

1 Thursday, 24 August 2023

2 (10.00 am)

3 LADY SMITH: Good morning.

4 We move back to in-person evidence today and our
5 first witness is ready for introduction, Mr Brown, is
6 he?

7 MR BROWN: He is, my Lady. 'William'.

8 LADY SMITH: Thank you.

9 'William' (sworn)

10 LADY SMITH: 'William', first my thanks to you for engaging
11 with us in providing your written statement and coming
12 along today. That's really helpful to have you here to
13 hear from you in person, in addition to having your
14 written evidence.

15 A. I'm sorry, Lady Smith, I'm not hearing what you're
16 saying.

17 LADY SMITH: I was going to ask if the hearing loop was
18 operating effectively. Is there something more we need
19 to do?

20 'William', let me try now. Can you hear me now?

21 A. Yes, I can. Thank you very much.

22 LADY SMITH: Good. What I wanted you to hear first of all
23 was my thanks to you for engaging with us by providing
24 your written evidence and coming to talk to us today at
25 the hearing in addition to that written evidence.

1 I'm very grateful to you for doing that.

2 A few practicalities. The red folder has your
3 written statement in it and do feel free to use it if
4 you find it helpful as we're going through your
5 evidence.

6 Otherwise, Mr Brown will be asking you questions.
7 I may ask the odd question, but before we do that there
8 is something that is important that I want to say to you
9 and it's that in the course of your evidence you may be
10 asked questions the answers to which could incriminate
11 you. If that happens, you are not obliged to answer
12 them, but if you do you need to understand that your
13 answers are being recorded, will be included in our
14 transcript, and they would accordingly be available to
15 be relied on in any other proceedings, if that was
16 desired at a later date.

17 Do you understand that?

18 A. Yes, I do.

19 LADY SMITH: If you have any doubts or queries about that at
20 any time, do ask me.

21 'William', if you have any questions about anything
22 else, please speak up. If there's anything that we can
23 do to make the exercise of giving oral evidence easier
24 for you and more comfortable also I want to know,
25 whether it's a break, leaving the room or pausing where

1 you are. I can accommodate that.

2 If it works for you it will work for me. Do you

3 understand?

4 If you're ready, I'll hand over to Mr Brown and

5 he'll take it from there. Is that all right?

6 A. Thank you.

7 LADY SMITH: Mr Brown.

8 Questions from Mr Brown

9 MR BROWN: My Lady, thank you.

10 'William' good morning.

11 A. Good morning.

12 Q. We have your statement. It is in the red folder and it

13 has a reference number which I have to read into the

14 record, WIT-1-000001314.

15 The statement runs, as you will see, to 35 pages.

16 On the final page you signed it earlier this month and

17 confirmed that you have no objection to the statement

18 being published as part of the evidence to the Inquiry

19 and that you believe the facts stated in the witness

20 statement are true; is that the correct position?

21 A. Yes.

22 Q. Thank you.

23 You are now 89?

24 A. Pardon?

25 Q. You are now 89?

1 A. Yes, I am.

2 Q. We know that you were a teacher from 195█ until

3 retirement in 199█; is that correct?

4 A. Yes.

5 Q. And for 24 of those 36 years you were at the

6 Edinburgh Academy?

7 A. Yes.

8 Q. Then for last 12 you went across to the west, to the

9 Glasgow Academy?

10 A. Yes.

11 Q. We see from the statement that you went to university

12 and then followed up with a teaching qualification?

13 A. Yes.

14 Q. Had you always wanted to be a teacher?

15 A. No.

16 Q. What led you to being a teacher?

17 A. I had a degree in -- well, if I could go back a little

18 bit. I wanted to join the █. I was

19 fascinated by █ at school and I still have a good

20 collection of █ and I thought I would go and join the

21 █. So I read █ at university, as

22 I was advised to, █. Part of that

23 course I was sent to █

24 █, as it's called. I've never been so bored in

25 all my life as that. I thought, "I can't deal with

1 this. What can I do?" I had a degree in [REDACTED] and
2 I didn't think I could do very much with that, but
3 teach. So I drifted into teaching.
4 Q. All right.
5 A. I don't regret it.
6 Q. No.
7 A. I might have regretted it had I stayed [REDACTED]
8 [REDACTED].
9 Q. Yes. But we see that your teaching career was delayed
10 because you had to do National Service?
11 A. Pardon?
12 Q. Your teaching career was delayed because you had to do
13 National Service?
14 A. Yes it was, yes.
15 Q. But notwithstanding that you were away on National
16 Service, the Edinburgh Academy received an application
17 from you and kept a job potentially open for you until
18 you had completed National Service; that's correct?
19 A. That's correct, yeah.
20 Q. You then went to the Edinburgh Academy and were
21 interviewed?
22 A. Yes.
23 Q. And obviously did well enough and were offered a post?
24 A. Obviously.
25 Q. You don't remember what references were taken up, but

1 they would have been there?

2 A. No, I couldn't tell you that. I think -- I just think

3 that one of the references would be my ex-headmaster of

4 the school I was taught in.

5 Q. Yes. There was no probationary period, once you were

6 in, you were in?

7 A. Yes.

8 Q. And you registered for GTCS or the teaching council?

9 A. Yes.

10 Q. Was that your decision or a requirement of the school?

11 A. I could have refused it if I wanted to. I was offered

12 the post and I took it.

