so I had to
2 say -- I said:

3 "Don't worry, we loved your father. We loved him."

4 He was -- and he was firm but fair. He could be
5 really strict. He could, you know -- you know he could
6 be really -- verbally strict with you, but he was kind
7 and when you saw a bit of kindness ...

8 MR BROWN: It made a difference.

9 Let's go on to Blue-eyed Son, which you wrote in
10 2003. Obviously, as we know, that's a story of your
11 life in many parts and the references in it to
12 Edinburgh Academy are quite contained.

13 What did you expect would happen thinking about the
14 three pages about the school where you are clear abuse
15 took place. What were you hoping for?

16 A. I think I was trying to put it out there, fully
17 expecting that after Iain's thing, fully expecting that
18 it would be picked up on by journalists, without my
19 going full blown saying:

20 "I'd like to hold a press conference."

21 And I was quite surprised there was nothing.
22 I would have thought the school might have said
23 something, but of course now what I know about my chance
24 encounter with John Light, it was damage limitation
25 exercise. It was like the porcupine strategy.

1 I would like to, at this point, apologise to
2 Barry Welsh, the current rector of the
3 Edinburgh Academy, because I thought the worst of him
4 and I'm sure he thought the worst of me and my motives,
5 but I think he's a good man, trying to do good things in
6 a dreadful situation and I'm -- you wanted to ask me
7 about this later, and I know from my confreres that he
8 gets this, that he now understands this and I think the
9 Edinburgh Academy are very lucky to have him at this
10 moment, and I would very much like to meet him one day.

11 Now, I'm talking in the light of the -- I didn't
12 know Marco Longmore, but I'm talking in the light of the
13 House of Horrors that went before.

14 Q. Okay, we may touch on that again.

15 A. We've done it.

16 Q. We may touch on it again.

17 Were you, in 2003, talking to people about it,
18 though, were you talking to friends?

19 A. Yes, always talking to friends. You know, obliquely,
20 never specifically. Oh, do you remember that? Pardon
21 me, the barroom banter, do you remember that dreadful
22 pervert? Do you remember that sadist? We would talk
23 about Dawson: what the -- what was that all about?
24 Without anyone saying: oh, by the way, he touched my
25 penis. Wares, Weirdo, oh, yes, by the way he did this

1 and this. So we drifted on the surface of it without
2 talking specifically. Because it's tough to talk about,
3 even with your mates.

4 Q. Yes.

5 But that all changes and let's come to the last 13
6 or 14 months when your wife said: listen to this and
7 this is In Dark Corners, which you have referenced
8 already, and this is Wares again.

9 A. Yeah.

10 Q. That triggered you to do things, to broadcast, which in
11 turn triggered an extraordinary response?

12 A. Yeah. I did go back to the school on another occasion.
13 I think an outside organisation had organised a debate
14 and I did debates on the television and convened
15 debates, it's one of my professional things and
16 I remember going back thinking, because you have a kind
17 of funny -- it's a funny complicated relationship and
18 I remember going back and thinking, you know, I was
19 nothing at school, but I'm going to prove to them that
20 I've made something. So I went back and did that and
21 mum was with me, so I remember being very tactful and
22 she said, "Is that dreadful Mr IDT still there?" And
23 I said I don't think he's still there anymore. And
24 I don't think he's there anymore, but --

25 Q. When was that?

1 A. I don't know. Maybe 2006, something like that.
2 Of course, I was -- I had to be very diplomatic because
3 mum was there and when I wrote my book in 2003 and spoke
4 about those incidents I had to sit down with her and she
5 was a psychiatric social worker, so she was very ahead
6 of the times. When I was adopted she was very much you
7 grew in another mummy's tummy and she couldn't look
8 after you and so, you know, we love you now and we are
9 your mummy and daddy and so she was brilliant at
10 age-appropriate stuff and she was a very smart woman,
11 just a very incredible person.

12 But I had to have a grown-up conversation with her
13 about the book and stuff like that and so I had to tone
14 it down and I had to tone it down with her. Ah it was
15 okay, you know, because there is still that thing about,
16 my God they suffered, my God they pushed the boat out.

17 So anyway, 14 months ago.

18 Q. Yes, you do the podcast and this is what you do and
19 presumably the responses to your podcast --

20 A. It was an alignment, Mr Brown, of the stars in that
21 I did a daily topical news show on Radio 5 Live and
22 I also -- they wanted me to do this podcast called
23 Different, which was talking to some really interesting
24 people, maybe different people like -- who have we had
25 on? I had a psychopath on. Interviewed a psychopath

1 and somebody who was a former drug smuggler and it was
2 all that stuff.

3 And because I had a certain latitude as to what
4 I could do I was able to do that, but why was I able to
5 do that? I got back from work one day and I'm sure it
6 was a Friday, my wife is a newsreader on Radio 4,
7 Tina Ritchie, and she -- I came into -- she knows all --
8 you know ...

9 Q. Yes.

10 A. And I came into the house and she looked at me
11 straightaway because she had the radio on in the
12 kitchen, I think she was hanging on for the news to see
13 how to pronounce names -- Volodymyr -- she is a stickler
14 for that, and she said -- she looked over to me and she
15 said:

16 "There's a programme on about violence at your
17 school, and sexual abuse at your school. Do you want to
18 listen to it or I'll turn it off?"

19 I said.

20 "Oh, no, no, no, don't turn it off. I'm good
21 though."

22 And I went upstairs. I went to -- I have a study
23 office and I had a piano in there and I started doodling
24 on the piano and I started playing -- because you go --
25 it ebbs and flows all this stuff.

1 It's always there. It can be in the front of your
2 mind, back of your mind, but it's always in your mind
3 and I -- I went upstairs and I started weeping like
4 a little boy and I didn't want to listen to the
5 programme and it took me a while to be able to listen to
6 the programme, but I looked at the listing and found out
7 it was a guy called Alex Renton and I messaged him on
8 Twitter and said: your programme, can we talk? He said:
9 yeah, give us -- I'm around tomorrow, give me a bell.

10 So I rang him and I said:

11 "I haven't heard it yet, but I just heard you were
12 featuring the Edinburgh Academy and I want to tell you
13 about some stuff that was going on at our school. There
14 was a guy called Iain."

15 And he went "Wares".

16 And that was for me a life-changing moment,
17 absolutely a life-changing moment, because he sent me
18 a timeline of Wares's movement from school to school,
19 and it was like -- as I put it before, oh, my God,
20 someone's told the grownups about all that stuff. And
21 then I began to -- because it's a difficult thing to
22 talk about. There's a lot of shame in it. Then I began
23 to talk further with Alex and get a sense of the scale
24 of it.

25 I had known he had gone to Fettes, I had it in the

1 back of my mind, known he had gone to South Africa, but
2 you kind of think, "Ah ...". And then I realised that
3 this was happening on an industrial scale and what --
4 that is my -- for all this, that is my primary
5 motivation in all of this. That set me off. Because
6 I just thought this is outrageous. He's living in South
7 Africa, in a plush retirement complex, playing bowls
8 once a week and he's done this to -- you know, we totted
9 it up very quickly over the next few weeks and
10 I realised as the scale of it went on, it drove me on
11 and it drove me on and it drove me on and I rang Alex
12 and I said:

13 "Look, let's do a podcast together, do it on my
14 podcast, let's put this out there about this guy,
15 because it is such an outrage. If you work it out the
16 scale of the abuse ..."

17 By that stage I'd had a couple of emails from
18 friends and I'd asked them how often did this happen in
19 the class and they said every day. How long were you in
20 his class for? A year.

21 Sorry, when we began to work it out we thought, so
22 hang on a minute, six years there, five years there,
23 South Africa, then looking at the timeline, we're
24 talking about thousands and thousands of offences and
25 we're talking about probably about 1,000 individuals and

1 we're talking about -- Savile very much in everyone's
2 minds at the BBC, 450 complainants, okay, it's very
3 difficult to do all this maths, but Savile's opportunism
4 was on a one-to-one basis. Iain Wares' opportunism was
5 on a 1-to-20 basis and so there were lots of people in
6 the class at one time, having their penises felt or
7 having digital penetration and that's what set me off.
8 That's what got me going and when I went on the radio to
9 present this podcast and to put it out there I wanted to
10 talk about the other stuff as well to put it into
11 context, that I was abused by Hamish Dawson and stuff
12 like that. Then we talked about 'Edgar', Lady Smith, at
13 that stage and the plan was for me to do that on the
14 radio and then we were going to open the phone lines and
15 the team had to really legal this stuff. We don't
16 mention any names obviously. It's very legally tricky
17 and it went -- when we opened the phone lines it went
18 bananas.

19 Q. Have you ever experienced that level of response?

20 A. What happened -- the premise of it was that you've never
21 told anyone before. So get in touch with us if you've
22 never told anyone before, because lots of people in this
23 situation haven't and, you know, it's speaking about it
24 for the first time, because certainly in that --
25 I was -- I think it was very difficult, it was very

1 difficult, but I did it and I got through it and I had
2 to check what I was going to say because of the legal
3 sensitivities of it, but I managed to get through it and
4 say it.

5 So they kept the phone lines open. They had to keep
6 them open all day because we were getting hundreds and
7 hundreds of texts and calls on the BBC national network
8 from people who had never spoken about it. People from
9 all walks of life. Every walk of life you can imagine.
10 Not just people who had a privileged education. People
11 who were -- everywhere in our society. And I went --
12 I was staying in a flat in Manchester, I went back to
13 stay in a flat in Manchester and I lay on the sofa,
14 I sort of rang home and said, bloody hell, so I lay on
15 the sofa and dozed off and I turn on the
16 One O'clock News and it was on the One O'clock News and
17 I rang work and my editor, Ellie, I rang up at 3 o'clock
18 and she said:

19 "Nicky, this is bonkers. This has gone absolutely
20 crazy."

21 Over the past -- I've had some incredible
22 conversations and there are new ones every week. But
23 one of the ones I'll never forget is with Neil Russell,
24 who said hearing Hamish Dawson's name on the radio was
25 one of the most incredible moments for him.

1 And there was another incident where another guy
2 rang me, and I'll never forget this as long as I live,
3 he said:

4 "I was at school with you. I was the year below
5 you. Can we have a chat?"

6 And I said, yeah. And so rang him and he went:

7 "I've got a name written down on a bit of paper,
8 who's 'Edgar'?"

9 I said, "It's Iain Wares" and he just collapsed, he
10 started weeping. It's like he dropped the phone. He
11 was sobbing and I started crying. We started talking.

12 And there were people all the time who had never
13 spoken about it from my environs, my school, so it was
14 that whole thing in Britain and all the stuff from my
15 school. People were saying it.

16 It's since then, it has -- it's been relentless.

17 Q. Just to be clear from something you just said, you are
18 still getting contacted?

19 A. I spoke to somebody last week.

20 Q. Okay.

21 A. About Iain Wares.

22 Q. What about the impact on you? We can see obviously the
23 upset it causes you. Can you stop this?

24 A. I can't not speak to people who call up and say I was at
25 school with you and I see -- like, you know, can we have

1 a chat? I can't not do that. But it has been --
2 yeah -- look, I've taken a lot of sleeping tablets and
3 all that stuff, when I've needed to over the last year.
4 I'm organising some therapy, but as I say this I think
5 to myself that's nothing to -- the last 14 months is
6 nothing to what people have gone through all their
7 lives, so that's -- I get it into perspective.

8 Yes, it's been full on, yeah.

9 Q. You've talked about the current head of the school, and
10 you've shifted your view of him. Is that essentially --

11 A. I feel that from what people say he absolutely
12 understands the impact now of this and I think from
13 talking about it, previous rectors like John Light and
14 Marco Longmore, institutions have cultures and I pay
15 great tribute to him for engaging with people and
16 understanding and I think that's great, I think ...

17 Q. We have heard other people's views of what should happen
18 to Edinburgh Academy. What's yours?

19 A. I think Edinburgh Academy is a very different place.
20 Now, obviously, it's had its problems over the years,
21 but the thing is when there's a news story about all of
22 this my picture is always there. Even though I've --
23 I have nothing to have done that. You know, people say
24 it's going to get it in the paper. It's a deal with the
25 devil. I understand that, because I'm one of Satan's

1 angels, so I understand that deal and it was even at one
2 stage in one article, you know, the Nicky Campbell
3 School, if they ever do have a name change, I don't
4 think it's going to be that.

5 And it's -- my -- there is some notion that
6 I've been sitting in this lair, like a Bond villain,
7 trying to dismantle the Academy brick by brick. I think
8 there are others who would quite happily do that, but
9 that's not my -- my primary purpose is driven on by the
10 people who went to the school, by the people in care
11 homes, by the people who had this experience elsewhere,
12 who have -- whose lives have been scarred and is
13 blighted, but top of the tree for me is, and obviously
14 I have strong feelings about, you know, IDT, I have
15 strong feelings about Brownlee, that is in hand, and
16 I've strong feelings about Dawson. He's six foot under
17 and I only wish there were a hell for him to go to.

18 But Wares, I think it's one of the greatest
19 injustices in the news in our society at the moment that
20 this man is at liberty. It is a scandal. It is
21 disgusting and the way that -- the enormity of it and
22 the extradition attempts since, when was it 2019, first
23 reported to the police 2004, the whole justice endlessly
24 postponed by the egregious cockups of the Crown Office
25 and the Procurator Fiscal Service, initially saying, "We

1 can't extradite this man, it's not in the public
2 interest because of his age". Well, when he was
3 sticking his fingers up my friends' backsides and
4 masturbating them age was never a particular concern for
5 him.

6 They've even spelt his name wrong in some of the
7 correspondence. I'm sorry, but I cannot understand how
8 he is at liberty. He's one of the worst paedophiles and
9 most prolific in British criminal history.

10 Q. And your broadcasts have made --

11 (Applause)

12 LADY SMITH: Please can you let me listen to Nicky, please.

13 Nicky?

14 MR BROWN: And your broadcasts have highlighted that very
15 clearly.

16 Nicky, I can see the toll on you. Is there anything
17 else you would like to say?

18 A. I do have a few words, if that's all right?

19 Q. Yes.

20 LADY SMITH: Is it okay to ask you to give those to us now
21 or do you need a break?

22 A. No, I'm all right.

23 LADY SMITH: It's up to you.

24 A. Okay.

25 LADY SMITH: When you're ready.

1 Take your time, Nicky.

2 A. The best man's speech from hell.

3 I am Nicholas Campbell and I am a survivor. I am
4 62 years old but Hamish Dawson's hands are still in my
5 underwear, playing with my penis. John Brownlee's
6 knuckles are still pummelling my head and his clacken
7 cracking on to my backside for no reason. [REDACTED]
8 is still tossing me about the playground like a ragdoll,
9 punching and kicking me on what was one of the worst
10 days of my life and I'm still in that changing room
11 three feet away from my 10-year-old friend as Iain Wares
12 leans over his little shoulders and tries to make him
13 aroused.

14 The knock-on effect of this in all our lives has
15 been horrendous. What it did to us, what it made us
16 into, how we behaved, how we hated ourselves, how we
17 hated each other and how we've dealt with the most
18 important things in life. So please understand. That's
19 all we ask.

20 'Sam', in his testimony last week, mentioned
21 a recent Academy board member who referred to me as
22 "a fucking snowflake". I've been called worse.

23 He called me a fucking snowflake because in
24 July 2022 I tried, along with Alex Renton, to bring to
25 national UK attention the matter of the extradition of

1 one of the most prolific paedophiles in British criminal
2 history. Recent Academy board member: your problem is?
3 I think this rector is now doing much to counter those
4 prehistoric attitudes.

5 Being a part of this was the best decision I've ever
6 made and when I am dying I will say the same thing. The
7 decision to phone Alex was the most important phone call
8 I've ever made. My life changed forever and I've been
9 in contact with some of the most remarkable human beings
10 and it has been the privilege of my life.

11 I have spoken to dozens of survivors over the last
12 14 months, many of whom will never share their stories
13 beyond one heart-breaking telephone conversation. And
14 this has not been a career move, at times it has crushed
15 me. The toll on my beloved wife and daughters has been
16 heavy, because they've had to pick up the pieces and at
17 times it did leave me scurrying for prescribed
18 medication for sleep and calm and peace and that's what
19 we all ever want.

20 But it has been worth it. It's not about me. It's
21 about us. I've stood back in awe as these brave men
22 have campaigned for justice and fought to be heard.
23 When they were ten they were not heard and nobody
24 listened. At last they are being heard and people must
25 understand how much that means.

1 Lady Smith and the Inquiry team, thank you.

2 I want to thank Jenny, who reached out to us and
3 contacted many of her father's victims. She is the most
4 extraordinary person.

5 So please understand something about survivors, we
6 go through guilt and shame and pain, humiliation,
7 self-hatred, anger, confusion, denial, constant anxiety,
8 a cauldron of complicated feelings and contradictory
9 emotions. All these things when you've been abused, but
10 now we stand proud and heard.

11 And those men who helped to shape our lives in the
12 most heinous way, Wares, Dawson, Brownlee, IDO,
13 IBP, IDR, IDT, IPT, ICQ and others, they
14 created a feral environment and many of us were made
15 feral by it, leaving us with a fight to the death to
16 find our humanity.