13 Q. All right, but --

14 A. I wasn't drafted in.

15 Q. No. But registering with the General Teaching Council

16 was something you chose to do?

17 A. Yes. In an independent school at that stage, I think

18 things are different now, but the independent schools at

19 that stage didn't require people to have a teaching

20 diploma. It required them to have a degree in the

21 subject they were going to teach, but they didn't insist

22 on -- but it did change during my time.

23 Q. And was that a good thing?

24 A. Oh, yes, I think so.

25 Q. Why?

1 A. Because it gives you a chance to get the overall picture
2 of what you're doing and how you do it, whereas if you
3 just drifted in, as it happened in the old days, you
4 might not have been quite as good.

5 Q. Okay. Did it formalise the process?

6 A. Yes, it did.

7 Q. The reason I say that is, from your statement, you
8 arrive at Edinburgh Academy in the [REDACTED] 1950s and get no
9 training?

10 A. Sorry?

11 Q. You didn't get any training once you arrived?

12 A. Yeah, I was thrown in at the deep end. Is that what you
13 mean?

14 Q. Yes.

15 A. Yes.

16 Q. The school didn't give you an induction, give you
17 guidance as to how to teach?

18 A. No.

19 Q. Was it just expected you're fit to teach so you can?

20 A. Yes, that's true.

21 Q. You say that the independent sector then, and perhaps
22 now, is very strong on tradition and peer guidance?

23 A. Yeah.

24 Q. Was it made clear to you: if you had difficulties you
25 should speak to other staff?

1 A. It was normally select your -- choose to share your
2 experience with your head of department, each subject
3 had a department head and that was where you would go if
4 you had some questions to ask.

5 Q. All right. But was that something that you were told
6 formally or rather something you picked up?

7 A. I certainly wasn't told formally, but I'm sure -- part
8 of the interview would be with the head of department of
9 the subject you were going to teach at the school and he
10 may well have said to me, "Any problems, come and see
11 me".

12 Q. Yeah. But the impression you give -- please tell me if
13 I'm wrong -- is that for the time you were at
14 Edinburgh Academy, from the [REDACTED] 1950s to [REDACTED] 1980s,
15 little changed in the approach the school took to
16 teachers?

17 A. Yes, I suppose that's true, yes.

18 Q. Because what you tell us in the statement is there is no
19 induction, there is no formal training?

20 A. Yeah.

21 Q. There is no handbook as teachers would now receive, to
22 explain processes?

23 A. Yeah.

24 Q. There's no appraisal?

25 A. No.

1 Q. Really what mattered, I think from what you say in the
2 statement, is exam results and that would be a gauge of
3 how well or otherwise someone taught?

4 A. Yeah, yeah.

5 Q. You make the point there was little hierarchy in the
6 Academy?

7 A. That's true.

8 Q. You have a head of department?

9 A. Head of department, but there wasn't a deputy head of
10 department or anything like that or any -- there was no
11 pecking order within a department. There was the head
12 of department and colleagues who taught that subject.

13 Q. Then obviously there is a rector --

14 A. In the school as a whole, that's a slightly different
15 thing. The school as a whole there would be a rector
16 and in 195█ I don't think there was even a deputy
17 rector.

18 Q. No.

19 A. There was a thing called a senior master, who was the
20 one who had been there the longest and had the greatest
21 amount of experience, yeah.

22 Q. That's what I was coming to. In terms of progress, it
23 would appear that -- we've heard the phrase Buggin's
24 turn --

25 A. Yes.

1 Q. -- do you recognise that?

2 A. Yes, yes.

3 Q. If you've been there the longest, you'll go up?

4 A. Yeah. There are always exceptions to these rules or

5 conditions. If you were advertising for a subject which

6 few pupils will take but is quite challenging, such as

7 classics, Greek and Latin, then the point -- the person

8 appointed to deal with that might not be a good

9 disciplinarian. They might be -- and they would need

10 some extra support, which you as head of department

11 would give.

12 Q. Indeed. That's going back to the departmental function?

13 A. That's right.

14 Q. But in terms of oversight by the school --

15 A. Yeah, but nothing between the rector and the deputy --

16 heads of departments.

17 Q. So the rector is a distant figure?

18 A. Yes.

19 Q. Who isn't engaging with the day-to-day issues of the

20 teachers?

21 A. Yeah.

22 Q. Is that right?

23 A. Yes, it is, yes.

24 Q. To use your words, there was no formal supervision?

25 A. As far as I'm aware. It might have gone on and I didn't

1 know it was going on, but as far as I was aware, no.

2 Q. Right.

3 In terms of that sort of appointment, just seniority

4 would lead to promotion, filling a dead man's shoes if

5 you like, did that concern you as an approach?

6 A. No, I don't think it did. I tell you why, because those

7 people who felt that they were going places would have

8 done three or four years at the Academy and moved on to

9 another school, knowing full well there's no point in

10 staying there because there was no opportunities for

11 development. So you had movement in the system by

12 people moving in the hope that they'll get a better job

13 elsewhere.

14 Q. My impression, please tell me if you agree or disagree,

15 is that many teachers stayed for long terms at the

16 Academy?

17 A. Yes, yes, there were.

18 Q. Can you comment on why that would be?

19 A. Pardon?

20 Q. Why do you think that was?

21 A. Because it was a nice place to teach. It was a nice

22 school to work in.

23 Q. Okay.

24 A. It was a very -- yes, the reason that I stayed was

25 because I had a good reception there. I was born and

1 brought up in England, I was born and brought up in
2 Devon, and I wanted to go back to Devon to teach and
3 every time I took a consideration of what should I or
4 should I not, the fact that the Edinburgh Academy was
5 a good school and treated me well kept me there.

6 Q. Okay. You make the point as a member of staff you were
7 pretty loyal to your colleagues.

8 A. Yeah.

9 Q. If your colleagues, like you, are there for a long
10 period, presumably there is a considerable amount of
11 familiarity with many in the staffroom?

12 A. Yeah.

13 Q. Would you accept that that could breed a complacency
14 about the operation of the school?

15 A. No, I wouldn't accept that.

16 Q. Why not?

17 A. Because -- just because you get on well with everybody
18 else in a school and things run smoothly doesn't mean to
19 say there's a slackness there. You can still be quite
20 right in its approach in dealing with situations, yeah.

21 Q. The reason I ask is you make point that as well as there
22 being no training/no appraisal, really in the time you
23 were there were no policies?

24 A. No.

25 Q. It just was as it was?

1 A. Yeah, yes, I agree, I see that point of view, but when
2 you look back on it it does seem quite strange and yet
3 it seemed to work. Every school must have people who
4 are -- they've appointed, and it's very difficult to get
5 rid of a teacher in the state system as it is in the
6 independent, but easier to do it in the independent
7 sector. You covered, you covered it for him or her.

8 Q. But the other aspect that you comment on that seems to
9 have been lacking, as compared perhaps with later years,
10 is record keeping?

11 A. Sorry?

12 Q. Record keeping.

13 A. Yes.

14 Q. You say there was no record keeping?

15 A. I don't think there was, but -- we -- as an ordinary
16 schoolmaster in the Edinburgh Academy you were not aware
17 of somebody keeping records of what is going on.
18 I mean, there was no formalisation of that. The rector
19 would make an announcement and say: we're going to do
20 this, we are going to do that and I want you to keep
21 a record of it. That didn't happen at all. You did it,
22 but that was that. He might have kept a record
23 somewhere. We're not to know that.

24 Q. So there seems to be a lack of communication?

25 A. Not necessarily.

1 Q. All right.

2 A. Not necessarily. I think the communication was there in
3 one way or another, keeping a record didn't actually
4 change that.

5 Q. Did you, as a teacher, keep records of results --

6 A. Oh, yes, absolutely. Absolutely. You had a marking
7 book.

8 Q. What about --

9 A. And, you know, yes, that was quite an important feature
10 of records, but I did actually say that in the
11 statement.

12 Q. Yes. I'm just thinking what else would you as a teacher
13 keep records of?

14 A. Tests that you had given to the pupils.

15 Q. Yes.

16 A. Also you wrote a yearly report on every person that you
17 taught, so you needed some evidence for that, so you
18 would keep that.

19 Q. Mm hmm. Is that focusing on performance or did it go
20 wider than that?

21 A. I would have said it was pretty limited to performance.

22 Q. Obviously this Inquiry is concerned with the abuse of
23 children --

24 A. Yes.

25 Q. -- and you, towards the end of your career, would become

1 presumably more and more aware of the pastoral
2 requirement --
3 A. Yeah.
4 Q. -- for children. Thinking of your time from 195█ to
5 198█, did pastoral matters impact on you as a teacher?
6 A. Sorry, I don't quite understand that question.
7 Q. Were you keeping a record of concerns about pupils as
8 they arose, for example?
9 A. I see. Right. I'm not aware that there was a sort of
10 formalisation of that. And I'm not aware that
11 I personally kept a record of any indiscipline in the
12 pupils I taught. I dealt with it as a discipline
13 matter, but I would not have necessarily kept records of
14 that. And I don't know if any other member of staff at
15 the Edinburgh Academy did.
16 Does that answer your question?
17 Q. It does. From what you're saying, there was no
18 requirement by the school to keep records?
19 A. No.
20 Q. The focus would be on academic performance?
21 A. Yes, absolutely.
22 Q. You went on to Glasgow Academy in the █ 1980s and
23 then into the █ 1990s. Would I be right in saying
24 that certainly in the 1990s the world changed from the
25 point of view of requirements to consider child welfare,

1 keep records, have policies. Was that something that
2 you had to deal with at Glasgow Academy?

3 A. No, Glasgow Academy was running in very much the same
4 way at the Edinburgh Academy on that sort of terms.

5 Q. In your experience, in both schools, that really didn't
6 change?

7 A. Yes.

8 Q. Okay. When you went to Glasgow Academy did it have
9 policies?

10 A. No. In that respect it was very much like the
11 Edinburgh Academy.

12 Q. So there was no appreciable difference from your
13 perspective?

14 A. Yeah.

15 Q. You were [REDACTED] and became the [REDACTED]?

16 A. Yes.

17 Q. And you set out why in the statement. From what you've
18 said, you engage, when just a simple teacher, with the
19 head of department and in due course [REDACTED] teachers
20 would engage with [REDACTED] head of the department. How
21 much engagement did you have with other subjects and
22 their staff?

23 A. Very little.

24 Q. Mm hmm.

25 A. On the business of teaching, actually teaching, both

1 within the [REDACTED] department and [REDACTED] the department,
2 I didn't have conversations with history or English or
3 whatever on how they were doing it, because there was
4 nothing standard.