17 As it has been for pupils at Fettes and Rondebosch
18 and the South African schools where Iain Wares's
19 sickening activities started and continued with absolute
20 impunity. He was at Fettes for, was it five years?
21 Edinburgh Academy, you sent him there. You sent him
22 there ... after an influential parent complained. You
23 must officially apologise to those boys too and you must
24 do it unreservedly and you must do it now. That should
25 never have happened. Look what you unleashed on those

1 boys, on those men, that pain. Iain Wares, like
2 a troublesome priest, passed on to another diocese,
3 a mile away. And then 8,500 miles away, back to
4 Cape Town.

5 One South African boy, who remains anonymous, told
6 me that at a screening of ET, when the lights went out
7 Wares went round the entire class and fondled every
8 single boy's genitals. When this man hears the ET theme
9 he goes into a panic attack.

10 I mentioned earlier on that IDT [REDACTED] told a man
11 who complained about Hamish Dawson sticking his erect
12 penis into his back a troublemaker. We need
13 troublemakers. He said: "I don't like troublemakers."
14 I do like troublemakers. That's why mandatory reporting
15 is so important. Please, Lady Smith, consider that when
16 ultimately you are weighing everything up.

17 And this is not about witch-hunts, it's about child
18 protection and just think if we'd had this back then,
19 what a better world it would be now. Imagine suspicions
20 need to be aired and dealt with and I don't have to
21 point you in the direction of a newspaper or a radio at
22 the moment or a television at the moment or your phone
23 at the moment to know how important that is.

24 Now, I'm nearly done. There are times when I think
25 in all our lives when we look back and think I wish

1 I'd done things differently. I wish I'd been better,
2 I wish I'd been quicker, I wish I'd stepped up to the
3 plate, I wished I had stopped stuff that I saw going on.
4 I wonder if some decent people who were there now wish
5 that they acted differently.

6 But they would have been branded as troublemakers.
7 When Iain Glen spoke out about what happened to him in
8 2002 the wrath of Morningside and Muirfield and
9 Murrayfield rained down on his head with biblical fury,
10 because he had broken the code, the Edinburgh omerta.
11 But that is what mandatory reporting does, it breaks
12 those pernicious codes.

13 Finally, I want to mention my parents. So many of
14 us could not have spoken out while our parents were
15 still alive. I was so lucky with mine. Mum and dad,
16 Frank and Sheila Campbell, my amazing adoptive parents,
17 I mentioned earlier on there was a kindly but constant
18 reminder how lucky I was, but they were so badly let
19 down and my only achievement with some -- after some
20 early academic promise fizzled away, was coming seventh
21 in the cross-country. I remember dad, you know, beaming
22 with happiness.

23 With [REDACTED] my mum was absolutely heroic and
24 I'm so proud of her. She took on the school. I hope
25 they're proud of me today. They loved me with all their

1 hearts and I'll love them forever.

2 Thank you, Andrew, thank you, Lady Smith.

3 LADY SMITH: Nicky, thank you for everything you have done
4 to assist our work, both in providing your detailed
5 written statement and your evidence today. The hard
6 work you have put in to preparing for that is clear, and
7 dealing with our questions.

8 As I said at the outset, I know this is difficult
9 and no assumptions are to be made about it being any
10 easier for you just because of what's in your working
11 life. Indeed, it may be harder because of that.

12 Thank you for bearing with us. Thank you for what
13 you've given to us.

14 On a very practical level, at about 10.17 you
15 referred to an email you had received from a teacher at
16 the prep school who knew John Brownlee. I would like to
17 have a copy of that, please. I'm sure [REDACTED] would
18 arrange for that to be done.

19 I'm now able to let you go with my thanks.

20 A. Thank you.

21 LADY SMITH: Please try to get some rest later today.

22 I know it won't be easy, but you plainly need that.

23 A. I hope that you can work out very soon and implement
24 some proposals that help people.

25 LADY SMITH: Thank you.

1 (The witness withdrew)

2 LADY SMITH: There is something important I want to mention
3 before we have a break. A number of names were
4 mentioned by Nicky that are names that are covered by my
5 General Restriction Order and these people cannot be
6 identified outside this room.

7 They were men with the surnames **IDO**, **IBP**,
8 **IDR**, **IDT**, **IPT** and **ICQ**, so please do bear that
9 in mind. It's very important.

10 Have I missed anybody, Mr Brown?

11 MR BROWN: I think, my Lady, there was also reference to
12 some friends who I think technically would be covered by
13 the GRO as well.

14 LADY SMITH: That's right. The friends as well will be
15 covered by the General Restriction Order. So that was
16 friends who were also at school with Nicky. Please be
17 careful about that.

18 We'll now have the morning break and we'll go on to
19 the next witness as soon after 12.00 pm as we can make
20 it.

21 Thank you.

22 (11.47 am)

23 (A short break)

24 (12.04 pm)

25 LADY SMITH: Do we have the next witness ready to give

1 evidence, Mr Brown?

2 MR BROWN: We do, my Lady. The next witness is

3 Neil Douglas.

4 LADY SMITH: Thank you.

5 Neil Douglas (sworn)

6 LADY SMITH: Neil, I'm sorry we're a little later starting
7 your evidence than I had hoped, but we're ready to go
8 now. We'll run on until about 1 o'clock. If you're not
9 finished then we will see how it's going and either go
10 on for another ten minutes or so or come back a little
11 earlier after the lunch break. If we can play it by
12 ear. Would that work for you all right?

13 A. Yes, that's fine, thank you.

14 LADY SMITH: I don't want you to feel under pressure just
15 because we're starting a bit later.

16 That red folder has your statement in it. You might
17 find it useful to refer to as you go through your
18 evidence. You don't have to use it, but it's there to
19 help you if that would be of any benefit.

20 Otherwise, Neil, as people will have heard me say to
21 many witnesses already, I want you to understand I know
22 what we're asking you to do here is difficult and
23 however much you may think that you're prepared, it's
24 straightforward and you've spoken out in public about
25 this before. This is hard. To sit in a public forum

1 and then be asked detailed questions about what happened
2 to you when you were a little boy.

3 Do let me know if you need a break, you need a pause
4 or if there's anything we can do to make it easier for
5 you, will you?

6 A. Thank you.

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

9 A. Yes.

10 Questions from Mr Brown

11 MR BROWN: Neil, good afternoon.

12 A. Good afternoon.

13 Q. The red folder does contain your statement, it has
14 a reference WIT-1-000001247.

15 A. Yes.

16 Q. We see on the final page that you signed it in May of
17 this year and confirmed at the end that you had no
18 objection to your witness statement being published as
19 part of the evidence to the Inquiry and that you believe
20 the facts stated in it are true; and that was correct?

21 A. That is correct.

22 Q. Yes.

23 The statement obviously contains a lot of background
24 information and a lot of information about teachers. We
25 have read that, we will read it again. We don't have to

1 labour through every last detail, you understand, but
2 I do want to speak to you about particular things, which
3 I think are of keen interest to you --
4 A. Okay.
5 Q. -- as we'll touch on, perhaps later.
6 You're now 60, is that right?
7 A. Yes.
8 Q. You were a day boy at Edinburgh Academy from the age of
9 five to 17?
10 A. Yes -- 16.
11 Q. So I think 1967 to?
12 A. 1979, my birthday is [REDACTED], so I left --
13 Q. You had actually just gone?
14 A. Yeah.
15 Q. Were you relieved to go in 1979?
16 A. Yes. I don't think I looked back. We all starburst
17 when we left school.
18 Q. Sorry?
19 A. I describe it as "starburst", everyone left school and
20 just never seemed to connect with each other again.
21 Q. You go out into the world?
22 A. Yeah.
23 Q. And do your thing?
24 A. Yeah. Made no attempt to keep in touch with old school
25 friends.

1 Q. No. That's perhaps changed in the last 15 months?

2 A. Since July last year, yes.

3 Q. Yes, and we'll touch on that.

4 Were you relieved to be leaving Edinburgh Academy?

5 A. Yeah, definitely.

6 Q. That, I take it, is because of the experiences we're now

7 going to talk about?

8 A. Yes. I would characterise it as a deeply unhappy place

9 and I don't have very many happy memories of being at

10 school.

11 Q. Presumably there are some teachers you remember with

12 affection?

13 A. Yeah. One or two. But --

14 Q. Who were they?

15 A. That's actually quite a difficult question, because one

16 teacher treated me really well when I was very

17 vulnerable, but I'm aware that he abused others of my

18 friends.

19 Q. Just thinking from your experience though?

20 A. Well, he treated me well and I have fond memories of

21 him.

22 Q. Others may have had different experiences?

23 A. Other experienced abuse at his hands --

24 Q. Okay.

25 A. -- which I find abhorrent and difficult to deal with.

1 Q. I think, given what you now do, one of the things you
2 enjoyed was going gliding?

3 A. Yes, yes. That was -- yeah, so if you move to
4 activities, gliding was definitely one of the happy
5 ones. But even that is tinged with sadness, because two
6 of us got to do three solo circuits on that course and
7 the other guy who did it took his own life, some 10/15
8 years later, with a young family.

9 Q. Did you hear about that long after the event?

10 A. Well, I heard about it when it happened, yes.

11 Q. Okay. Going back to 1967, you start at the Academy and
12 you would go to Denham Green, which was the infant side
13 of things?

14 A. Yes.

15 Q. I think from your statement that part of
16 Edinburgh Academy life was pretty normal?

17 A. Yes, a five-year-old boy, how much do I remember of
18 being a five-year-old boy? Very little, but I remember
19 a big house, I remember a wooden climbing frame in the
20 grounds and I remember a sports day and I remember
21 an act of kindness from a teacher towards one of my
22 fellow pupils when there was an issue.

23 Q. We can see that you're not entirely sure why
24 Edinburgh Academy was picked. I take it you had no
25 input into the decision?

1 A. No. The family story always was that I was too thick
2 and had failed all the entrance exams for all the other
3 schools. When I got my school file from the school last
4 year I was quite surprised to find that actually it had
5 been my parents' apparently first choice, with a move to
6 Merchiston when I was going to be in secondary school as
7 a plan.

8 Q. All right.

9 After Denham Green, we know you would go to the prep
10 school in Arboretum Road?

11 A. Yeah.

12 Q. Again, when you started there you would be seven, you
13 think, was it just one year at Denham Green or two?

14 A. I can't remember whether it was one or two.

15 Q. All right. But I think initially you say your first
16 memories of the prep school are when you were nine, so
17 it may have been a little after you began. That's
18 principally because you had a nice teacher?

19 A. Yes. I remember him as a science teacher, Mr Benson.

20 Q. Do you still think warmly back of him, that was
21 a simpler, innocent time?

22 A. He had a great science experiment we did which involved
23 Fairy washing up liquid bottles and you filled them with
24 water and made them look like a rocket and injected air
25 in them until they took off and flew down the playing

1 field.

2 That's Siri, sorry.

3 So I remember that with fondness.

4 Q. Sorry, can I just be clear --

5 A. Sorry, my watch just said "I didn't catch that". Apple

6 technology, sorry.

7 Q. He also had an MG, which I think --

8 A. I think he had an MG, yes. Although that wasn't unique

9 among teachers, as I understand. He lived out in

10 Haddington, from memory, and I just remember him being

11 a nice bloke.

12 Q. So those memories are okay.

13 But we've heard -- from a number of applicants who

14 have already given evidence -- that as you go up the

15 junior school the dynamics change in the sense there are

16 initially female teachers, but then it becomes a much

17 more male environment, correct?

18 A. Yes, I think that's right, yes.

19 Q. As you go up the prep school you discover teachers who

20 are perhaps different from Mr Benson?

21 A. Yes.

22 Q. Do you remember being aware of that before you

23 experienced any of these teachers? Did any of them, in

24 other words, have reputations?

25 A. I honestly don't remember.

1 Q. All right. But I think whilst you mention a number of
2 names and obviously we have been hearing about other
3 peoples' experiences, so far as your experience, which
4 is what we're interested in today, is difficulties in
5 the junior school however much other names may make you
6 think negatively, the real focus is Iain Wares, correct?

7 A. He was the primary problem, yes.

8 Q. Yes. We would understand that he, so far as you were
9 concerned, taught you in P6, in 1972 to 1973, which
10 I think would be his last year at Edinburgh Academy?

11 A. Yes.

12 Q. And he replaced a teacher who had gone abroad?

13 A. As I understand it, yes.

14 Q. When did you first become aware that he was someone to
15 be concerned about?

16 A. I don't have any memory of being scared of going to his
17 class ahead of it. But then I wouldn't have known who
18 my classmaster was until the year started, I don't
19 suppose, so it would have been at some point when
20 I first experienced his unwanted attentions.

21 Q. I think from your statement it's clear that there are
22 two aspects to his behaviour and again understand we
23 have heard this from others, there can be aggression and
24 then there is sexualised behaviour?

25 A. Yeah.

1 Q. You experienced both?

2 A. Yes.

3 Q. Do you remember which came first?

4 A. No.

5 Q. No.

6 I think in your case we also would understand it's
7 not just in the classroom, it's elsewhere?

8 A. Yes. So I have memory -- I'm sure he taught us hockey,
9 I'm sure it was him, and I have a memory he was quite
10 free with the hockey stick on you when he wanted to. So
11 the aggression would happen elsewhere.

12 He used to tuck shorts in, in the corridors. What
13 ten-year old boy needs help -- sorry, tuck shirts in, in
14 the corridors, what ten-year old boy needs help tucking
15 a shirt? It's kind of an odd behaviour but his hands
16 wouldn't just be tucking a shirt in. They would go
17 further.

18 Q. Just touching back on the hockey sticks, was that in
19 playing hockey that he was rough or was this in the
20 context of using a hockey stick as some way of
21 punishing?

22 A. Using a hockey stick in some way of punishing whilst you
23 were playing hockey.

24 Q. Right. What would he do, do you remember?

25 A. I just have a memory of you didn't want to get too close

1 to him with a hockey stick.

2 Q. Where would he hit you with it?

3 A. Fairly certain across the backside.

4 Q. We have heard about clackens, same sort of use but just
5 a different implement?

6 A. Yeah.

7 Q. Okay.

8 A. A bit more heft to it as well, because they're longer.

9 Q. Yes. Can you describe Iain Wares, as you recall him in
10 primary 6, how did he present before?

11 A. The school always talked about teachers being in locum
12 parentis, which I understood -- my Latin is hopeless, so
13 my understanding might be wrong, but my understanding
14 was they were effectively your parents when you were at
15 school and they could do anything a parent could do and
16 I have this memory of Wares representing himself as
17 being in some way a father figure or my dad. So -- and
18 so the punishment would be because I'd been naughty and
19 then the comforting, I guess, is how he presented the
20 sexualised abuse, would be the comforting afterwards.
21 Or related.

22 Q. Yes.

23 A. It's just this memory of him presenting as a father
24 figure, which is perverted and wrong, given what he did.

25 LADY SMITH: Was there anything he said to assist in that

1 representation?

2 A. I can't remember words. I just have this -- I just
3 remember him presenting himself as being a father
4 figure.

5 LADY SMITH: Right.

6 A. Possibly he quoted the in locum parentis.

7 LADY SMITH: Maybe that's where you got it from, in place of
8 a parent, in the literal translation.

9 A. Thank you.

10 LADY SMITH: Thank you.

11 A. I failed Latin quite badly at school.

12 LADY SMITH: That's okay, so do a lot of people.

13 MR BROWN: I think early on you would have seen though that
14 he could visibly change appearance when he became angry?

15 A. Yes.

16 Q. What happened?

17 A. I have -- I can't remember which way the colour change
18 went, but his face and hands changed colour and you
19 could just see the rage in him.

20 Q. Do you remember what would trigger that?

21 A. No. I don't remember anything systematic about it.
22 He's nice and then he's nasty.

23 Q. It just happened?

24 A. It just happened.

25 Q. All right.

1 Thinking about when he's in that nasty frame, to use
2 your word, what sort of thing would he do to you?

3 A. I've only got one real clear memory of that and it came
4 to me when I was sitting on a train going to Heathrow to
5 go and see him in court. He had his hand on my head and
6 slammed it into something wooden. I think a door. At
7 least my memory of it is at a door, although I'm aware
8 others have described it as being slamming heads into
9 desks, but I'm fairly certain I was upright.

10 Q. That's your memory?

11 A. That's my memory.

12 Q. Was this in the classroom context or corridor?

13 A. Probably a corridor, because there wouldn't be
14 a classroom context.

15 Q. And do you have any sense why he did that?

16 A. No --

17 Q. You just have the memory?

18 A. -- I just remember the physical sensation.

19 Q. Did you see physicality happening to others?

20 A. No. I think one of my classmates at the time has
21 described it quite well. We didn't watch. We didn't
22 look. We all knew if you were up at his desk -- sorry,
23 I'm pointing at you Lady Smith, you've got the desk --

24 LADY SMITH: It's okay.

25 A. If you were up at his desk you knew what was going to be

1 happening to the child that was there, so you didn't
2 watch. You were just probably glad it wasn't you.

3 MR BROWN: You make an interesting point though. You learnt
4 to moderate your behaviour.

5 A. Yeah. The sexualised abuse, I remember it in the
6 context primarily of marking coursework and I remember
7 trying not to be good at maths so that my work wouldn't
8 be marked by him, and I don't remember that being
9 a successful strategy.

10 Q. Sorry, I don't follow.

11 A. So if you finish your work first and he's going to mark
12 it, then you're going to get abuse. So --

13 Q. So you'll be taken up first?

14 A. Yes.

15 Q. So you slow down?

16 A. Slow down or whatever.

17 Q. In the hope that the lesson ends before it's your
18 turn --

19 A. Yes.

20 Q. -- is that correct?

21 A. That's how I'm remembering it, yes.

22 Q. Yes. Again, and this is not a memory test, you detail
23 what would happen when you went up to his desk.
24 Thinking of the -- you were there for a year 1972/1973,
25 when did this begin in the school year?