5 Q. Did that ever change at the Edinburgh Academy?

6 A. I don't think it did, no.

7 Q. No. There was no process set up by the school so you
8 could exchange experiences?

9 A. No, there wasn't.

10 Q. No.

11 At a more day-to-day level, would you be aware of
12 what was going on in other people's classes?

13 A. Aware of what is going on in where?

14 Q. In other people's classes. You would be teaching
15 presumably?

16 A. You would have a gut feeling if somebody wasn't really
17 up to the job and was having -- struggling with their
18 discipline, but there was no formal relationship between
19 departments on that particular score.

20 Q. Right. Presumably when [REDACTED] you would be
21 looking to the [REDACTED] teachers to see how they performed?

22 A. Yeah.

23 Q. But would you be interested in how, for example, history
24 teachers were getting on?

25 A. Ah, not -- you would be interested in the group of

1 people, you know -- you have a department or a class of
2 25 people in it and say there were three or four very
3 bright pupils in that class, you would be interested in
4 what they were doing in English and history in
5 relationship to that, how good they were.

6 Q. Yes.

7 A. Particularly [REDACTED] is a subject which somebody could be
8 pretty good at [REDACTED] but not very good at quite a lot
9 other subjects, you know. It's a bit of a specialist in
10 that, but that would be true of [REDACTED] and [REDACTED] as
11 well.

12 Q. There are those with [REDACTED] and then there are
13 the rest?

14 A. Yeah, yeah.

15 Q. But would you be interested to learn, for example, if
16 you had concerns about an individual pupil in your [REDACTED]
17 class, how they were presenting to other teachers, in
18 other subjects?

19 A. Sorry, I don't quite understand.

20 Q. Well, you are focused on the academic?

21 A. Yeah.

22 Q. Let's look at a child who is in one of your classes who,
23 for the sake of argument, seems upset about something?

24 A. Oh, I see.

25 Q. Would there be cross-reference between you as a [REDACTED]

1 teacher and perhaps that child's English teacher, did
2 you discuss --

3 A. Very informal. You might well do that informally, but
4 it would be nothing laid down. There would be no policy
5 to follow. There would be nothing of that nature.

6 Q. No process?

7 A. Yeah.

8 Q. Officially?

9 A. Yeah.

10 Q. But you say would you do it informally, what would that
11 mean in practice?

12 A. Well, if you were trying to -- you would call a meeting.
13 You would have to have a meeting of people who taught
14 that particular person to find out how they find that.
15 But you tended to do all of that informally and not
16 formalise it.

17 Q. When you say informally, do you mean a chat in the
18 staffroom?

19 A. Yeah, yeah.

20 Q. At that level?

21 A. Yeah. I'm not aware of what happens at the top echelons
22 of a particular subject, other than the subject I was
23 teaching.

24 Q. Yes.

25 A. It didn't quite work that way, but what you're

1 suggesting is some sort of social relationship between
2 two [REDACTED] when they discuss a particular
3 person, a pupil.

4 Q. So it's not on an official level --

5 A. No, absolutely not.

6 Q. It's because you are in the same place in the same
7 common room?

8 A. You are just interested in, "How do you find X?" You
9 know, "I find him a pain in the neck". That sort of
10 thing.

11 Q. Did it then go beyond that sort of informal
12 conversation? Could it be upgraded?

13 A. It might well. It might well. But if -- if you are
14 somebody who teaches well and has a good relationship
15 with his classes he hasn't got very much to offer other
16 people who haven't, because they just haven't cottoned
17 on to what it's all about.

18 Q. All right. But from what you're saying and perhaps to
19 repeat, there is no official process to take this
20 higher?

21 A. That's right.

22 Q. Okay.

23 A. Yeah.

24 Q. Was there ever interest from rectors looking downwards
25 expressing concern about individual pupils?

1 A. That would depend very much on the rector. I mean,
2 I think -- I served with three rectors there.
3 One of them would take that sort of thing forward
4 and deal with it.
5 Another would tend to just brush it aside.
6 And the other one, I'm not quite sure what he would
7 do.
8 Q. Who would have brushed it aside?
9 Which one would have brushed it aside?
10 A. Which one would have?
11 Q. Brushed it aside?
12 A. (Pause)
13 I've written -- it's in my comments: ICH .
14 Q. The one who would be potentially more active?
15 A. Laurence Ellis.
16 Q. Yes. Thank you.
17 But I think irrespective of those different
18 approaches, you would still maintain that policy wise,
19 process wise, little changed?
20 A. Yeah.
21 Q. Yeah.
22 Can we turn now to the boarding houses?
23 A. Yeah.
24 Q. Initially, you and your family live out of the school?
25 A. Yeah.

1 Q. But you would be aware there were four boarding houses
2 and were you interested in taking on that side as well
3 as teaching?

4 A. Yes, because it was part of the system.

5 Yes, because it was the best way of climbing the
6 ladder, making progress. That didn't follow dead man's
7 shoes, rectors tended to choose people to be
8 housemasters. Housetutors are quite different.
9 I'll stick with housemaster at the moment.

10 If you were wanting to stay within the independent
11 sector, to be a housemaster is more important than being
12 a head of department, because they had the social
13 welfare of the pupils involved. So, yeah, being
14 an independent school which had a 25 per cent boarding,
15 I was happy to be a housemaster.

16 Q. We understand there were practical benefits?

17 A. Yes.

18 Q. You wouldn't pay for your accommodation?

19 A. Yeah.

20 Q. And your salary was more your own as a result?

21 A. Yes, true. It was a financial gain, there is no
22 question about that.

23 Q. Can you remember, did you apply or were you approached?

24 A. I was approached. You didn't apply for that.

25 Q. Right. We have heard that there was an element of being

1 time served before you would be offered such a position?

2 A. You heard what?

3 Q. That there is an element of being time served, in other

4 words you have to be sufficiently senior to be offered

5 such a post?

6 A. Oh, yes, I mean it would go by just sheer seniority,

7 provided the rector had confidence in who the next

8 person was. But if he didn't have confidence he might

9 well jump one person or two people or he might find some

10 way round of dealing with it to soften the blow.

11 Q. So --

12 A. And not everybody wanted to be a housemaster.

13 Q. Yes. In principle, it followed seniority --

14 A. Yeah.

15 Q. -- but not slavishly?

16 A. Yeah.

17 Q. There could be examples of someone being passed over?

18 A. Yes.

19 Q. Either because they didn't want it or there might be

20 some concern?

21 A. Yeah; absolutely.

22 Q. That would be by the rector individually or was there

23 a wider --

24 A. No, by the rector.

25 Q. So it really was one man's choice?

1 A. Yes.

2 Q. At the time would it be fair to say you were delighted
3 to be asked?

4 A. Yes.

5 Q. But would you accept that the system you have
6 described -- of seniority allowing a post to be opened
7 up -- is perhaps, thinking of the care and welfare of
8 boarders, very far from an ideal system?

9 A. Yes, I think you would. I think that we relied a bit
10 too much on seniority and the wrong people did get
11 appointed to a housemaster, which should not have
12 happened, yeah.

13 LADY SMITH: Am I right in thinking, 'William', that you
14 must have been at the Academy for about 16/17 years by
15 the time you became a housemaster?

16 A. Yes.

17 LADY SMITH: You would have been in your early 40s by then?

18 A. I was -- I didn't jump the queue. I didn't -- I was the
19 next in line, but it did have a slight difference.
20 I was asked to go into a house where the housemaster was
21 not really coping very well. And he was a brilliant
22 ICH [REDACTED], so the rector at the time dealt with it
23 by swapping jobs. I was the ICH [REDACTED] in ICH [REDACTED]
24 and he was a housemaster and we swapped over. Because
25 of dealing with some of the problems that had arisen.

1 LADY SMITH: Right. It was Scott House that you went into,
2 was it?
3 A. Yes, it was.
4 LADY SMITH: Mr Brown.
5 MR BROWN: Thank you.
6 The concerns you accept exist about that way of
7 appointing, did anyone talk about that when you were at
8 school?
9 A. Oh, I'm sure they gossiped about all sorts of things and
10 that would have been one of the things they would
11 discuss, you know, suitability for people for particular
12 jobs.
13 Q. Did anyone raise it as a matter of principle, "This is
14 not the way to do things"?
15 A. Yeah.
16 Q. Did anyone complain and say --
17 A. Pardon?
18 Q. Did anyone complain to the rector and say, "We should do
19 it differently"?
20 A. They may well have gone -- yeah, when people complain
21 they go to the top, don't they? And you don't
22 necessarily know that they have done that. I'm not
23 aware that happened at all, that they went to the rector
24 to complain about people being made housemasters when
25 they are not suitable. That's not the sort of thing

1 that would be talked about.

2 Q. But did you have such concerns ever?

3 A. Did I?

4 Q. Have the concern that some of the other housemasters

5 were perhaps not appropriate?

6 A. Yes, I thought that at the time; yeah.

7 Q. And did you do anything about it?

8 A. No, I didn't.

9 Q. Why not?

10 A. Because I knew how the system worked and, you know,

11 going and saying, "X is not suitable for this job"

12 wouldn't have made any difference, so, yeah, out of

13 loyalty to my colleagues and everything else I didn't do

14 anything about it. That's true of them as well. They

15 would not necessarily have gone to the -- yeah -- top.

16 Q. You say in the statement, and you have just confirmed,

17 there is a culture of loyalty?

18 A. Yeah.

19 Q. Would you agree that that was, looking back, misplaced?

20 A. Yes. If you take it from the pupils' point of view,

21 yes, you are absolutely right, it would be.

22 Q. Yes. But from what you say, the culture at the time was

23 not one where complaint would be considered?

24 A. Yeah.

25 Q. Okay.

1 In terms of the boarding house, did you receive any
2 training to be a housemaster?

3 A. Any?

4 Q. Training.

5 A. None, none whatsoever.

6 Q. Given --

7 A. You wonder what the training would be. I mean, my
8 contact with the pupils who were boarders in the house
9 would throw up all sorts of problems, which I would deal
10 with that, but I'm not quite sure what the training
11 would consist of. I mean, you are doing some pretty
12 menial jobs. You are making sure they go to bed and
13 making sure they turn their lights out and making sure
14 that they do this and they do that, but, I mean, there's
15 not much training involved in that sort of thing, is
16 there?