1 A. Who knows. I don't remember individual instances as
2 such, I just remember the repetition. And to have been
3 fearful of it, I must have experienced it, so I would
4 imagine it happened fairly early on. The man clearly
5 got his kicks from sexual abuse of children and he was
6 liberal with it.

7 Q. You said that if other boys were going up you wouldn't
8 look?

9 A. I don't remember watching and I think it was a press
10 article the other day, one of my school friends is
11 reported in it as saying we didn't look. I think that's
12 absolutely right. We just didn't look.

13 Q. Did you discuss it with your classmates?

14 A. No, I don't remember discussing it.

15 Q. All right. Would you have contemplated saying anything
16 at home?

17 A. No, and my mother eventually found out last year, her
18 question was: why didn't you tell me? And what is there
19 to tell? You know, this is a parent who's doing what
20 a parent's allowed to do. It's normal. Don't all, you
21 know -- we're ten. I wouldn't have recognised it as
22 a sexualised act at that age. We're using sexualised
23 language now and I probably used that in my statement.
24 But what did I know about it at that age? Sex education
25 didn't happen until we got into the senior school and

1 I'm not even sure that was in the Geits, it was probably
2 in the second year. So what was I going to tell my
3 parents?

4 Q. You make the point you didn't understand it as you would
5 understand it now?

6 A. No.

7 Q. Because you were ten?

8 A. Yes.

9 Q. Before puberty?

10 A. Yes.

11 Q. And what was he doing to you?

12 A. Do you want the graphic details?

13 Q. If you are happy to give them, we can read them but if
14 you're not.

15 A. He would put his -- if you stood too far away he would
16 put his hand on your thigh to pull you in, if you stood
17 too close then he could just get his hand up your shorts
18 anyway and I have memory of him -- I have memory of
19 him -- it's hard to say the words -- I have memory of
20 him fingering my anus and fiddling with my testicles and
21 playing with my penis and getting an erection out of me.

22 Q. Again, if you can, do you remember what you were
23 thinking at the time?

24 A. (Pause)

25 This is equally hard to say. The sensations were

1 pleasant sensations, but then the human body is designed
2 for those to be pleasant sensations, so I remember you
3 had to hold your jotter on the desk and I remember
4 staring at the jotter, because he was supposedly marking
5 it while this was going on with his hand. As to exact
6 thoughts, no, just the sensations.

7 Q. But you remember it being pleasant?

8 A. It's taken me a long time to admit that the sensations
9 were pleasant sensations, but, yes.

10 Q. Was he saying anything as this was happening?

11 A. Don't wriggle. Don't move. If you tried to move away
12 you weren't allowed to move away. He had a vice-like --
13 I remember it being a vice-like grip anyway. Once he
14 got you, he got you.

15 Q. You have talked about the demeanour where he could
16 suddenly become nasty, his face would go red, hands
17 would go red. What was his mood while this was going
18 on?

19 A. Well -- you mean while the sexual abuse was going on?

20 Q. Yes.

21 A. That was always in the context of being the nice father
22 comforting the child type thing. That's where -- the
23 perverted memory of that.

24 Q. And that went on all year?

25 A. Yes. How do I answer that? I don't remember the

1 individual instances, but I don't remember -- my first
2 memory of being glad that it was over was at the end of
3 the Geits when we no longer had to wear shorts in upper
4 school, because no teacher could get their hands in my
5 shorts again.

6 Q. We'll come on to the Geits in just a minute.

7 A. But it kind of comes to answering your question, in the
8 sense that it's just a continual memory of -- I don't
9 remember there being abuse and not abuse. It was just
10 what he did.

11 LADY SMITH: I take it from that, Neil, that you don't
12 remember a time when you felt that it had all stopped?

13 A. Not during his class, no.

14 LADY SMITH: His class that you experienced was when you
15 were still in the prep school?

16 A. Yes, the last year of prep school.

17 LADY SMITH: Thank you.

18 MR BROWN: Did it become essentially just normal, part of
19 the daily -- not daily routine, but it was part of that
20 class routine, if you like?

21 A. In essence that comes back to not telling my parents,
22 what was there to tell? It's just what happens. It's
23 normal.

24 Q. That's the point. For you, it was normal?

25 A. Yes.

1 Q. We read about other teachers, for example, being forced
2 to use a boxing glove on another. That is in
3 a statement with the PE teacher.

4 A. Yes.

5 Q. Your first experience of what I think we have heard is
6 the Academy rule that you don't wear anything under your
7 shorts. Did you ever understand why that was?

8 A. No.

9 Q. No.

10 A. And as an adult I've got absolutely no understanding of
11 why that was. Or at least no legitimate legal
12 understanding.

13 Q. All right.

14 You also talk -- I'm finishing with the prep school
15 before we move on to the Geits and senior school. You
16 first experienced bullying in the junior school?

17 A. Yes.

18 Q. That was in the class with the teacher you have been
19 positive about, but presumably he wasn't there when it
20 happened?

21 A. No, I think he came in just afterwards.

22 Q. But presumably any bullying would have stopped once the
23 teacher was there, or am I wrong about that?

24 A. Yeah, I'm fairly certain bullying was not done in the
25 presence of teachers normally.

1 Q. Yes. But it's just the comment you make, you say at
2 paragraph 24 on page 7:

3 "I rapidly became the object of bullying at school
4 at time went by."

5 You got tripped up, punched and shoved. Do you
6 remember why you were being bullied?

7 A. I was the youngest in my year. The school year started
8 on 1 September and my birthday is [REDACTED], so I was
9 younger, smaller, lighter, didn't have much strength so
10 I couldn't punch back. Probably just a target of
11 convenience.

12 Q. I think, as we can read, that progressed into the senior
13 school?

14 A. Yes.

15 Q. Did there come a stage where that stopped or was it
16 a constant?

17 A. I don't remember it ever stopping.

18 Q. Right. Do you remember anything being done by the
19 school to try and prevent that, not just thinking of
20 you, but that culture of bigger versus weaker, stronger
21 versus weaker?

22 A. No, because the school were there to make men out of us,
23 weren't they? So stand up for yourself. I think would
24 have been the attitude of the school and if you -- it
25 was a stupid rule, you couldn't clype. Clype, telling

1 on people. So if you did say something bad has happened
2 you would just get punished for clyping.

3 Q. Who would punish you? Sorry, you say it's a rule.

4 A. I don't know. It wasn't an environment in which you
5 could speak up, because it would go wrong.

6 Q. You talked about a rule. Was that a rule among the
7 pupils rather than --

8 A. No, because the teachers didn't like clyping either.

9 Q. Why do you say that? How do you know that?

10 A. I just have a vague memory. It's a memory that's
11 surfacing as we're talking. A lot of memories are still
12 quite buried for me from that time. I just have this
13 memory that it wasn't a good idea to go and tell on
14 other boys to teachers. Maybe it was the pupil
15 lashback, but I have a memory that there were some
16 teachers who thought that you should stand up for
17 yourself and not go running to them.

18 Q. Are we essentially saying the culture was: you don't
19 clype?

20 A. Yes.

21 Q. Okay. Did that, like the touching, become the normal
22 outlook on life?

23 A. Yes. So -- yeah. I -- in the upper school I think
24 I spent a lot of lunchtimes in the library, because it
25 was a safe place.

1 Q. Was that your response just to try and become safe by
2 being isolated?

3 A. Yes.

4 Q. Was the fact you were being isolated another reason
5 perhaps that you stood out?

6 A. Who knows? Probably. I didn't think about that when
7 I was that age.

8 Q. No. You just wanted to be somewhere safe?

9 A. Yes.

10 Q. Okay.

11 Moving on to the senior school, in the Geits, from
12 what you are saying, you are still wearing shorts and
13 was that the only year that you carried on wearing
14 shorts?

15 A. I believe so. I think it was the end of the Geits that
16 we stopped wearing shorts.

17 Q. I think, we're talking about teachers, you do mention
18 a number of teachers who you remember positively,
19 Mr [REDACTED], who we have heard of, and others?

20 A. Yes. He's a mixture of positive and negative, but he
21 is.

22 Q. Okay. Art teachers seemed to be quite well regarded?

23 A. Yes.

24 Q. But in your first year at senior school, in the Geits,
25 you experienced Hamish Dawson.

1 You make the point at paragraph 50 that his
2 behaviour, this is page 13, continued in the vein of
3 Wares?
4 A. Yes.
5 Q. The dynamics are very different though, is that fair, in
6 terms of teaching style?
7 A. Yes. Dawson was -- personality style anyway, Dawson was
8 a kind of Jekyll and Hyde.
9 Q. Go on.
10 A. He was fun, frivolous, played games and he was violent,
11 hit you and he mixed it all in with abuse at some point.
12 Q. I asked you about reputation. Going into the senior
13 school, had you heard anything about Dawson prior to you
14 going?
15 A. I don't remember doing so. I think we did a visit at
16 the end of our prep school year and so we saw the school
17 before we went there, but I don't remember anyone
18 warning me.
19 Q. Okay. We've heard a lot of evidence about
20 Hamish Dawson, jelly beans. He had implements on open
21 view.
22 A. Yes.
23 Q. What do you remember -- did they have a collective term?
24 A. I know others have used a collective term for them.
25 I don't remember what the collective term was. It would

1 be instruments of punishment of some description. He
2 did have a pet name for them --

3 Q. We have heard that each implement would have a name?

4 A. The pet name for the collection, I don't know if each
5 instrument had a name.

6 Q. But in context, we've heard that his lessons were
7 performances, is that --

8 A. I suppose that would be a way to describe them. Yes.

9 Q. What do you remember?

10 A. I wasn't desperately interested in the subject he
11 taught, so I don't remember a huge amount of the
12 subject. My memory with him is much more around the
13 jelly beans, the little character he drew on the board
14 and the clackens.

15 Q. All right. Tell me about the character he drew on the
16 board?

17 A. I have this memory of a brick wall with a little
18 character looking over and he put little dashes under it
19 and you had to work out what the phrase was and the
20 phrase of the day -- I can't even remember how it was
21 constructed now, but I think the jelly bean jar was
22 there as a reward for whoever got that first.

23 Q. All right. If you got things wrong, what would happen?

24 A. If that is a question leading to were the clackens used
25 if you get things wrong, I don't know, I can't remember.

1 The clackens were used as an instrument of punishment,
2 but I can't remember if it was because you'd got
3 something wrong.

4 Q. When clackens were used, and we've seen a clacken --

5 A. Sorry?

6 Q. We've seen a clacken.

7 A. Good.

8 Q. With Dawson, what sort of force do you remember being
9 used?

10 A. I don't remember him holding back.

11 Q. Okay.

12 A. So force.

13 Q. Force. Would children cry if they were being beaten
14 with a clacken by Dawson?

15 A. You weren't allowed to cry at school, but I certainly
16 remember tears in my eyes at the end of a clacken.

17 Q. All right. Do you remember what you had done to merit
18 the clacken?

19 A. No. But then my whole memory of the punishment regime
20 at the school was it always seemed incredibly arbitrary.
21 I could never quite work out what you were doing wrong
22 that merited the punishment that you got. So I can't
23 give you specific instances of that, I just remember it
24 as being that it didn't make sense.

25 Q. Did you feel aggrieved at the time, were you thinking:

1 this is not fair?

2 A. Yes, decidedly.

3 Q. Were there school rules -- we have heard that you would

4 get a book which would give you classes and would that

5 give the names of the teachers and the names of the

6 pupils?

7 A. Yes.

8 Q. What is that called?

9 A. School rulebook.

10 Q. Would that be issued every year?

11 A. Yes.

12 Q. Have you used school rulebooks to work out which classes

13 you were in?

14 A. I had to ask the school for copies of them, but, yes.

15 Q. Right.

16 A. That is the odd thing, because I don't show as being in

17 Dawson's class in any of them, but I remember distinctly

18 too much about him to have not encountered him in some

19 situation.

20 Q. All right.

21 But you go on, having spoken about the physical

22 punishments, you describe him at paragraph 51 as

23 everyone's friend?

24 A. Yeah.

25 Q. He was jovial and would make a game of fondling you, how

1 did that come about?

2 A. As I say there, he used phrases like "Nice, wriggly
3 Douglas". I have memory of kind of using tickling as
4 getting you squirming, tickling and then fingers would
5 move from appropriate places to tickle to inappropriate
6 places to tickle.

7 Q. Where in the classroom context would this happen?

8 A. Memory is at his desk.

9 Q. Like you were standing beside him or a different
10 dynamic?

11 A. I have a fuzzy memory of he would put you across his
12 knee, of being put across his knee at some point, to be
13 both spanked and tickled and touched, but it just kind
14 of this -- I spent so much of my life trying to not
15 remember any of this. Now trying to remember it is
16 a challenge.

17 Q. Okay. You say he would also write?

18 A. Yeah. I don't -- yeah. He would write on kids.
19 I don't think he wrote on me. I don't know. I don't
20 think he wrote on me. But he would write on kids.

21 Q. How often would this happen?

22 A. He just moved through the lessons, so -- he wasn't
23 punishing every boy every lesson, so it would be
24 infrequent or less frequent. Whereas Wares would be
25 marking books and would take advantage of it. I don't

1 think Dawson was as prolific as that. I don't remember
2 him being that prolific.

3 LADY SMITH: Neil, what did Dawson use to write on children?
4 Do you remember?

5 A. No.

6 LADY SMITH: Thank you.

7 MR BROWN: I think you mentioned he also was known for
8 taking people away on trips, steamboat trips.

9 A. Yes.

10 Q. But you didn't do that, I don't think?

11 A. No, I was always very jealous because some of my friends
12 went on the steamboat trips and so on, but we couldn't
13 afford for me to go so I never got to go. It's only
14 meeting up with them in the last 12 months
15 I've discovered that I dodged a bullet.

16 Q. Yes. At the time, it was something you would have
17 wanted to do?

18 A. Yes.

19 Q. Again, just to use the word you described about the
20 experience in Wares's class, in Dawson's class was this
21 just considered normal?

22 A. Yes, although I've got a half feeling that we were
23 beginning to become more aware that there was something
24 wrong with it. For Wares it was kind of normal and
25 Dawson it was creepy, if you see what I mean.

1 Q. You are growing up. It's becoming more obviously
2 sexualised?

3 A. Yes.

4 Q. You have a sense of what's going on; is that fair?

5 A. Yes, I think that's probably it.

6 Q. All right.

7 From what you say, after the Geits there is no more
8 shorts, so that scope stops?

9 A. Yes.

10 Q. But you do describe in the gym context again concerns
11 about teachers' behaviour?

12 A. Yeah, **IBU**. Why does a man need to hang around in
13 the showers talking to boys who are naked, washing?

14 Q. He was a games master, would other teachers be in and
15 around the showers because they were teaching games as
16 well, they were running teams and so forth?

17 A. Well, in the PE context, no, because I seem to remember
18 the shower block was in the gym. For rugby and so on,
19 yes, there would be other teachers around.

20 Q. But would they come and engage as he did?

21 A. I was absolutely appalling at rugby. And the opt out
22 from that was football and I was appalling at that. So
23 I did running, which meant the time in the showers and
24 so on was very different. I don't really have much
25 memory of the games-related abuse.

1 Q. All right. But if you were showering in other contexts,
2 whether it's running or having been playing rugby badly,
3 do you remember other teachers hanging around the
4 showers, is the point?

5 A. Not specifically, no.

6 Q. I think the other thing you remember about him was if
7 you were sporty you were treated well?

8 A. Yes.

9 Q. And if you weren't?

10 A. If you weren't sporty -- I remember he called one of my
11 friends fat and a bloody liar. He would make you --
12 I said earlier I was physically not very strong, but he
13 would insist on you doing whatever the stupid exercise
14 was that he wanted you to do.

15 His worst one with me was swimming. Glenogle Baths,
16 I couldn't -- I was still at the stage where I couldn't
17 swim and I remember him saying, "Jump in at the deep end
18 Douglas". And I said, "But, sir, I can't swim".

19 He said, "Jump in at the deep end and swim down to
20 the bottom", and I was pulled out of the pool by
21 a lifeguard after I had been under for however long.
22 I remember water coming into my mouth and being
23 terrified. Actually the terror, it had gone past the
24 point of terror to actually I was just relaxing into the
25 fact that I was dying. I remember -- I described it to

1 people ever since as actually drowning is okay, because
2 it's really relaxing. I remember it that clearly.

3 I just do not understand why someone would force
4 a child that can't swim into the deep end of a swimming
5 pool and tell them to go down the other end.

6 Q. Okay. Thinking back to the classroom, the other
7 description I would like to talk about is a teacher who
8 threw dusters.

9 A. Oh, yes. I think it was ^{IHJ} [REDACTED] from memory,
10 I remember him because he had a false tooth that hinged
11 down. I'm sure it was him. If you weren't watching the
12 front, the big heavy wooden blackboard dusters, he would
13 lob them at you. And I remember being hit on the side
14 of my head with one. You don't forget the pain of
15 something heavy like that hitting you.