17 Q. What about training to look out for children who are
18 unhappy or are being bullied?

19 A. Right. Very good point. No, there wasn't -- there was
20 no training from that point of view.

21 Q. Was that something that was -- there is a process
22 obviously in running a house, there are things you have
23 to do every day.

24 A. Yeah.

25 Q. But from your perspective, going into Scott House, how

1 much were you thinking about the welfare of the
2 boarders?

3 A. In a very unstructured way I would have considered it
4 quite important to know what each individual boarder's
5 problems were, what his attitudes were and try to deal
6 with them, yes.

7 Q. You have said in an unstructured way, what would it mean
8 in practice, how would you find out such things?

9 A. Well, lights out is a time when you actually do quite
10 find out all sorts of things. You go round -- the
11 senior boarders would have a room of their own, junior
12 boarders would have to share a room with three
13 others/four others, that sort of thing, and obviously
14 you stop and have a chat before you switch the lights
15 out and it's those chats which would throw up problems
16 that need solving.

17 The houestutor would do the same, if we can just
18 mention that at this stage, and if he came across
19 anything he would come and tell me. And we would deal
20 with it. But I'm not quite sure where training for that
21 would come in. I mean, it's a good common sense way of
22 running a ship. That is as far as I'm concerned.

23 Q. Yes. Was there an assumption it would work because
24 common sense would pick things up?

25 A. Yes, yeah.

1 Q. Although, as we've heard about other houses, that didn't
2 seem to happen?

3 A. Well, there were two senior boarding houses, Scott House
4 was one and Jeffrey was the other. We didn't have
5 pupils below 14. There was -- and in the other two
6 houses, there were junior houses where the problems
7 would have arisen, yes. But we didn't have -- as far as
8 I was concerned, I had no problems of a sexual nature in
9 Scott House.

10 Q. All right. Just talking about briefly about one of the
11 tutors you had, who was a [REDACTED] teacher.

12 A. Yeah.

13 Q. Was he someone who was sent to you to be tutor or did
14 you select him?

15 A. Can I mention the name?

16 LADY SMITH: I'd rather you didn't, 'William'. You know who
17 we're talking about, do you?

18 A. I think I know --

19 MR BROWN: You do.

20 LADY SMITH: Yes. Just call him the houstutor. That's
21 fine.

22 A. Houstutors arrive at the -- they are not a houstutor
23 before they come to the Academy. Young members of staff
24 who come to the Academy in all sorts of subjects and the
25 rector would normally say to them, "If I got a vacancy

1 for housetutor would you be interested?" And they would
2 answer "yes" or "no". Because they were quite scarce.
3 You know, we got through quite a lot of them in the time
4 that I was a housemaster. Probably in my time of seven
5 years we might well have had, in Scott House, a dozen
6 house tutors -- no, perhaps that's too much of
7 an exaggeration, at least seven, that sort of thing.
8 Then I would be told by the rector that X is going
9 to be your housetutor.
10 MR BROWN: You had no say in it?
11 A. He would expect me to then chat to the housetutor, talk
12 him through it, and go back to him and say, "Yes,
13 I think it's a suitable choice". But I didn't have any
14 say in it at all. It's an appointment made by the
15 rector.
16 Just as he appoints the housemasters.
17 Q. I think you just said you would have a chat with them
18 and see if you thought them appropriate. Could you
19 veto --
20 A. Yes.
21 Q. -- a housemaster who had been sent to you?
22 A. Would you mind repeating your question?
23 Q. Of course, you said that you would have a conversation
24 with the housetutor --
25 A. Yeah.

1 Q. -- to see if you thought them appropriate?

2 A. If I thought he was appropriate, or inappropriate,
3 I would tell the rector.

4 Q. And it would be the rector's decision what happened
5 next?

6 A. It would. It would. He would say: well, give him a try
7 or he would say: okay, we'll try somebody else.

8 Q. My question was: could you veto? And the answer seems
9 to be no, because the decision remains with the rector?

10 A. Again, I'm not quite understanding the question.

11 Q. You can't stop the appointment?

12 A. Oh, no. No, no, no, no. You are absolutely right.
13 I couldn't have stopped the appointment.

14 Q. No, but I think in relation to this [REDACTED] teacher --

15 A. I mean I could, I could say, "I'm going to walk out",
16 but we weren't ever in that situation.

17 Q. No. You make the point that with that [REDACTED] teacher
18 your wife had some concerns about him, but there was
19 nothing that you could actually point to. Is that
20 correct?

21 A. Yeah, yeah.

22 Q. But with him, your wife sensed it wasn't right and were
23 you looking out for anything untoward?

24 A. Always. Always. That is always in the back of your
25 mind, knowing that the independent sector and boarding

1 schools have a history of problems of this nature, yes,
2 you are always looking out to see, you know, (a) whether
3 there is any bullying going on or (b) anything which
4 could be interpreted as sexual harassment or even --
5 yeah.

6 Q. To be clear, you said the boarding sector has that
7 reputation of problems?

8 A. Yes.

9 Q. Was that something that you were conscious of when you
10 were a housemaster or are you saying that after the
11 event?

12 A. No, no. I was conscious of that before being
13 a housemaster, knowing that there would -- you've got to
14 be very careful. And certainly whilst I was
15 a housemaster, yes.