16 Q. To be clear, was that a blow as it went past or did it
17 fully connect?

18 A. No, I'm looking out of the window, whack.

19 Q. Were you injured?

20 A. Presumably, yes. But I just remember having to pick the
21 duster up and give it back to him.

22 Q. You have talked about corporal punishment and
23 physicality in the school, was that, thinking back to
24 you then, did you think this is going over the score?

25 A. What happened in school was what happened in school. It

1 was normal. And we're children who are being told that
2 these are our parents and our teachers and we had to
3 call them masters or sir and whatever they did was what
4 happened.

5 As an adult, looking back at it now, I can see that
6 as the police said even by the standards at the time it
7 was extreme, but at the time this is how school is.
8 There is no escape from it. You go to school. You face
9 brutality from some teachers. And there were probably
10 some really nice ones who weren't brutal, but you tend
11 to remember the bad things in life I think sometimes
12 more than the good. You faced the bullying from
13 classmates. I had some friends at school, I remember
14 the bullying more than I remember the friends.

15 Q. Okay. But again we are back to the idea of throwing
16 a heavy wooden board duster, wood on the top, felt
17 underneath, at someone's head, that would have been
18 normal?

19 A. Yes.

20 Q. Or just accepted by you as part and parcel of school
21 life?

22 A. Yes.

23 Q. Can you remember what age you were when that happened?

24 A. No, not off the top of my head. It would have been
25 mid-teens somewhere. 14 maybe.

1 Q. You've just touched upon bullying. You say you didn't
2 remember the bullying stopping and were you using the
3 library as a safe place throughout your time at the
4 Academy? Was that a constant?

5 A. I've more of a memory of that as in the later years that
6 I was in the upper school.

7 Q. All right. But you make the point that culture impacted
8 on you. Is this a case of everyone could be nasty to
9 someone else?

10 A. Are you asking was I nasty to anyone?

11 Q. Yes.

12 A. To my shame, yes. I remember joining in the taunting of
13 one boy in particular.

14 Q. You mentioned it in the statement. You are open about
15 that. But from your perspective, how would you explain?

16 A. I don't want to excuse the behaviour. Explanation not
17 excuse. Explanation would be I guess if you are part of
18 the pack then you're not being singled out by it. That
19 would be my best guess at motive.

20 Q. Is it a survival instinct if it's not happening to you,
21 it's happening to someone else --

22 A. Yes.

23 Q. -- and that is the better of the two?

24 A. Yeah.

25 Q. Is it as simple as that?

1 A. Yes.

2 Q. Okay. You left at 16?

3 A. Yes.

4 Q. You said that you were relieved to go. You were quite
5 young?

6 A. Yes. It came about because my parents struggled with
7 the cost of the school fees as it was. That was one of
8 the things that destroyed their marriage and they
9 divorced and they couldn't afford to keep two children
10 at the school and I'd had most of my education, so I did
11 my Highers and A-Levels at 16 and left.

12 Q. You I think didn't fit the, as you saw it, school mould
13 because you wanted to go and do technical things?

14 A. Yeah. I wanted to do electronics. Electronics was
15 a hobby. I had been part of the electronics society at
16 school. I quite enjoyed that. It was a bit geeky and
17 the geeky kids tended to be nicer, so that's probably
18 part of where that came from. I remember -- I am sure
19 it was [REDACTED] who was the [REDACTED] lost all
20 interest in my career options at the point at which
21 I said I wanted to go to Heriot-Watt and do electrical
22 and electronic engineering. It wasn't Cambridge or
23 Oxford, so that was the end of the interest.

24 Q. Okay. But I think we know that that's where you
25 ultimately went, you were in IT?

1 A. Yes, by a very circuitous route. I dropped out of that
2 course very quickly and didn't go back to uni until
3 a couple of years later.

4 Q. But you did go back to uni and then progressed?

5 A. Yeah.

6 Q. You said that once you left school, starburst, you
7 didn't have contact with people. You moved on, new
8 chapter of life?

9 A. Yeah.

10 Q. In terms of thinking of school, did you ever stop
11 thinking about it?

12 A. I ran away from it. That first -- I left at 16. I had
13 my 17th birthday and went to Heriot-Watt University.
14 Freshers' week, I kind of remember freshers' week and
15 maybe a couple of weeks after and then I spent the rest
16 of that year on the wrong side of an empty vodka bottle.
17 I just stayed drunk and sought out any relationships
18 I could.

19 So I drowned out the school.

20 Q. Did there come a time when you began to think more about
21 the school.

22 A. School's kind of popped up a few times in my life. I do
23 remember going to some reunion, for some reason
24 I'll never understand. I think I've wanted to have
25 a proper relationship with the school as opposed to the

1 fractured memory relationship.

2 So -- but the other thing that cropped up was
3 of course writing to them, are you heading into that
4 direction?

5 Q. Yes.

6 A. Writing to them in 2001, after Iain Glen's article in
7 the Scotsman I think it was.

8 Q. Yes. Was that something that generated in your mind --
9 I think you say in the statement your mum sent you
10 a copy of it?

11 A. Yes. I had had a really bad -- the first time I had had
12 a mental health breakdown I'd had a really bad mental
13 health breakdown at the beginning of that year and I was
14 in a really dark and bad place and I don't think my
15 mother would have known that. You don't advertise that
16 sort of stuff and she sent me the clipping. And the
17 mental health breakdown had come about because I was
18 leading teams of people who remembered their childhood
19 happily and we were working away from home and we would
20 be out for dinner in the evening and the conversation in
21 the restaurant would be talking about the school days
22 and stuff like that. And I would just be sat there with
23 nothing to contribute. I couldn't remember my childhood
24 and school days at all. I had successfully blanked it
25 out.

1 And that just dropped me off the deep end that year.
2 I ended up going to the doctor because I couldn't sleep.
3 Bottle of pills. [REDACTED]

4 [REDACTED] there was a chance intervention of a friend that
5 meant I never actually took them. I'm fairly -- who
6 knows what they would do in the moment, but I was
7 determined I was going to take them up to that moment.

8 So then I saw Iain Glen's article in the Scotsman,
9 and by this stage in the year waves of memories had been
10 coming back and, yes, that happened to me, I remember
11 it. Maybe not every line of what he said, but that
12 happened to me. I remember it. So I wrote to the
13 school.

14 Q. I think as we would understand they then telephoned you?

15 A. Yes.

16 Q. If we can look at a document, please, it's EDA-000000191
17 and if we go to page 2, please, this is you in contact
18 with the school in 2022?

19 A. Yes.

20 Q. If we stop there. This is you writing on 27 July last
21 year:

22 "Dear sir/madam sometime in the early 2000s ..."

23 This is referring to an article in the Scotsman,
24 which we have just been talking about, which made
25 allegations that he had suffered abuse at the Academy?

1 A. Yes.

2 Q. "The public statement prompted me to contact the school
3 to support his allegations ..."

4 But you don't have a copy of the letter?

5 A. No, and I've searched for it, but it's gone.

6 Q. You then go on to say in reply:

7 "The then rector, I forget his name, phoned me and
8 urged me not to take the allegations any further on the
9 grounds that 1, other staff members were still alive and
10 any allegations could damage the innocent ones. 2, the
11 sexual abuse was a long time ago and the school has put
12 things right. 3, it would damage the reputation of the
13 school. 4, any allegations against deceased members of
14 staff couldn't be defended by them and as such were
15 unfair.

16 "At the time I allowed myself to be persuaded that
17 the above was reasonable, a number of years later I did
18 safeguarding training and reflected that none of those
19 reasons were good reasons to stay silent. However, the
20 moment had passed so I didn't contact you again."

21 Then you go on to talk about why you are contacting
22 them in July 2022.

23 A. Yes.

24 Q. We'll come on to that, but the short answer is
25 Nicky Campbell's broadcasts?

1 A. Yes.

2 Q. And suddenly everyone's talking about it. Were you
3 talking about it to your contemporaries?

4 A. No. I remember putting the TV on. This is a really sad
5 routine my wife and I have, but we do lunch together and
6 will time it for 1 o'clock for the BBC News. Sit down,
7 put BBC News on, I have my sandwich and a bag of crisps
8 and suddenly there is Nicky Campbell crying on TV and
9 that was what the memory -- that was what opened it up
10 and caused me to write that letter. But I had no
11 contact with any contemporaries at that stage. I'd left
12 everybody behind.

13 Q. Presumably -- people have talked about putting things in
14 a box and closing it -- the box was being re-opened?

15 A. The box -- yes. So after writing all those years in
16 2001 I kind of closed the box again and I've had dreams
17 all the way through my life which I've never really
18 understood and I'm understanding now. I have dreamt
19 about this abuse through my life but it's been packaged
20 up in different ways. I've substituted other characters
21 in, but apart from that there was no conscious thought
22 about ... I just put it away and it re-opened last year.

23 Q. You then contacted the school, as we see there, and you
24 say, looking at the third bottom paragraph:

25 "My reason for writing today is to highlight what

1 I believe was an attempted cover up around 20 years ago
2 by the then rector. A cover up which was wholly
3 inappropriate and apparently at odds with the statement
4 the BBC broadcast today from the school in which you say
5 you have supported enquiries into abuse."

6 A. Yes.

7 Q. And you also want to go on the record of complaining
8 about those two teachers, in particular Mr Dawson?

9 A. Yeah.

10 Q. Then you go on:

11 "I should be clear I'm grateful to the school for my
12 education and the life of opportunities it has opened up
13 for me and I have very fond memories of my other
14 teachers, in particular Mr ^{BP} who offered me
15 exceptional pastoral support during the break up of my
16 parents' marriage."

17 A. Yes, and he is the teacher I didn't name earlier that
18 I am aware abused some of my friends. I wasn't aware of
19 that when I wrote this.

20 Q. No. Your experience of him was different?

21 A. Yes.

22 Q. Just for fairness, your recollection until you learnt
23 other things -- or your recollection rather was that he
24 had provided you with some degree of pastoral support at
25 a difficult time?

1 A. He had an immense opportunity to take advantage of me if
2 he'd wanted to. I was incredibly vulnerable at that
3 time and he didn't. I don't know how I dodged that one,
4 but I did.

5 Q. You received a reply, if we go back up the page?

6 A. Yes.

7 Q. If you go down to the bottom of page 1 and this is from
8 the rector.

9 A. Yes.

10 Q. We can read the letter there. What did you think of the
11 reply?

12 A. It was very different to the previous response. It
13 encouraged me to contact Police Scotland so I did.

14 Q. Looking at the bottom paragraph:

15 "There is an active investigation underway with the
16 hope of extraditing 'Edgar' [as he was then known] to
17 face his crimes and we are supporting the police with
18 this. It is utterly wrong these things were done and
19 I am ashamed as the current rector that these things
20 were not dealt with immediately back then. Schools
21 should be safe places and I hate the fact my school was
22 not back then. Please do contact the authorities if you
23 feel you can help. I will certainly pass on your
24 contact details to our alumni office. Do not hesitate
25 to get in touch if I can be of any help and provide

1 further assistance"

2 Did that encourage you?

3 A. I felt pretty neutral about it, because it had been
4 covered up. It had been covered up. It's now not being
5 covered up. So I was ambivalent towards the school and
6 Barry's response at that stage, but it encouraged me to
7 contact the police.

8 Q. It's a different response?

9 A. Yes, it is a different response and a more proper
10 response.

11 Q. Yes. I think we can see, just so we have the full
12 picture, if we go back to the page 1, your reply, where
13 you are grateful for taking the time for him to reply
14 and you confirm you will share with Police Scotland.

15 You say:

16 "I'm sorry you have inherited this historic
17 situation and it has become part of today for the
18 school."

19 A. Yes. I think I'm trying to let him off in my reply or
20 make him feel better in the way I've written my reply.

21 Q. I think looking at the last big paragraph:

22 "I'm in no way condoning what happened but if we
23 look back at the 1970s with the eyes of today then
24 I fear that we are at risk of misjudging the honourable
25 teachers by judging them against today's standards when

1 things were so very different back then. I am sure that
2 with today's training and knowledge they would have
3 responded very differently to any suspicions they may
4 have harboured and things that they saw as perhaps
5 eccentric would have been investigated and dealt with
6 very differently."

7 Were you thinking, when you used the word eccentric,
8 of any particular teacher?

9 A. No, not necessarily. Just it is difficult to judge the
10 past by today's standards, but since then -- since
11 writing that letter I've come to realise that by the
12 standards of the day what was happening was wrong,
13 whereas when I wrote that letter the box was just
14 opening.

15 I would probably still want to be grateful to Barry
16 for acknowledging that wrong had happened and
17 encouraging me to write to the police, but I would not
18 have been so kind towards what happened back then --

19 Q. No.

20 A. -- if I was writing that letter now.

21 Q. What are your views about the school today? You have
22 been following this closely since July.

23 A. So over the last year I've had a mixture of emotions
24 about the school of today. I was very concerned by
25 an article in the Academical that Mark Galloway, chair

1 of the court of directors, had published in January and
2 his astonishing letter follow-up which said that the
3 police had been investigating this since 2001, which
4 must be the longest running police investigation in
5 history.

6 My attitude towards the school changed when I had
7 an opportunity to meet with -- if I say Barry, Sam and
8 Mark I am sure you know who I mean, with two of my
9 friends in May. Where I just remember Barry apologising
10 and I don't remember the next five minutes of the
11 meeting because [REDACTED] who were with me were able
12 to carry on with the meeting, I was just sitting crying.

13 I am very deeply aware that some of my school
14 friends would like to see the school closed, razed to
15 the ground, the buildings sold off and to be made
16 an example of and I totally respect and honour that they
17 feel that way.

18 I take a different view, perhaps because of my
19 Christian ministry background or whatever, but I believe
20 in the chance for redemption. I believe in the chance
21 for people to have a chance. An apology has been made
22 and more apologies are promised. If -- I believe the
23 school has a singular chance to change and under Barry's
24 leadership I think it's got an opportunity to do so.

25 Previous leaders have not done anything like this,

1 and he's taken a very different path. So so long as
2 they follow that path, I would hope the school could
3 turn a corner and have a good future for the sake of the
4 children that are there. But if they slip backwards
5 I will join my friends in calling for it to be bulldozed
6 and razed to the ground.

7 Q. Okay.

8 You have talked about your mental health in the past
9 and difficulties you have faced. How has it been over
10 the last 15 months or 12 months?

11 A. Almost as difficult as it was back in 2001. I have had
12 a horrible time of it, frankly.

13 Q. I think as part of your response to that you have
14 focused very much on what is happening in South Africa;
15 has that helped?

16 A. Yes is the short answer.

17 A slightly longer answer I guess, I've been able --
18 I have been privileged to be able to help a South
19 African charity talk about abuse and the impacts of
20 abuse. In South Africa if you're abused you are seen as
21 damaged goods and a failure, so having anyone talking
22 about it is difficult. So I have found it therapeutic
23 to be able to help them and being able to go and
24 actually confront my abuser in court and get close to
25 him gave me some power back, I think.

1 Q. Interesting what you say about a different ethos in the
2 way those who have suffered abuse are treated. Is there
3 any sense you have that that culture is shifting in
4 South Africa?

5 A. Funnily enough, a South African journalist asked me that
6 and I could only say I don't live in South Africa and
7 I don't know, I'm sorry.

8 Q. Okay. But were you astonished to discover that that was
9 still the reality?

10 A. Yes. The UK is not much better, but it is better.
11 I was gobsmacked to find out just how difficult it was
12 in South Africa and that was meeting -- my first example
13 of it was meeting the only person who has come forward
14 in South Africa so far to make an allegation against
15 Wares and hearing him talking about it. And then the
16 person who was driving us around had set up the Cape
17 Town Police sexual abuse department, the teams or
18 whatever they're called and he was talking about it as
19 well and so, gosh, it's not just the survivor that's
20 saying this, but actually an ex-policeman is talking
21 about it.

22 Q. Okay. Thinking back to the UK, and what you would like
23 to see change here, what are your hopes?

24 A. It's actually something I made some notes on. Can
25 I refer to them?

1 LADY SMITH: Please do, if that would help.

2 A. It's something I wanted to address if we didn't cover
3 it. So I'll just open the notes.

4 So it's around the silencing of victims that
5 I'm most bothered about. There are lots of factors that
6 silence victims. We have talked about some of them, so
7 at the time of the abuse abusers normalise abuse. It's
8 just what happens and if abuse is uncovered or reported,
9 institutions and individuals kind of seek to protect
10 their reputations and shut it down. And that silences
11 victims and it's why I was so grateful for the meeting
12 we had with the school back in May, because by
13 acknowledging that abuse happened it makes it possible
14 for victims to speak up.

15 But the silence stops it. One of the things that
16 really bothers me is -- insurers put up barriers that
17 stop institutions from being able to admit abuse.
18 I would love to see that change in some way and clearly
19 every organisation needs to be insured. One instance of
20 child abuse could bankrupt them, but when the
21 allegations are made institutions are unable to respond
22 positively and properly to the victims, because the
23 insurers handcuff them and say, "You can't admit abuse,
24 you can't do anything".

25 So that just shuts down survivors' abilities to

1 speak up. That is a second evil that I would like to
2 see changed out of this.

3 If you think about the first one though, the --
4 sorry, because I'm not talking to my notes in the way
5 I was expecting to I've confused the running order, the
6 normalisation of abuse and then the fact that when abuse
7 is uncovered it gets covered up, what happened with us,
8 teachers must have known at the time. It is
9 inconceivable that they didn't. But nothing was done.

10 And if you look at the parallels to the tragic case
11 of Lucy Letby, who there were suspicions of in the
12 health trust and it was talked about internally by staff
13 and it was covered up. We need to head towards
14 an environment where if any abuse is uncovered it must
15 be reported externally and obviously I'm talking about
16 a mandatory reporting stuff that I know others of my
17 friends have talked about, but we simply have to have
18 mandatory reporting to make schools -- so if anything
19 comes out of this, mandatory reporting would be at the
20 top of the list.

21 MR BROWN: Is there anything else, sorry, I'm just conscious
22 that you have obviously been thinking --

23 A. When you have finished your questions I've got a couple
24 of things I would like to say, but I can say them now if
25 you want.

1 Q. Is there any -- if some things weren't touched on.

2 I've asked you the questions I want to ask you.

3 A. Yes, so there are a couple of things then.

4 As a group of victims, we are in utter disbelief
5 that the Crown Office Procurator Fiscal Service have not
6 yet found a way to work with a friendly country, South
7 Africa, to expedite the extradition of Iain Wares, who
8 is now 84. I'm convinced if he defrauded a financial
9 institution he would be on a plane years ago. As it is,
10 the first charges I think were something like six or
11 seven years ago and he's allowed to sit in a -- what
12 looked to me to be a very comfortable looking retirement
13 village in South Africa, which I stood outside.
14 I couldn't get in because there was a security guard,
15 but I stood outside and looked at it.

16 We just got a letter from the COPFS saying:

17 "Oh, there's nothing we can do. The next hearing's
18 27 October, we might understand there might be delays."

19 My question is: is the Scottish legal system and the
20 Scottish Government that impotent? Really is it that
21 impotent? Why is Wares's extradition not being dealt
22 with far more seriously? Victims are coming forward.

23 The survivors' group have had people coming forward
24 even while the Inquiry is on. So little publication and
25 we're now in the -- well up in the numbers.

1 I did want to thank Barry if he's here, I don't know
2 if he is.

3 Q. He is.

4 A. Thank you, Barry.

5 I know he's been at every hearing and to sit and
6 have the courage to do that and face it, I would like to
7 applaud him for it. Notwithstanding the comments that
8 others have made. And in glaring contrast to his
9 courage is the self-serving way that none of the staff
10 at the time recalls even a hint of abuse.

11 As an example, our chaplain, Howard Haslett insists
12 he knew nothing. I quote him directly, and I need to
13 read this, I quote him directly when he says it would
14 disturb him greatly if the Inquiry were to gain the
15 impression of the school as a place where no one cared.

16 In writing to one of us he asked that we reassure
17 Lady Smith that he did care so as to, and I quote, "ease
18 his disturbed state of mind".

19 That breath-taking selfish attitude is typical of
20 the self-serving contemptible denials from the staff at
21 the time. You know from testimony, we know from
22 testimony -- we know from testimony that they were told.
23 I wish they had the integrity to stand up, admit to
24 knowing and doing nothing and then to apologise instead
25 of worrying about their reputations or perhaps the

1 response of their insurers.

2 I would then have gone on to talk about the evil
3 I think of -- that I mentioned of the insurers clamming
4 up institutions.

5 I know that's an impossible one to unpick, but it
6 needs to be unpicked. It is unconscionable that
7 financial interests should stop institutions from
8 responding properly to abuse.

9 That would cover the other bits I wanted to say.

10 MR BROWN: Neil, thank you very much indeed.

11 A. Thank you.

12 LADY SMITH: Neil, can I add my thanks to you for the
13 detailed written statement you've given us, the thought
14 you have obviously put in to what you are going to be
15 able to add to that by making your memories of your
16 experiences come alive and your thoughts about where we
17 are now and where we go next. I'm really grateful to
18 you.

19 I'm able to let you go and I hope you can just relax
20 a bit more for the rest of today, because I'm sure this
21 has been very hard work for you to face up to.

22 A. Thank you.

23 LADY SMITH: Please do feel free to go.

24 (The witness withdrew).

25 LADY SMITH: Just before I rise for the lunch break, three

1 names I would like to mention and remind people that
2 they are covered by my General Restriction Order,
3 [REDACTED], [REDACTED] and also Iain Glen who was
4 mentioned by that witness. His identity is not to be
5 disclosed outside this room, along with the others.

6 Thank you very much.

7 I'll sit again just after 2 o'clock.

8 Thank you.

9 (1.15 pm)

10 (The luncheon adjournment)

11 (2.05 pm)

12 LADY SMITH: Good afternoon.

13 We move now to the third in-person witness of the
14 day, I think, Mr Brown?

15 MR BROWN: My Lady, that is 'Robert', who is waiting.

16 LADY SMITH: Thank you.

17 'Robert' (sworn)

18 LADY SMITH: 'Robert', the red folder in front of you has
19 your statement in. You may find it helpful to refer to
20 it as you are giving your evidence. It's up to you
21 whether you use it or not.

22 Otherwise, my thanks to you for coming along this
23 afternoon to help us with evidence in relation to
24 matters we're interested in, in our Edinburgh Academy
25 case study.

1 Can I just say that I do appreciate being plucked
2 out of your normal life and being asked to come and give
3 evidence at a public inquiry such as this is difficult.
4 I don't imagine for one moment you have been looking
5 forward to doing it this afternoon.

6 But I hope you'll let me do anything I can to assist
7 you with the process, whether it's giving you a break at
8 any time, or explaining things that you are not
9 following. If you're not following them it's our fault,
10 not yours. So do speak up if there's anything I can do.

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

13 A. Yes. I'll open my bottle of water.

14 LADY SMITH: That's always the first challenge of the day.

15 I'm sorry, if that's come out of the fridge you'll
16 probably now have wet hands but there are tissues there
17 if that's helpful.

18 A. It's nice and cool to drink.

19 LADY SMITH: Mr Brown.

20 MR BROWN: My Lady, thank you.

21 Questions from Mr Brown

22 MR BROWN: 'Robert', good afternoon.

23 A. Good afternoon.

24 Q. Starting with the statement in the red folder it has
25 a reference number WIT-1-000001313 and we see in the

1 last page you signed and dated it recently and confirmed
2 in the last paragraph that you have no objection to your
3 witness statement being published as part of the
4 evidence to the Inquiry and that the facts in it you
5 believe are true, correct?

6 A. Correct.

7 Q. Thank you very much.

8 You're now in your early to mid-70s and are
9 a retired consultant psychiatrist. As you are aware, we
10 have brought you out of retirement to talk about events
11 in the 1970s when you were working at the Royal
12 Edinburgh Hospital.

13 Just to be clear, I want to ask you about that
14 hospital, the sort of training that you would have
15 received as a young doctor. The hierarchical structure.
16 The particular head of the department or one of the
17 heads of the department that you worked for and then
18 towards the end touch briefly on patient records that
19 you had fleeting contact with in relation to the
20 treatment of a particular patient, which was for a short
21 period. Is that correct?

22 A. Correct.

23 Q. Yes. I'm right in saying that I think you worked at the
24 Royal Edinburgh Hospital from 1975 until the end of the
25 decade?

1 A. Until 1979, yes.

2 Q. That was part of your training?

3 A. The initial half of psychiatric training, yes.

4 Q. We understand there was a second half elsewhere.

5 Just so that we would understand, in the time you

6 were at the Royal Edinburgh, you were under training but

7 obviously you were practising?

8 A. Yes.

9 Q. Is that a fair summary?

10 A. Yes.

11 Q. Presumably as the years pass you are becoming more

12 experienced but you are still under supervision?

13 A. Yes.

14 Q. Although you progress through the ranks, is that

15 a fair --

16 A. That's a fair comment, yes.

17 Q. Just like the military, as a doctor there are ranks you

18 progress through?

19 A. Yes.

20 LADY SMITH: You would have been in your 20s, a young doctor

21 at that stage?

22 A. I was 27, yes. It's giving away my age now.

23 MR BROWN: Yes.

24 LADY SMITH: It flies.

25 MR BROWN: Just to understand the progress, you go through

1 a medical degree, you become a doctor --

2 A. Yeah.

3 Q. -- you have the qualifications. Did you know
4 straightaway you wanted to go into psychiatry?

5 A. Not completely. I had thoughts of obstetrics and
6 gynaecology. At that stage it was unbelievably
7 competitive and one of my mentors in obstetrics said if
8 you ever have a moment's doubt about your career, you
9 won't make it. So psychiatry in a sense was second
10 choice, but a strong second choice.

11 Q. I see.

12 LADY SMITH: 'Robert', could I just invite you to pull the
13 microphone a little nearer to you. That helps us to
14 hear you and you don't have to make too much effort to
15 speak loudly yourself.

16 MR BROWN: Just to understand, from the training you
17 received at the Royal Edinburgh, first of all, the
18 hierarchy, would you start as a house officer --

19 A. You started as senior house officer, senior house
20 officer is the rank you are at between graduation and
21 starting specialty training. In those days it was one
22 year and now it's two years.

23 Q. You start as a senior house officer and how long do you
24 remain an SHO?

25 A. Usually about 18 months. I think there is a quota for

1 SHOs and a quota for registrars, so it wasn't
2 a competitive promotion, it was when a registrar got
3 promoted to senior registrar then an SHO would move up.
4 Q. So to use a phrase we've heard, it was a bit of Buggins'
5 turn?
6 A. Yes.
7 Q. Once an opening, someone is shifted?
8 A. Yes.
9 Q. So 18 months SHO, then registrar and then progress on to
10 senior registrar?
11 A. Senior registrar, which was a competitive appointment,
12 whereas up to then it was smooth and continuous.
13 Q. I see. Even as a senior registrar is that still part of
14 the training process?
15 A. Yes.
16 Q. When does it stop becoming a training process?
17 A. Sorry, I didn't catch that?
18 Q. When does it stop becoming a training process?
19 A. It's supposed to be three to four years. It's very
20 much, much more structured now than it was in my time.
21 Q. Would that fit with the time you spent at the Royal
22 Edinburgh, it was that length of time and it was all
23 training?
24 A. Yes.
25 Q. You make the point that at this stage in the 1970s, to

1 use your words, the Royal Edinburgh Hospital was at its
2 zenith?

3 A. Yes.

4 Q. Why was that?

5 A. It's a wee bit hard to tell looking back as a kind of
6 enthusiastic young man, but the staff was really of the
7 highest quality. Quite a lot of relatively youthful
8 consultants, enthusiastic consultants. Quite
9 competitive to get in. I think Edinburgh Medical School
10 always thought it was the centre of the universe. This
11 tends to happen in some places. I don't think any of
12 the other psychiatric trainings, even though they're
13 quite thorough and comprehensive really matched
14 Edinburgh, particularly in formal teaching which was
15 a half-day every week throughout the three years until
16 your exams, it was very structured and getting the
17 academic side on a plate, if you like, for your exams,
18 and getting a wide variety of clinical placements over
19 that time.

20 Q. We would understand that during your time you are moving
21 from placement to placement?

22 A. Yes, six or seven placements over the period of time.

23 Q. So your contact with a particular part of the hospital
24 would be six months --

25 A. The initial one was always a year of general psychiatry

1 just to find your feet, other placements tended to be
2 only six months and sometimes a wee filler of three
3 months just because of dates and the way dates worked
4 out.

5 Q. Just speaking generally rather than specifics, you will
6 be getting exposed to a range of patients, a range of
7 conditions, but to understand these are patients who are
8 already being treated --

9 A. Yes.

10 Q. -- and are under the care of, presumably, a consultant?

11 A. Yes.

12 Q. Who will guide --

13 A. Yes.

14 Q. -- the process?

15 A. The consultant will make all the decisions, although the
16 consultant would be open to other ideas.

17 Q. Yes.

18 The Royal Edinburgh Hospital you detail was split
19 into two halves. The Royal Edinburgh campus and
20 Craighouse campus, which doesn't concern us. So
21 sticking with the Royal Edinburgh campus you say it had
22 two ordinary admission wards in the Andrew Duncan
23 Clinic, which had been built to replace older wards?

24 A. Yes.

25 Q. Then you make mention of in the professorial unit were

1 two smaller admission wards run by academic members of
2 staff, so there is a distinction between academic and
3 purely medical?

4 A. Yes.

5 Q. Can you explain how that worked?

6 A. Well, the two ordinary admission wards were purely NHS
7 and they would take all the routine admissions.
8 Academic doctors, including psychiatrists, always have
9 clinical duties of some kind. I don't know what the
10 history of it was in the Royal Edinburgh. Their
11 clinical duties included inpatients, but that is how it
12 had worked out and so each of the wards had a professor
13 in charge.

14 That was physically part of the -- as a building, as
15 a construct, the Andrew Duncan Clinic was one bit and
16 the professorial unit was another bit, it was all the
17 same era.

18 LADY SMITH: 'Robert', can I just take you back to something
19 you said a moment or two ago, when Mr Brown was asking
20 you about the way in which the younger doctors were
21 exposed to a range of patients who were under the care
22 of a consultant.

23 You said the consultant will make all the decisions,
24 although the consultant would be open to other ideas.

25 A. Yes.

1 LADY SMITH: I just want to unpick that, if I may.

2 Does that depend on the nature of the consultant,
3 the personality of the consultant, and, if you like, the
4 quality of the ideas being suggested by the junior
5 doctor?

6 A. To answer the second bit first. Of course if the junior
7 doctor was talking rubbish I don't think the consultant
8 would have been impressed. Maybe I was lucky. I never
9 worked in a ward which was particularly hierarchical and
10 the junior doctors were talking about inpatients, which
11 is what most of the work and training is, at least was
12 in those days.

13 The junior doctor would take the history and present
14 that at the first ward round after the patient was
15 admitted and doesn't stop at the end of the history.
16 The junior doctor would be expected to come up with
17 a formulation which was the word used to kind of tie
18 things together and to make some comment as to what he
19 or she would have anticipated as appropriate treatment.

20 So if I was presenting a patient I would say: da,
21 da, da, da and I think he would benefit from, whatever.
22 Given that psychiatry is relatively mainstream most of
23 the time it would be unusual for the consultant to take
24 a vastly different view of things. He might take
25 a somewhat different view of things.

1 But the final decision would be with the consultant,
2 because the consultant holds final legal responsibility
3 for the treatment of the patient.

4 LADY SMITH: That's the ward round situation.

5 A. Yes.

6 LADY SMITH: Might there be other occasions in which the
7 junior doctor may have some ideas, but depending on how
8 they feel about the likelihood is that they'll be
9 listened to, they may not speak up?

10 A. Maybe I didn't make myself clear. I was talking about
11 the initial ward round, ward rounds are mostly a weekly
12 basis in which all patients are reviewed. So if
13 something came up in the week between routine ward
14 rounds, something came up which didn't need immediate
15 attention, then the junior doctor would raise that at
16 the next ward round and say:

17 "This doesn't seem to be going so well, what about
18 that?"

19 And that was the forum in which treatment could be
20 changed and if it was to be changed that would be with
21 the endorsement of the consultant.

22 LADY SMITH: Finally, just before I hand back to Mr Brown,
23 would there be occasions on which the junior doctor
24 could speak to the consultant separately from the ward
25 round situation if they wanted to make a suggestion?

1 A. I can't remember ever having done so myself. When
2 I think back to the consultants I worked for, I thought
3 they were all approachable. I wouldn't have had any
4 problem in approaching a consultant outwith the ward
5 setting.

6 LADY SMITH: Thank you.

7 Mr Brown.

8 MR BROWN: Thank you, my Lady.

9 Talking about the professorial unit, we would
10 understand when you are talking about the Andrew Duncan
11 is that the modern buildings near the entrance?

12 A. Yes.

13 Q. Which are now no longer modern, anything but?

14 A. Correct.

15 Q. Then you have the six-storey block --

16 A. The academic department, with lecture rooms, libraries
17 ...

18 Q. From what you are saying, at the time you were there
19 there were two professors in the professorial unit,
20 Henry Walton and Bob Kendall?

21 A. Yes.

22 Q. Each with their own approaches and, as you say,
23 Henry Walton had a bias towards psychotherapy, whereas
24 Professor Kendall had a bias towards the
25 biological/physical end of psychiatry.

1 In terms of Professor Walton and the approach to
2 psychotherapy, again just give us a pen picture of what
3 you would understand or learn that psychotherapy was
4 about, thinking back to the 1970s.

5 A. I suppose two things particularly with Professor Walton.
6 It was common practice in psychiatric wards in those
7 days to have at least weekly patient meetings and in
8 most wards patients sat in silence and didn't say
9 anything.

10 Professor Walton was particularly interested in
11 group psychotherapy, so on his ward, like other wards,
12 there was a weekly patient meeting, but with
13 encouragement from the staff the patients in that
14 setting were much more vocal and open about their
15 difficulties.

16 So that was where the psychotherapy bias fitted in,
17 in the ward. Professor Walton also wrote a very popular
18 short paperback on group psychotherapy, which was
19 a fairly standard book for trainees to read at that
20 time. I think he encouraged junior staff on the ward
21 and nursing staff not just to be kind of monitoring
22 progress, but to have more thorough, thoughtful perhaps,
23 discussions with patients on the ward, rather than
24 saying: this person's that much better because these
25 particular symptoms have receded.

1 So maybe to put it in a more person focused than
2 illness focused.

3 Q. In terms of his status, you have talked about the Royal
4 Edinburgh at that stage being at its zenith, was he part
5 and parcel of that zenith?