16 Q. That's, again, you individually rather than the school
17 saying: watch out for?

18 A. Yes, yes, yes: do you mind if I --

19 MR BROWN: Of course.

20 LADY SMITH: Oh, absolutely.

21 A. I don't think this system is working actually but
22 I'm coping just, as long as you are satisfied I'm coping
23 we'll just carry on, but I don't think it's working.

24 LADY SMITH: I wonder if you need to have the microphone
25 a bit closer to you -- our microphone --

1 I'm guessing, but I know that's one thing that
2 sometimes helps.

3 A. Okay.

4 LADY SMITH: Let's see if that makes any difference. But
5 please do say if you're not picking up what we're asking
6 you.

7 MR BROWN: You're aware of the potential for problems in
8 boarding houses. Did you ever become concerned that
9 such problems were there in Scott House or in any of the
10 other houses?

11 A. No, I wasn't aware of that.

12 Have I got the question right?

13 Q. Yes, well you are telling us that you are conscious
14 already and before you become a housemaster that there
15 may be bullying, there may be sexualised behaviour in
16 the boarding houses?

17 A. Yes.

18 Q. First question, were you ever aware of that actually
19 happening in Scott House?

20 A. No.

21 Q. What about the other houses, did you have ever have
22 concerns?

23 A. I wouldn't know an awful lot about what happened in the
24 junior houses, because the boys went to the prep -- they
25 were at the prep school at that stage, especially for

1 Mackenzie House. Dundas was a bit different, it was
2 a sort of waiting house that.

3 So, yeah, I'm not quite sure -- I've lost track of
4 the question --

5 Q. It's all right.

6 (Pause)

7 LADY SMITH: Just try speaking where you are, 'William', and
8 we'll see how that is for the stenographers. If you
9 just say hello to me.

10 MR BROWN: Could you just say hello to Lady Smith, just for
11 the sound levels.

12 A. Yes.

13 LADY SMITH: Could you just say, "Hello, Lady Smith".

14 A. Try that.

15 LADY SMITH: Can you say to me, "Hello, Lady Smith".

16 A. Hello, Lady Chair.

17 (Pause)

18 LADY SMITH: You are in a good position for the
19 stenographers. I hope we're in good positions for you,
20 but please, 'William', it's no problem, tell us if the
21 system is not working for you.

22 A. I do think it's working now.

23 LADY SMITH: Good.

24 MR BROWN: Good.

25 The other boarding houses, you make the point, or

1 some of them related to the junior school?

2 A. Yeah.

3 Q. How much engagement was there between senior school and

4 junior school, would you say?

5 A. Not a lot. I think that the age differences between the

6 two were such that there wasn't an awful lot of

7 interchange. Particularly with Mackenzie House, the

8 very junior house, virtually no contact really.

9 Q. Since we're on the subject, thinking just about the

10 schools, you were teaching in the senior school?

11 A. Yeah.

12 Q. How much awareness did you have of what was going on in

13 the junior school?

14 A. Not a lot. They were separated by a mile and a bit and

15 they had their own headmaster. As [REDACTED]

16 I wouldn't know where they were in terms of the overall

17 picture I had -- and they were -- yes, very little, very

18 little.

19 Q. But there are four houses, going back to the boarding

20 houses?

21 A. Yeah.

22 Q. Did you socialise with the other housemasters?

23 A. Yes, I mean, not any more so than we would as colleagues

24 serving in the senior school. The housemaster in

25 Mackenzie would have quite a bit to do with the prep

1 school --

2 Q. Yes.

3 A. -- because they were prep school boys. But my colleague

4 next door, running Jeffery House, we would have quite

5 a lot of contact with ourselves, but not with Mackenzie

6 or Dundas.

7 Q. All right. So there is a distinction between the senior

8 school houses --

9 A. Yeah.

10 Q. -- and the junior?

11 A. Yeah.

12 Q. All right. Again, thinking of your house, was there

13 a mechanism for boys to raise concerns?

14 A. For boys to?

15 Q. Raise concerns.

16 A. No, there wasn't a culture of that at all. The culture

17 that I would have to fight was one where they tended to

18 hide things that were not running smoothly. If there

19 was a bit of bullying going on or anything else,

20 I'm pretty sure that they would rather deal with it

21 themselves, the boys, than tell me.

22 But there were occasions -- there were occasions

23 when they were just a little bit more open in talking to

24 my wife, as a housemaster's wife, than to me and she

25 would pass it all on to me. And I could then follow it

1 up.

2 Q. Right. Was that a deliberate --

3 A. A deliberate policy on our part?

4 Q. Yes.

5 A. Yes, you would call it that. I would say to her: just

6 keep your ears open and keep your eyes open.

7 Q. But it's a policy started by you and her?

8 A. That's right.

9 Q. It's not in place because the school suggested it?

10 A. Yes.

11 Q. In the house, how was discipline maintained?

12 A. In my house?

13 Q. Yes.

14 A. I would consult with the houestutor, I would know

15 whether it had anything to do with my wife at all, who

16 was part and parcel of the organisation. She wasn't

17 just my wife. She was in fact responsible to me for the

18 matron and houestutor, so she had a role to play.

19 I would just deal with it.

20 Q. Was she paid for that role?

21 A. No.

22 Q. No.

23 In terms of discipline, what sort of discipline was

24 being used?

25 A. Ah, right. Confined to barracks I suppose is the best

1 way to say it, and that's the one they don't like, but
2 you would deny them going up town on a Saturday
3 morning/Saturday afternoon, that sort of thing. Mostly
4 confinement.