6 A. Very much so. And if my -- he was very interested in
7 medical education. I think I said elsewhere that he
8 wasn't head of department and he wasn't so much involved
9 in research, but I think in my time there he was,
10 whatever the name of it was, but he was chairman of the
11 European Society of Medical Education or the World
12 Society of Medical Education, not just psychiatric
13 education, so overall education of medical students and
14 young doctors was a particular interest.

15 So that wasn't the hierarchy on the ground in the
16 professorial unit, but I think that's maybe a measure of
17 his standing generally.

18 Q. In terms of academic clout, to put it that way, he was
19 a heavyweight because of this global --

20 A. I think -- yes, but I think in terms of academic clout
21 within the Royal Edinburgh it was more to do with
22 Professor Kendall's research.

23 Q. Right. Which is the physical side?

24 A. Yes.

25 Q. But in the medical educational world, Professor Walton

1 would be very well known?

2 A. Yeah.

3 Q. All right. So both might be feathers in the cap of the
4 Royal Edinburgh, for different reasons?

5 A. Yes, and back to the notion of at its zenith.

6 Q. Yes.

7 Now, he was from South Africa?

8 A. Yes.

9 Q. You say, and I would like you to expand on this, he had
10 a very expansive way of speaking. What did you mean by
11 that?

12 A. Well, if it doesn't sound too ridiculous or look too
13 ridiculous, I mention in my evidence him talking about
14 success rate to -- we might expect in our postgraduate
15 exams and his expansive way of speaking he would say
16 something like:

17 "IQQ, it is no problem, just treat it as you
18 present a patient to me and you'll have no problem with
19 the clinical part of your exams."

20 So the expansion of the arms and it was -- it was
21 theatrical would be an unkind word to use, but it was --
22 it wasn't a kind of cold academic way or a kind of --
23 I don't know ...

24 Q. Was it a different approach to your previous experience
25 of medical academics?

1 A. I have to confess, I wasn't a fan of the Royal Infirmary
2 of Edinburgh.

3 Q. Can we put it this way: was it more informal and
4 relaxed?

5 A. It was more -- much more -- if I can contrast that,
6 I was a big fan of Leith General Hospital in those days,
7 which was totally informal and relaxed, whereas the
8 Royal Infirmary of Edinburgh was the exact opposite.

9 Q. I see.

10 You say people either liked Professor Walton or they
11 didn't. Was he a Marmite, to use that cliché,
12 character?

13 A. Maybe not quite as much as love and hate, but I think
14 some people I think would have expressed a preference to
15 work on his ward and other people would have expressed
16 a preference: please don't send me to that ward.

17 Q. Why would that be, if you can tell us?

18 A. I don't know. I took to him. I found him warm and
19 encouraging.

20 Q. You say there was a feeling he had favourites?

21 A. But I also said I'm not quite sure why I said that,
22 I think.

23 Q. Yes.

24 A. I think I'm reflecting back to what preferences people
25 made in terms of what wards they were sent to as part of

1 their training.

2 Q. You say he was happy to lead from the front?

3 A. Mm hmm.

4 Q. Meaning? On a practical level?

5 A. (Pause)

6 I'll have to think about ...

7 I was toying with the word "charismatic", but that's

8 not the word I mean, but it's kind of towards that end

9 of the spectrum. He was -- and I wouldn't say a big

10 personality either, that's a bit of a cliché, but he was

11 a kind of more notable individual.

12 Q. Okay. You make the point that he would be happy to

13 listen to different approaches, though ultimately, as

14 you have said, decisions would be his?

15 A. Yes.

16 Q. Day to day in a teaching hospital like that, you say you

17 had hundreds of patients to deal with?

18 A. Not me, no. The hospital had hundreds of patients.

19 Q. Speaking generally. Was it common for junior doctors to

20 raise issues or was it just more day-to-day treatment,

21 it's everyday work if you like rather than constantly

22 questioning and going to the professor to say: what

23 about this?

24 A. Yes, it would be more the kind of mainstream detail of

25 treatment. Rather than big issues.

1 Q. Yes. Just to be clear, you've talked about patients
2 being admitted and histories being taken. What about
3 the situation where you, as a junior doctor, are given
4 a patient to treat who is already in the system. Would
5 that be a different dynamic?

6 A. Yes, because when you start on a ward most wards are
7 full most of the time. My recollection of that ward was
8 there would be 20 patients in it -- 20 beds, so there
9 might have been 18 or 19 patients already in it, whom
10 I would have to get to know. But as each new patient
11 came in I would admit that patient.

12 In those days the outpatient load was not very large
13 at all. It was mostly inpatient focused, so when you
14 went to a ward you might get a list of, I don't know,
15 half a dozen patients that you're expected to follow up.
16 Perhaps somebody who had been discharged in the previous
17 few weeks but still needed somebody to keep an eye on
18 them to make sure the discharge had been successful.

19 But it was very much inpatient rather than
20 outpatient focused.

21 Q. But you would have to deal with outpatients?

22 A. Yes.

23 Q. Who presumably you would see, for the sake of argument,
24 monthly or for whatever --

25 A. Yeah.

1 Q. -- regularity?

2 A. Yes.

3 Q. Again, when dealing with outpatients thinking back to
4 then, were you dealing with patients who had been in,
5 been discharged and then there's continuity of care --

6 A. Yes.

7 Q. -- from the community side?

8 A. Somebody who had always been an outpatient wouldn't be
9 passed to a junior doctor.

10 Q. No. Is it in that context, thinking of what we're going
11 to talk specifically about, you would be handed
12 an outpatient, you would read back and then you would
13 carry on existing care --

14 A. With the mandate that had been given.

15 Q. With the mandate that had been given, yes.

16 We'll come back to that. In terms of oversight of
17 the department, you worked in the NHS for decades.
18 Presumably oversight is something that became evermore
19 present. Tell us about the 1970s, what sort of
20 oversight was there of the professorial unit?

21 A. In the six months I was there, none. Routine visits
22 were by the then Scottish Hospitals Advisory Service.
23 That would be every two or three years. Routine visits
24 by the Mental Welfare Commission tended to have
25 a thematic remit, and therefore wouldn't necessarily

1 visit every ward.

2 The Mental Welfare Commission could visit as
3 required, if problems were identified. That included
4 unannounced visits, which I guess we're all familiar
5 with from the press. So there wasn't -- I think
6 I mentioned in my evidence, there was fairly thorough
7 visits by the Royal College of Psychiatrists but that
8 was focused very much on the teaching, not really on
9 the -- or not directly on the quality of care.

10 Q. No. So that really was kept in-house without --

11 A. Yes.

12 Q. -- particular oversight that might have then followed in
13 later decades?

14 A. Yes.

15 Q. Again, in terms of the hierarchy, ultimately it goes
16 back up to the consultants?

17 A. Yes, and I think I mentioned in my written evidence that
18 there's no line management in clinical matters above
19 a consultant level.

20 Q. No.

21 A. So there was the Physician Superintendent of the Royal
22 Edinburgh, but his concern was with the running of the
23 hospital generally, not with the direct treatment of
24 a particular patient by a particular consultant.

25 Q. No. So in terms of the particular patient, sorry to use

1 cliches, but the top of the tree is the consultant and
2 he may listen to ideas about particular treatment,
3 perhaps more so in the inpatient scenario, but
4 ultimately responsibility is his and on a day-to-day
5 level presumably there was little, particularly with
6 outpatients, challenge. It was just carrying on the
7 treatment --

8 A. Yes.

9 Q. -- that was already in place?

10 A. Yes.

11 Q. If we can talk now about the specifics of the patient
12 whose records you have seen.

13 This is going --

14 A. Are we simply referring to as "the patient" today?

15 Q. Yes.

16 A. Okay.

17 Q. Do you remember the patient?

18 A. No.

19 Q. You've been provided with medical records. Did that
20 trigger any memories?

21 A. No.

22 Q. No.

23 A. It triggered the memory of, as a person the psychiatric
24 social worker who I saw the patient with, but no
25 memories of him as such.

1 Q. All right. You've mentioned the psychiatric social
2 worker. This is the lady who we see referred to in the
3 records. Can you explain in the context of your
4 involvement, I think this is in 1978, into 1979, is that
5 right?

6 A. No, April to September 1977.

7 Q. I do beg your pardon. Too many dates.

8 So it's a very short period that you have cross-over
9 with this patient?

10 A. Yeah.

11 Q. Just to understand the mechanics from your perspective,
12 by this stage you are a registrar?

13 A. Yes.

14 Q. How would this patient have been passed to you.

15 A. It's hard to remember and it's hard to work out from the
16 case notes. I didn't find in the case notes a handover
17 to me from a predecessor and if I've missed that,
18 I apologise. I found a very brief handover note from me
19 to my successor, which put some things in context.

20 I think with this patient, given that the mandate
21 was to see him together with the social worker and see
22 the patient and his wife as a couple, I would imagine,
23 with some confidence, but can't be 100 per cent sure,
24 that the actual handover was verbal on the part of the
25 psychiatric social worker to me, as in that we're going

1 to be working together to try and help this couple.

2 Q. I think you can see on a document that will appear,
3 PSS-000025879, if we go to page 14.

4 A. That was my transfer note to my successor.

5 Q. Having been dealing with him for the previous --

6 A. Normally I should have seen him monthly, but he failed
7 to attend on one occasion and advised that the following
8 month was unsuitable, so I saw him on four occasions in
9 six months.

10 Q. Yes. Each time you saw him it would be with the
11 psychiatric social worker?

12 A. Yes, and with his wife.

13 Q. And with his wife.

14 Just in terms of the involvement you would have with
15 him, this is someone who is already going -- has been
16 treated for some time, you understand. You would read
17 all the patient notes about him; is that right?

18 A. I like to think so. I certainly did in the latter part
19 of my career. I would certainly think I would have in
20 those days. I'm confident I would have.

21 Q. What did you understand the mandate was for that
22 six-month period?

23 A. The context was he'd been admitted as an emergency,
24 specifically because his drinking was out of control.
25 And admission is a way to stop that in its tracks and

1 see where you stand.

2 The actual admission at the time as an emergency,
3 wasn't to do with his paedophilia. His wife expressed
4 the view that she was at her wits' end, she didn't know
5 in the marriage could continue. The view was taken, as
6 far as I could understand, that other things being equal
7 it would be in both their interests if the marriage
8 would continue. I think perhaps more in terms of the
9 patient's interest than his wife's, because he was the
10 one with the very major problems.

11 It is not the job of therapists to make a marriage
12 work or not make a marriage work. It's to take the
13 situation as it stands, which was husband and wife
14 saying, as it stands we're staying together, and then to
15 take it from there to see whether that relationship
16 could become more robust.

17 Q. So the focus, as you would understand it, really in
18 terms of the admission, had been on the drink side?

19 A. And then it emerged the other aspects of it.

20 Q. Yes.

21 A. But the mandate for myself and -- and the social worker
22 was to address the marital side of things, on the basis
23 that that would be to their mutual benefit.

24 Q. Yes.

25 I think what we're looking at is the handover note

1 in October that you prepared?

2 A. Yeah.

3 Q. Just while we're dealing with it, who was that note
4 written for?

5 A. My successor -- do you want his name? No. My
6 successor, another registrar the year below me, the
7 intake after mine.

8 Q. It's fairly brief?

9 A. Yes.

10 Q. Do you have any comment on the language you use?

11 A. I do and I made comment on that when I was coming out
12 with my written statement. This was decades before
13 patients had access to their own notes and doctors
14 always write in shorthand to each other, certainly in
15 a hospital setting. Perhaps less so in letters to GPs,
16 although one can come across some unfortunate letters to
17 GPs.

18 So what I say there wasn't meant to be in any way
19 a value judgment. Do you want me to just take you
20 through that paragraph?

21 Q. Please do, yes.

22 A. I said:

23 "He's a pleasant pederast."

24 That was really to emphasise two things, flagging up
25 the name, the fact that apparently he was a pederast, he

1 had admitted to that and that inevitably generates some
2 feelings or thoughts to whoever comes across him, which
3 might well be negative, but actually in meeting him he
4 seems a very pleasant chap.

5 So it's a way to perhaps ameliorate any prejudice
6 a successor might come into that clinical setting by the
7 fact that he was a pederast, not to neutralise it, but
8 to say: take this man as face value in the task you've
9 got, rather than a kind of prejudgmental thing.

10 Q. Yes.

11 A. I then said:

12 "His wife is a somewhat harsh and exacting woman."

13 There was a lot of reference to that kind of
14 interaction throughout the case notes, inpatient notes,
15 and there is reference elsewhere, but not there, to --
16 well, I can come back to that.

17 "It is felt by Professor Walton the marriage keeps
18 Iain away from drink and young boys."

19 That is a practical comment. It's not meant to be
20 supercilious in any way, suggesting keeping him away
21 from young boys. It was simply meant to be a factual
22 statement.

23 Q. Did that reflect Professor Walton's thinking?

24 A. I can't -- I presume it is, if I've written that.

25 Q. Yes.

1 A. To put it in context, this patient had no sexual
2 experience before his marriage. He got married and had
3 a sexual relationship with his wife and I think there
4 was some thought from the notes that in some ways what
5 would be considered a more normal sexual life might
6 dilute any interest in abnormal sexual life.

7 Q. We'll come back to that.

8 A. So I think that's what's meant by keeping away from
9 young boys. He's got a wife, that's normal, maybe
10 sidelines of paedophilia are going to be less pressing
11 or intrusive for him.

12 Q. That would reflect and I think we'll come back to it --
13 you will see this ends with reference to a letter and
14 we'll go to that next, which I think fleshes out the
15 shorthand you were using.

16 A. I think the next sentence is quite interesting, looking
17 back on it:

18 "It may be that he would benefit from individual
19 sessions, but perhaps his inclination for young boys is
20 too firmly ingrained to make this a worthwhile venture."

21 I think it is interesting I thought that 46 years
22 ago without subsequent experience. I think my view now
23 is that sexuality is pretty ingrained and fundamental
24 aspects of our sexuality don't really change much over
25 time.

1 Q. But you were concerned 46 years ago that that
2 inclination for young boys was firmly ingrained?
3 A. Well, I used the words "maybe" and "perhaps"
4 Q. Yes, but that was your instinct?
5 A. That was my instinct as a young psychiatrist, yes.
6 Q. And you are querying whether individual sessions is
7 worthwhile?
8 A. Yes, I think the implication of that is that he's
9 already had quite a lot of individual sessions.
10 LADY SMITH: Are you also querying whether a marriage within
11 which he has sexual relations with his wife is going to
12 prevent him having an inclination for young boys, as you
13 put it?
14 A. Well, without wishing to sound facetious, marriage isn't
15 a guarantee against infidelity and nor are sanctions
16 which we take against sexual offenders a guarantee
17 against them offending again. So I guess what I would
18 say now would be it's perhaps optimistic to think
19 a sexual relationship with his wife would necessarily
20 dilute his sexual interest in young boys sufficiently to
21 prevent him continuing with that.
22 Does that make sense?
23 LADY SMITH: Absolutely. Thank you 'Robert'.
24 MR BROWN: The implication of having dealt with this man
25 over six months, at which he's not attended twice, is

1 that you are --

2 A. In which he has failed to attend twice?

3 Q. Yes. The implication seems to be you are querying the

4 treatment plan or the efficacy of it?

5 A. No. I think what I'm saying is -- elsewhere I say that

6 they are more settled, or a phrase like that. The

7 treatment plan, at least my bit of it, seemed to be

8 helping a wee bit, which I guess is why it was going to

9 continue.

10 I don't think I was proposing a change in the

11 treatment plan, because that in a sense was nothing to

12 do with me. I was making an observation to my

13 successor.

14 I think more in terms of -- I'm ascribing motivation

15 to myself 46 years later, so I am speculating, but

16 I think what that is trying to do is saying this is more

17 the big picture as I see it and saying that to my

18 successor.

19 Q. All right.

20 A. Not feeding that up through the system.

21 Q. No. Because ultimately treatment decisions for this

22 patient would go back to whom?

23 A. Yes, they would go back to Professor Walton.

24 Q. Because it's Professor Walton's patient?

25 A. Yes.

1 Q. If we --

2 A. But I don't know what -- I would imagine, again this is
3 speculation, but I imagine the feedback directly to
4 Professor Walton would be from the social worker, in
5 that she was the continuity person for this patient.

6 Q. That is why I used the word fleeting for you?

7 A. Yes.

8 Q. There is a continuity of other staff. You are a doctor
9 under training who deals with him four times in six
10 months?

11 A. Yes.

12 Q. But you make reference at the end of the last line to
13 a letter of 27 May 1977?

14 A. Yes.

15 Q. If we can go back to that, which is PSS-000025927,
16 page 16, this is the letter of 27 May and I think we
17 understand this is to the patient's GP?

18 A. Yes.

19 Q. Looking at the top left, this is your letter?

20 A. Yeah.

21 Q. You say:

22 "The above named continues to be seen with his wife
23 for joint interviews with a member of the medical staff
24 [and the psychiatric social worker]."

25 Then you set out in the fuller paragraph --

1 A. Can I go to the first paragraph again? Can you take it
2 down?

3 LADY SMITH: A little further up?

4 A. Keep going.

5 LADY SMITH: Is that what you are looking for, 'Robert'?

6 A. I think in the third line of paragraph 1, "first" should
7 be "last", for the last time last week --

8 Q. This is May 1977.

9 A. Sorry, my mistake.

10 Q. So that is correct. So this is the first time you are
11 meeting.

12 Just for clarity --

13 A. Yes.

14 Q. -- the name is there --

15 A. Yes.

16 Q. -- it's Iain Wares?

17 A. Yes.

18 Q. Then you set out for the general practitioner a précis
19 of the case; is that fair?

20 A. I think I'm actually setting it out as much for myself
21 as an aide-mémoire as I am for the GP. The GPs are not
22 terribly interested in the detail of treatment by and
23 large for most patients.

24 Q. To be candid, was this you doing it longhand so the next
25 time you looked at the file you would get the immediate

1 triggers?

2 A. They are also a marker for the GP: this is where we've
3 got to.

4 Q. We don't need to go into the minutiae of it, but we see
5 the patient is South African?

6 A. Mm hmm.

7 Q. There is talk about his adolescent and early adult life,
8 where he has homosexual encounters which could be
9 regarded as developmental in type and then when he
10 started teaching in a boys' school in South Africa
11 became increasingly attracted to young boys, eventually
12 being dismissed because of fondling their genitals. So
13 there has been active engagement with children?

14 A. Yes.

15 Q. "At this time he was referred by a family friend to
16 Professor Walton ..."

17 Who is South African, so it would appear that is the
18 connection?

19 A. Yes.

20 Q. "... and was admitted to Ward 1 of the Royal Edinburgh
21 Hospital in 1967. Some success was apparent in
22 decreased sexual feelings for young boys and increased
23 interest in the opposite sex. Various practical
24 measures were taken ending up in [him] working once
25 again as a teacher in Edinburgh."

1 Just looking at the wording there, "various
2 practical measures were taken ending up", is that
3 implying that that was with the input of the Royal
4 Edinburgh Hospital or Professor Walton?

5 A. I couldn't speculate on that. There is nothing --
6 I found nothing in the notes at that time.

7 Q. He --

8 A. There was a bit of a gap between then and going to
9 teaching training school and teaching in schools and so
10 on. I would have thought by "various practical
11 measures" I meant he went to teaching training college
12 and then got a job.

13 LADY SMITH: That is in the context of whilst it being felt
14 that apparently he had a decrease in sexual feelings for
15 young boys, they hadn't been eliminated at the time he
16 went to work again as a teacher?

17 A. Correct. That is what I've written, yeah.

18 LADY SMITH: I'm sure you wrote what you understood to be
19 the situation at the time, 'Robert'.

20 A. Yes.

21 MR BROWN: You would be gleaning this from the case notes?

22 A. Yes.

23 Q. "Followed up as outpatient and eventually married in
24 1970. This seems to have been a mixed blessing for him.
25 On the one hand providing some stability and a more

1 appropriate sexual outlet, but on the other hand he has
2 difficulties in both sexual relationships with his wife
3 and in relating to her as an adult."

4 Then there is reference to the abuse of alcohol that
5 follows. It was really this problem which led to
6 another three-month admission in 1975?

7 A. Yes.

8 Q. Since that time, he has been followed up in joint
9 interviews.

10 That presumably reflects the fact that you are
11 coming in in 1977, but post-1975 the same process has
12 been ongoing. You are just picking up the reins from
13 someone else who has been doing what you then do for the
14 next six months and you hand the reins on?

15 A. Yeah.

16 Q. You make point and the letter unfortunately doesn't go
17 over to page 2, but ends with the words:

18 "At our session last week he very clearly came
19 across as a somewhat distant and ineffectual man who
20 still is strongly attracted to young boys ..."

21 Presumably that informed the comment in the handover
22 note?

23 A. Yes. I'm looking at what doesn't appear overleaf with
24 my handover notes six months later?

25 Q. Yes. The point being, as you have confirmed having

1 practised medicine for many years, sexual behaviour is
2 pretty ingrained and is not likely to change?

3 A. If I may address Lady Smith. It is not uncommon when
4 you get photocopied case notes for the reverse not to be
5 copied.

6 LADY SMITH: I'm sure we have all experienced the
7 frustration of being provided supposedly with a volume
8 of entire copies and what you have is every other page.

9 A. I did flag that up when I got the copies of the notes,
10 but it doesn't appear as if page 2 has been found.

11 MR BROWN: No.

12 LADY SMITH: We have checked that insofar as we can,
13 'Robert', and nothing's forthcoming.

14 MR BROWN: I think, to be fair, the other point you make in
15 your statement is as part of the overall treatment,
16 there was psychological input.

17 A. Yes.

18 Q. But no records have been recovered for that?

19 A. Yes. Clinical psychologists keep their own records
20 which are not part of the medical records and for
21 historical reasons formal psychotherapy records tend not
22 to be in general psychiatric records because of the
23 intimacy of the material which is discussed.

24 LADY SMITH: We're talking about clinical psychologists
25 keeping their own records, separate from the psychiatry

1 department?

2 A. Yes. Within psychiatry there is psychotherapy and
3 historically psychotherapy notes tended to be kept by
4 the therapist and were not part of the medical notes.

5 (Phone rings)

6 LADY SMITH: I'm sorry about that interruption and I know
7 the solicitor who has suffered it was deeply upset and
8 apologetic about that having happened this morning.

9 I take it it's now been killed off, has it?

10 Thank you.

11 MR BROWN: Thank you, my Lady.

12 Going back to that last line, and there still be
13 a strong attraction to young boys, and going on to what
14 we were looking at at the end of your period, and the
15 handover note, that observation essentially hadn't
16 changed?

17 A. It appears not, no.

18 Q. No. To that extent it would appear that's the line
19 taken by Professor Walton, because this would be
20 presumably his treatment plan?

21 A. Yes.

22 Q. Was certainly not having any impact on what might be
23 seen as the root cause of his behaviour?

24 A. I don't think one could say not having any impact --

25 Q. Sorry, in terms of the interest in young boys?

1 A. I have said he's still strongly attracted to young boys.
2 I don't know whether he was offending -- I don't know
3 whether he was even working at the time.
4 Q. You don't know --
5 A. But strongly attracted to young boys is a lower order of
6 magnitude to still interfering with young boys. You can
7 be attracted to people without acting upon it.
8 Q. Indeed so. But the point is you don't know the wider
9 context --
10 A. No.
11 Q. -- but what you do know is this is a man who has
12 a long-standing interest in young boys --
13 A. Mm hmm.
14 Q. -- who comes to Professor Walton at the outset because
15 he has been acting on that?
16 A. Yes.
17 Q. Perhaps the key question -- or the wider picture is to
18 understand what is happening in the school, if he's
19 working in a school?
20 A. Yeah.
21 Q. But that's not something you know?
22 A. No.
23 Q. No. Indeed.
24 Can we take it you then moved on and that was the
25 end of your --

1 A. Yes, that's right. I went on to my next placement.

2 Q. Next placement.

3 Can we just look at one thing you will have seen and

4 this is the same folder. Sorry, it's not. It's

5 PSS-000025843.

6 A. Yes, I remember this.

7 Q. Could we go to page 17.

8 A. Yes.

9 Q. Can we go over the page to the next page, please. This

10 is November 1979 and a memo from another doctor to

11 Professor Walton?

12 A. Yeah.

13 Q. This is obviously covering presumably a similar scenario

14 to you?

15 A. That doctor specialised in alcohol problems. So that

16 would be the reason that he was seeing the patient.

17 That fits with the beginning of the second sentence.

18 Q. And by the end of November 1979 it's apparent that the

19 patient is going back to South Africa?

20 A. Yeah.

21 Q. Could we go back please to page 15.

22 This is a letter we see in December 2003?

23 A. From the patient, yes.

24 Q. From the patient to Dr Craig?

25 A. Yeah.

1 Q. Asking that a letter is passed on to Dr Craig, who was
2 the last point of contact. If we go over the page,
3 please, from there, this is Cape Town, 2003:

4 "Dear Dr Craig, I hope this letter reaches you."

5 This is from the same patient, essentially thanking
6 Dr Craig and the Royal Edinburgh for its efforts.

7 Paragraph 2:

8 "Why I am writing is that happiness has occurred in
9 my life and one of the major contributors has been the
10 Royal Edinburgh Hospital and its doctors and you have
11 probably forgotten who I am."

12 And that's probably fair comment after the passage
13 of such time. If we go down, please:

14 "I'm now 64 and have been asked to work for another
15 year, a change from earlier situations where I used to
16 be asked to leave a job quietly."

17 Did you understand what that was referring to?

18 A. Yes. I understand that he had to leave -- as
19 I understand it, he had left his job in
20 Edinburgh Academy and subsequently left his job in
21 Fettes.

22 Q. Yes, and I --

23 A. I don't know whether there were further episodes in
24 South Africa when he returned.

25 Q. No.

1 A. Because he was back in South Africa in his mid-30s,
2 perhaps.

3 Q. Yes.

4 A. So that is 30 years in South Africa. Again, before he
5 wrote that.

6 Q. But I think that perhaps having -- having read the
7 entirety of the papers that were provided to you, you
8 didn't have a full picture when you were doing the
9 handover note in 1977 and you made the point that having
10 feelings doesn't necessarily mean that you act out on
11 them?

12 A. Yes.

13 Q. But is it fair to say, having read the entirety of the
14 papers, it does appear that that is in fact what was
15 happening?

16 A. Apparently, yes -- apparently so.

17 LADY SMITH: 'Robert', can I ask you this. I don't know if
18 you're a grandfather and you don't have to tell me --

19 A. By the smile on my face you can tell I'm a grandfather.

20 LADY SMITH: Well, put yourself in a position of having
21 a young grandson, let's say a primary school age
22 grandson, and you know that a man who is strongly
23 attracted to young boys is going to be in a position of
24 closeness to your grandson, teaching him, how would you
25 feel about that?

1 A. I would feel appalled.

2 LADY SMITH: Yes.

3 Would you do what you could to stop your child, your
4 grandchild, being taught by or in close proximity to
5 that man?

6 A. (Pause)

7 I'm not sure if I can give you a sensible answer to
8 that.

9 First of all, in this day and age it seems -- how
10 would I know in the first instance and if I knew
11 presumably others would know and presumably he would be
12 removed from a teaching setting.

13 So I don't quite see how that situation could arise.

14 LADY SMITH: Let me put it this way, 'Robert', quite simply
15 your immediate reaction is you would be appalled.

16 A. Yes.

17 LADY SMITH: Is that because although on the one hand you
18 might be attracted to young boys without acting on it,
19 on the other hand, you might -- this man might act on it
20 and you would, if it had been you in that position and
21 you did know, you would not have your grandchild put at
22 that risk?

23 A. I'm sorry, I hope I'm not being obstructive. I just --
24 I don't think it's a question I can answer. That
25 situation could not arise nowadays.

1 LADY SMITH: I'm not suggesting nowadays. I'm suggesting
2 any time, any time, whether it's a parent or
3 a grandparent and they have knowledge --

4 A. One of the things --

5 LADY SMITH: Hang on 'Robert', because, apart from anything
6 else, there are two people here trying to write
7 a transcript and they can't do it if we're both talking
8 at the same time.

9 At any time, if the knowledge is there, that a man
10 is strongly attracted to young boys, wouldn't anybody,
11 parent, grandparent, anyone else who knows and cares
12 about the young boys, want to do what they could to see
13 that that man cannot be in a position of being a teacher
14 of those boys or being in close proximity to them?

15 A. If you will indulge me for a moment or two, it's
16 interesting that you ask me that, because that's one of
17 the things I've been reflecting on since I first of all
18 read the case notes and I made my witness statement.

19 You said at any time a young child going to school.
20 At that time there was corporal punishment and people
21 seemed to think that's a good idea. Then it got
22 redefined as physical abuse in school and nowadays I,
23 like many others, would consider that physical violence
24 against helpless children, sometimes in a wanton and
25 sadistic way.

1 So the equivalent question would be would I send
2 a child to a school knowing that corporal punishment was
3 part of the school curriculum? Would my parents have
4 sent me to school and would they have been right sending
5 me to school knowing that physical abuse was
6 a possibility.

7 So I'm not saying it's an exact parallel, what
8 I'm saying is the situation with one form of abuse was
9 mainstream, known and accepted, the situation under the
10 other form of abuse was not mainstream, was not nearly
11 as well known and really a question of acceptance didn't
12 arise.

13 LADY SMITH: 'Robert', corporal punishment is a different
14 issue and of course if your parents had known that
15 corporal punishment was going to be used when it was not
16 justified and was going to be used to excess, we're in
17 clear abuse territory and it may well be that you would
18 accept your parents wouldn't have had any of that.

19 But that's not what I'm talking about. At no time,
20 at no time, has our society thought that it's okay or
21 legal for adults to sexually interfere with small
22 children.

23 A. No.

24 LADY SMITH: Aren't I right about that?

25 All I am putting to you, trying to understand,

1 'Robert', is whether you would agree with me that quite
2 separately from thinking: well, maybe somebody who has
3 these strong inclinations may not act on them. If you
4 allow for the fact that that might happen and you are in
5 a position to protect your child, your grandchild or
6 somebody else's child, you would do what you could to
7 see that that happened, because you can't assume that
8 the person won't act. Isn't that right?

9 A. I'm afraid I don't understand the scenario.

10 If it was my child, what could I do? Could I make
11 a plea that that child went to another school. Could
12 I make an accusation, a libellous accusation against
13 a teacher about whom there was a rumour that he was
14 sexually active towards young children? I don't
15 understand the scenario you are describing, with
16 respect.

17 LADY SMITH: All right. Thank you 'Robert', you don't
18 understand what I'm asking you.

19 A. Okay. Thank you.

20 LADY SMITH: Is that right?

21 A. That's right. I can't understand that scenario.

22 LADY SMITH: Thank you.

23 Mr Brown.

24 MR BROWN: My Lady, I'm a little concerned.

25 LADY SMITH: We have been taking this evidence for nearly

1 an hour and I think we'll just have a short five-minute
2 break at the moment.

3 (3.10 pm)

4 (A short break)

5 (3.27 pm)

6 LADY SMITH: 'Robert', is it okay with you if we carry on
7 now?

8 A. It is.

9 Could I just say something before we do?

10 LADY SMITH: Absolutely.

11 A. We seemed -- I was failing to understand you before we
12 closed. I think the difference was you were making the
13 legal distinction between sexual abuse, which has never
14 been legal, and corporal punishment, which was legal at
15 the time.

16 I think I was speaking from -- I wasn't really
17 considering that legal difference. I was talking as
18 a parent or grandparent. To me, physical abuse and
19 sexual abuse are both abhorrent and appalling and the
20 fact that one was legal at that time and the other
21 wasn't didn't really come into my thinking, so that's --

22 LADY SMITH: 'Robert', that's really helpful. Thank you
23 very much and maybe the break that we had has enabled
24 you to gather your thoughts on that.

25 I certainly didn't want to confuse you.

1 Can I just also assure you of this, 'Robert', as
2 a lot of people don't fully understand the role of
3 a public inquiry. I'm not here to decide what was legal
4 or illegal or whether anybody did anything legal or
5 illegal, whether under our civil laws or under our
6 criminal laws. I don't actually have the power to do
7 that. The legislation that governs this Inquiry says in
8 terms I'm not to do that.

9 But I am, of course, extremely interested in
10 exploring anything that happened anywhere that children
11 were being cared for that could be categorised as abuse.
12 It's as simple as that and that's why I'm sorry
13 sometimes I have to ask some quite probing questions
14 about that.

15 If you are ready, I'll hand back to Mr Brown and
16 he'll take it from there.

17 MR BROWN: My Lady, thank you.

18 Just going back to your comments about there being
19 really no change in the patient's outlook in terms of
20 his thoughts, you remember that? In terms of his
21 interest in children.

22 A. Yes

23 Q. You received this case in 1977, you have read through
24 the papers and as we see or saw from the May letter you
25 wrote, it was known that this is a man who has, before

1 he receives any treatment, abused children?

2 A. Yeah.

3 Q. You also know, I think, from reading the papers that in
4 1975, two years before, there is a big interest -- there
5 is a readmission and part and parcel of that was the
6 reporting of further abuse. Is that correct?

7 A. Yes.

8 Q. So you would have been aware that there had been within
9 the last couple of years contact with children?

10 A. Yeah.

11 Q. Did that not trouble you?

12 A. (Pause)

13 I can't recall whether it did or not.

14 Q. All right.

15 A. I guess patients do a lot of very extraordinary things
16 and I'm not sure if "troubled" is the correct word to
17 use.

18 Q. Is there a word you would prefer to use?

19 A. (Pause)

20 Well, given that I had ... (Pause)

21 I don't think -- it's hard to be troubled by
22 something which is in a sense not really anything to do
23 with you, or at least you have no power to influence one
24 way or the other.

25 Q. Why do you say that? Why did you have no power to

1 influence?

2 A. There is no mechanism by which I could have influenced
3 things.

4 Q. All right.

5 We'll come to the 1970s and the approach to child
6 protection in a minute, but can I just show you one
7 letter, which is PSS-000025927, at page 11. This is
8 a file note -- if we just stop there -- talking about
9 the patient and this is February 1976, so the year
10 before you have any contact with him.

11 A. Yeah.

12 Q. It's a file note:

13 "I had two telephone calls with SNR
14 SNR who is very undecided whether he
15 ought to keep Mr Wares on the staff of the school.

16 "After his two lengthy telephone conversations and
17 at his request I telephoned the headmaster,
18 Mr Chenevix-Trench, he has agreed that they will remove
19 the dismissal notice and that they will keep on Mr Wares
20 indefinitely."

21 That is by Professor Walton.

22 A. Yeah.

23 Q. Would you have read that?

24 A. I presume I would have read that, in that I've said that
25 I've read through the notes.

1 Q. You can't remember what you yourself thought?

2 A. I can't remember, no, because I don't remember the case
3 at all.

4 Q. Is it fair to say in 1977 you would be aware the
5 previous year, the head of the unit, the consultant,
6 dealing with the case, has clearly intervened, from that
7 memo --

8 A. Yes.

9 Q. -- to allow the patient to keep his job at a school?

10 A. I hope I'm not sounding defensive, but as I understand
11 it, Professor Walton expressed an opinion very strongly.
12 What is bizarre in retrospect is that the headmaster
13 took any heed of that whatsoever.

14 Q. You don't know whether --

15 A. What seems bizarre in retrospect is it doesn't seem as
16 if the headmaster -- I'm mixing up my double negatives.
17 What seems extraordinary now is a headmaster who was
18 going to dismiss a teacher should reverse his decisions
19 on the basis of an expressed opinion by a professor of
20 psychiatry.

21 LADY SMITH: I wonder if you are following 'Robert', there
22 are [REDACTED] being referred to in that letter, the
23 first paragraph is SNR [REDACTED], the
24 second paragraph is the head of the main school.

25 A. The school overall, yes.

1 LADY SMITH: Right.

2 MR BROWN: What was has I think from that is the SNR

3 SNR is --

4 A. Worried.

5 Q. Worried, yes.

6 A. But the headmaster overrules him.

7 Q. Overrules him, having been contacted by your boss,

8 HJ Walton?

9 A. Yes.

10 Q. Because it's Walton who telephones Chenevix-Trench and

11 at the end of that call Chenevix-Trench agrees that they

12 will remove the dismissal notice and will keep on

13 Mr Wares indefinitely?

14 A. Yeah, which I find totally extraordinary.

15 Q. Yes.

16 LADY SMITH: So that's him agreeing with Professor Walton.

17 A. I find it totally extraordinary that a headmaster of

18 a school who knows one of his staff abuses young boys

19 should pay any heed whatsoever to a professor of

20 psychiatry. I find that quite inexplicable.

21 LADY SMITH: I wonder whether one inference is that the

22 professor of psychiatry sought to persuade him to keep

23 the man on and was successful with that.

24 A. I'm not disputing that, but what I am saying is I find

25 it almost it beggars belief that a headmaster of

1 a school should say:

2 "Well, a professor of psychiatry tells me I should
3 just keep this guy on, so I'll do so."

4 I find that incomprehensible.

5 MR BROWN: Does it beggar belief that a professor of

6 psychiatry who knows a man who has been sent to him
7 because he abuses children in South Africa repeatedly,
8 is then encouraging a school to keep someone of that
9 background on?

10 A. I can't speculate what Professor Walton's reasoning was
11 in making that telephone call.

12 Q. Well, you speculated about the headmaster, with respect.
13 That beggars belief in your evidence. Does it not
14 beggar belief that Professor Walton ... stepping back?

15 A. No, because they are two quite separate roles.

16 A headmaster offers employment to a child-abusing
17 teacher, which is a separate matter from
18 Professor Walton, perhaps over optimistically, thinking
19 things might turn out differently, but I don't know,
20 I can't speculate on his reasoning behind making these
21 two telephone calls.

22 Q. Let's look at two different time periods, the 1970s.

23 In the 1970s, as you understood it, as a junior
24 doctor, would you have to report?

25 A. No, and you would be at grave risk if you did report.

1 Q. Why?

2 A. Because you would be breaking patient confidentiality.

3 Q. Were this to happen today, I appreciate you are retired?

4 A. It's an obligation to report, as it is an obligation
5 upon teachers to report. So it's difficult to see how
6 such a situation could arise today, fortunately.

7 Q. I think you talk in your statement about finding
8 a number of things looking back, some of the decisions
9 that were made, bizarre?

10 A. Yes.

11 Q. To use your words?

12 A. Yes.

13 Q. Which decisions are you thinking of?

14 A. You would have to -- I think the odd and really
15 apparently trivial one was the one where a lawyer writes
16 to the hospital seeking to get the patient off
17 a drink-driving charge.

18 In 46 years of psychiatry I've never ever seen
19 another letter of that nature. What on earth that would
20 have to do with somebody's sexual problems escapes me
21 and equally it's very odd that it was responded to.

22 You would have to remind me of the other time when
23 I used the word "bizarre".

24 Q. I think the other time you used the word "bizarre" was
25 Professor Walton supporting Iain Wares in adopting

1 a child.

2 A. Yes.

3 Q. That is not speculation.

4 A. No.

5 Q. That's bizarre?

6 A. Again, I suppose, and this is speculation, it depends
7 how optimistic Professor Walton was about the efficacy
8 of treatment that the patient had been given.

9 Q. Except in 1975 he knew full well it wasn't efficacious,
10 because he was aware of contact with children by the
11 patient?

12 A. There is further treatment from 1975 onwards.

13 I also don't know what the criteria for adoption
14 were in 1975. They are certainly very, very different
15 now.

16 Q. Do you think you would ever have recommended --

17 A. No, I wouldn't --

18 Q. -- a paedophile --

19 A. I wouldn't have, no.

20 Q. Which is presumably why you find Professor Walton's
21 decision making bizarre, to use your word?

22 A. Yes. I think you have to separate the decision, which
23 I find bizarre, but not not knowing what lay behind the
24 decision, which I cannot know.

25 Q. That's because your involvement was fleeting. You

1 weren't in the department at the time those decisions
2 were made?

3 A. I wasn't party to Professor Walton's private thinking on
4 the issue.

5 MR BROWN: No.

6 Thank you very much.

7 I think we can find out perhaps more about this
8 tomorrow.

9 LADY SMITH: Yes, indeed.

10 'Robert', thank you for the assistance you have
11 given us today.

12 As I said at the outset I was aware that it would be
13 hard for you to come here and difficult to deal with,
14 but I hope you appreciate that the only reason we are
15 doing this is for the interests of children in the
16 hope -- there is nothing we can do about the past -- we
17 can do something to make things better for children now,
18 who are looked after by people who are not their
19 families and better for children in the future, so as to
20 ... if risk cannot be eliminated, at least it be
21 mitigated to the minimum extent. And that's what this
22 is all about.

23 Please go knowing that you have contributed to our
24 learning on that.

25 A. I'm very pleased to have contributed, I think it's

1 a hugely important issue and I'm glad I had the
2 opportunity to give some evidence.

3 LADY SMITH: Thank you. I'm now able to let you go.

4 (The witness withdrew)

5 LADY SMITH: Mr Brown.

6 MR BROWN: I think it's 3.45 pm, it might be apt to do one
7 read in, which is contextual.

8 LADY SMITH: Yes, I think that is what we hoped we would be
9 able to do today.

10 Ms Bennie, can we turn to doing that?

11 MR BROWN: If I may, my Lady, I'll excuse.

12 LADY SMITH: Just while Ms Bennie is getting her folders
13 organised.

14 At one point the last witness did use his own name.
15 Please bear in mind that he is covered by my restriction
16 order and his own name is not to be used outside this
17 room. He's not to be identified outside this room.

18 Thank you.

19 'Michael' (read)

20 MS BENNIE: Thank you, my Lady.

21 My Lady, the statement bears the reference

22 WIT-1-000000427.

23 My Lady, this witness wishes to remain anonymous and
24 has adopted the pseudonym of 'Michael':

25 "My name is 'Michael'. My year of birth is 1939.

1 I have provided the Inquiry with my CV, which provides
2 a brief resume of my qualifications and employment
3 history.

4 I was employed at Fettes College from 1970 until
5 1983. Between 1970 and 1972 I was employed as
6 [REDACTED] teacher and hometutor. I then became head
7 of the [REDACTED] department in 1972. Between 1973 and
8 1979 I was SNR [REDACTED] Fettes Junior School. I was
9 [REDACTED] the head of [REDACTED] in the senior school from 1974
10 until 1976. Between 1979 and 1983 I was the housemaster
11 of Glencorse House and taught A-Level [REDACTED]."

12 My Lady, I now move on to paragraph 24 on page 7:

13 "Abuse at Fettes College.

14 I never directly witnessed the abuse of children at
15 the junior or senior school. Abuse or ill-treatment was
16 very rare and I would expect it to reach me via the
17 parents of a pupil. That is what occurred in the case
18 of Frank. Frank's mother spoke to me in the Lent term
19 of 1975. She informed me that Iain Wares had
20 inappropriately touched her son when Frank was standing
21 by his desk having his work checked. Other than the
22 complaints against Mr Wares I did not receive any
23 complaint of any abuse by a teacher on a pupil during my
24 time at Fettes.

25 James Wares, also known as Iain Wares.

1 We advertised the post filled by Iain Wares in The
2 Times Education Supplement and he applied to us. The
3 headmaster of the Edinburgh Academy Preparatory School,
4 Jim Britton, gave Iain Wares an excellent reference.
5 There was no mention of him being dismissed from
6 St George's School in South Africa, nor of his
7 inappropriate touching or fondling of pupils at
8 Edinburgh Academy. If there had been mention of those
9 issues we would certainly not have employed him. I may
10 well have telephoned Jim Britton to discuss the
11 application as I knew him well. Iain Wares was
12 introduced to Anthony Chenevix-Trench and we were
13 delighted to have found an accomplished maths teacher
14 and games coach."

15 My Lady, I now move to paragraph 33 on page 9:
16 "Involve ment in the investigation of abuse by
17 Iain Wares.

18 From my memory, Frank's mother approached me at
19 school one day to advise that her son had made her aware
20 of the abuse by Mr Wares. After the meeting with Frank
21 and his mother I informed them that Mr Wares would leave
22 the school.

23 I am sure I spoke to Mr Wares about the allegation
24 once I had received the information from Frank's mother
25 in 1975. I am sure that Mr Wares did not deny that he

1 had inappropriately touched Frank. There was no
2 discussion of the specifics of this and certainly not in
3 the explicit terms now alleged. He did not say that it
4 had never happened. In my view he had admitted it and
5 he knew that he was leaving. Mr Wares admitted his
6 offence. I was answerable to Mr Chenevix-Trench, the
7 headmaster of the senior school at the time. He was
8 closely involved when it came to dealing with the
9 Iain Wares issue. Both Mr Chenevix-Trench and I decided
10 that Wares's employment at the school should be
11 terminated. In the end we did not terminate Wares's
12 employment at the time following the intervention of
13 Professor Walton.

14 We were approached by a senior psychiatrist,
15 Professor Henry Walton of the Royal Infirmary. Wares
16 had told him he was going to be sacked.
17 Professor Walton wrote to us, pleading with us that
18 Wares should be allowed one term's medical leave whilst
19 he dealt with his abusive behaviour. He assured us that
20 he would cure Wares of his inclinations and behaviour.

21 I was firm that I did not want to keep Wares at the
22 school. Mr Chenevix-Trench's view was that having been
23 approached by such a senior psychiatrist, we must
24 respect his opinion and give him the chance to cure
25 Wares. I was answerable to Tony Chenevix-Trench and

1 therefore was persuaded that we should put our trust in
2 Professor Walton. Wares therefore remained at Fettes
3 Junior School.

4 After the invention of Professor Walton, I informed
5 Frank's mother of the new plan, explaining that Mr Wares
6 would be treated by Professor Walton. I believe I had
7 a second meeting with her. I apologised again, having
8 already apologised for Mr Wares's abuse of Frank.
9 Frank's mother was happy that we were dealing with the
10 situation, but she was sceptical of Wares's ability to
11 reform. She advised that in her own medical opinion,
12 Iain Wares would not change.

13 Mr Wares did not continue to work at the school
14 after Frank's mother's disclosure. Instead, he began
15 his intensive treatment at the Royal Infirmary under
16 Professor Walton. All his classes and games were
17 covered by other teachers. No external report was made
18 in respect of the abuse, but Tony Chenevix-Trench was
19 involved in all of the decisions. He had the final say
20 as my superior.

21 Wares returned as a much calmer and gentler person.
22 For three-and-a-half years he was an excellent school
23 master. But then one more complaint came at the
24 beginning of the Lent term in 1979, stating that he had
25 fondled a boy. I do not recall the name of the parent

1 or boy concerned. It was an isolated complaint, but
2 a very serious one which resulted in the dismissal of
3 Mr Wares. I cannot recall any more about this
4 particular instance of fondling. Mr Wares did continue
5 to teach lessons and supervise sports until his
6 employment was terminated at the end of the Michaelmas
7 term in December 1979. He was under careful watch and
8 the threat of immediate dismissal and I do not believe
9 that he offended again. The senior schoolmasters,
10 Mr Cochrane and Mr Chenevix-Trench, were closely
11 involved in the treatment and supervision of him.

12 After the incident with Frank, we had considerable
13 concerns about Iain Wares's treatment of children, but
14 I must reiterate that he had excellent references from
15 the Edinburgh Academy Preparatory School. We did not
16 receive any other complaint about Mr Wares prior to
17 hearing from Frank's mother. His abuse of Frank would
18 have been more than sufficient for us to terminate his
19 employment had it not been for the intervention of
20 Professor Walton.

21 I did not report Mr Wares to the police. I am not
22 aware that Frank's mother, Professor Walton, Mr Cochrane
23 or Mr Chenevix-Trench did either. I do not believe that
24 we were obliged to inform the police about the
25 complaints of abuse in 1979.

1 Correspondence relating to Iain Wares.

2 The Inquiry has provided me with copies of
3 correspondence relating to Mr Wares. Firstly, I have
4 been provided with a letter dated 18 January 1979
5 addressed 'Dear Tony'. I have also been provided with
6 a letter dated 8 February 1979 addressed 'Dear
7 Cameron'. The letter includes the words, 'As Iain's
8 curriculum vitae states, he was at St George's Grammar
9 in South Africa in 1966 to 1967 and was dismissed for
10 indecent practices. At the time of Wares's appointment
11 we relied on an excellent reference from his former
12 employer, Jim Britton, headmaster of the
13 Edinburgh Academy Preparatory School. We were unaware
14 of Wares's alleged indecent practices in South Africa or
15 of alleged fondling at the Edinburgh Academy at the
16 time. According to the letter of 8 February 1979, of
17 which I have no recollection, Wares's history of
18 offending only came to light some time after his
19 indecent behaviour in 1975, where a parent reported his
20 behaviour to me, and before 8 February 1979, being the
21 date of the letter.

22 I have no memory of having been told of Wares being
23 dismissed from St George's in South Africa, though this
24 letter suggests that by 1979 I had become aware of this.
25 However, the letter does document the steps I took to

1 manage the situation, share information and seek advice
2 from my superiors. I have no recollection of having
3 written this letter or of the information about Wares's
4 previous misdemeanours.

5 The letter seems to suggest that the CV referred to
6 contained details of his previous employers, including
7 St George's Grammar in South Africa. It also suggests
8 that the only information about the circumstances
9 surrounding his departure from St George's only emerged
10 much later in 1975, some time after he had offended at
11 Fettes.

12 I therefore wonder if this further information may
13 have become available through Professor Walton.
14 Mr Wares certainly did not disclose the fact that he had
15 been dismissed by St George's on the CV he provided at
16 the time of his appointment in 1973. At that time, we
17 were totally unaware of this fact. I have no
18 recollection of having known about any previous
19 misdemeanours committed by Mr Wares prior to being shown
20 this letter referred to by the Inquiry in 2020.
21 According to this letter, it wasn't until after 1975
22 when he offended at Fettes Junior School that we became
23 aware of any previous misdemeanours.

24 If the letter of 8 February 1979 is to be believed,
25 all of this emerged in 1975. I believe that it must

1 have been through Professor Walton that we were made
2 aware of Mr Wares's previous misdemeanours. If we had
3 known this information in 1973 then we would never have
4 appointed him. Equally, we were not aware of any
5 problems at Edinburgh Academy, either loss of temper or
6 inappropriate touching. He was given an excellent
7 reference by the Edinburgh Academy. We were absolutely
8 unaware of any background or prior issues, either of
9 indecency or temper outbursts. I have no recollection
10 of having been made aware of any previous misdemeanours
11 at Edinburgh Academy prior to being shown the letter
12 referred to by the Inquiry."

13 My Lady, I now move to paragraph 62 on page 16:

14 "Final thoughts on the case of Iain Wares.

15 I would like to comment further that we, the school,
16 should have dismissed Mr Wares immediately after Frank's
17 mother's complaint in 1975. That was what I wished to
18 do. I think that Mr Chenevix-Trench was too compliant
19 with Professor Walton's response. When it came to my
20 own response, I was overruled by the headmaster of
21 Fettes. I think that Mr Chenevix-Trench was too lenient
22 with Mr Wares in 1975, allowing him the opportunity to
23 return to Fettes after treatment. In hindsight, I think
24 we should have made him redundant immediately in 1975,
25 but offered to continue to pay him while he received

1 treatment from Professor Walton.

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 statement are true."

5 My Lady, the statement is signed and it is dated
6 3 September 2020.

7 LADY SMITH: Thank you very much, Ms Bennie.

8 MS BENNIE: My Lady, that concludes the evidence for today.

9 We have two live witnesses tomorrow and one planned
10 read in.

11 LADY SMITH: We'll start at 10 o'clock as usual.

12 Thank you all very much. I'll rise now and sit
13 again tomorrow morning at 10.00 am.

14 (3.57 pm)

15 (The hearing adjourned until 10.00 am on
16 Wednesday, 23 August 2023)

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