5 Q. Corporal punishment?

6 A. No.

7 Q. No.

8 A. No, not by me, nor by my colleague in Jeffery House.

9 Q. But was that your choice rather than the school imposing
10 that upon you?

11 A. The school had nothing -- you know, had no say in it.
12 I decided I would not use corporal punishment. And
13 every member of staff at the school had that choice to
14 make. It wasn't laid down that you will beat so and so.
15 It was just, you know, people -- and over a period of
16 time the non-beaters are, you know, fulfilling the role.

17 Q. All right.

18 One more question about the boarding houses and then
19 we'll come back to the school.

20 A. Yes.

21 Q. What oversight was there from the rector of your
22 boarding house?

23 A. Very little.

24 Q. In practical terms?

25 A. Very little. I mean, if he -- I don't remember in the

1 seven years ever going to the rector and saying, "This
2 is a problem". And I certainly don't remember the
3 rector saying to me, "Here is a problem".
4 Except the one famous case that I'm involved in.
5 Q. Yes, but did the rector ever visit the house?
6 A. No.
7 Q. Was it inspected?
8 A. No.
9 Q. So essentially you were just left to your own devices?
10 A. Yes. But if that produced a good result, what's wrong
11 with that?
12 Q. Irrespective of result, my point is it's a school
13 boarding house for the Edinburgh Academy, which you are
14 running, but no one is checking to see how it's going
15 for good or ill?
16 A. Mm hmm, yeah.
17 Q. Yeah. Moving back, as I said, to the senior school, and
18 the issue of discipline, the statement talks about
19 ephors being able to beat prefects?
20 A. Yeah.
21 Q. I think, putting it short, you express some concern that
22 that was overdone by the prefects?
23 A. This is the very early days we're talking about,
24 I'm talking about 50 years ago, so my memory is a bit
25 vague. But my memory is they had a room, the ephors,

1 which looked out onto the playground and they did
2 administer corporal punishment with a clacken in 195█
3 when I went there. I had no say obviously in what
4 should happen between two boys, one beating the other,
5 but it did get faded out and I'm sure that
6 Laurence Ellis in his time, and it may even have been
7 ICH█, would have stopped -- I think ICH█
8 would have stopped boys beating boys, but it wasn't
9 a big issue. It was just a question of saying: we're
10 not doing that any longer.

11 Q. Yes. It was simply you said at one stage, 'William', in
12 your statement, ephors had their own room -- I'm reading
13 from paragraph 54:

14 "... I remember that and as a young member of staff
15 when I first started I would not dream of going up to
16 an ephor and telling him not to do something. That was
17 me personally, but I didn't feel comfortable with that,
18 just as I wouldn't feel comfortable telling a member of
19 staff that I disapproved of something they were doing."

20 A. Yes, I stand by that.

21 Q. Why was that, why wouldn't you intervene, you are
22 a master, they're a pupil?

23 A. Because I knew what -- you know, he had been doing what
24 he was doing all the time long before I arrived there,
25 and I suppose out of a sense of that's not my business,

1 that is the attitude I adopted. It might have been
2 I wasn't brave enough, but I didn't actually go and tell
3 them, any member of staff, senior to me, that they
4 shouldn't be beating boys. That's for the rector to do.
5 Q. With hindsight, do you regret that?
6 A. I would certainly not do it now. I would speak out now,
7 yes, under the changing circumstances over the last
8 25 years/30 years. Difficult to say what I would have
9 done with that time break.
10 Q. Was the culture of the school -- thinking back to the
11 late 1950s/early 1960s -- one where young masters
12 wouldn't speak out?
13 A. Yeah, yeah. They were big guys and -- I don't know why,
14 but I didn't want to mess with them.
15 Q. What about saying things to other teachers, who you
16 thought were getting it wrong?
17 A. Well, again, all I would have got was: none of your
18 business. On reflection, it was my business, it's true,
19 but I would expect the lead to come from somebody else,
20 not -- I was a junior member of staff, a very junior
21 member of staff. I may have been only there one month
22 when that happened.
23 Q. Okay.
24 You say, thinking about corporal punishment and
25 discipline, that the majority of teachers did not use

1 either the tawse or the clacken?

2 A. That's right, yeah. The overall picture that I would
3 give of the Academy in the late 1950s/early 1960s was
4 a very content school. A very happy school. There was
5 some oddities, like prefects beating boys, but it's
6 very, very limited and low and certainly with staff.
7 And as time went on, as those senior members of staff
8 retired, younger members of staff were recruited, the
9 balance changed from one where corporal punishment was
10 acceptable, to one where corporal punishment wasn't
11 acceptable.

12 Q. All right. But I think for all the time you were at the
13 Edinburgh Academy, corporal punishment remained open?

14 A. I'm not sure. It may have changed. It may -- it may
15 have been outlawed before I left, but it was very close
16 to when I left. I think that we're -- it was like
17 smoking. When I first went to the school the common
18 room was full of smoke. You couldn't see the other side
19 of the room. But when I left there wasn't a single
20 smoker.

21 Beating boys, it followed a similar sort of pattern.

22 Q. All right. Did you ever beat using a tawse or
23 a clacken?

24 A. I never had one. I don't know where they came from, but
25 I didn't want one so I didn't ask for one.

1 Q. Are we talking about clacken or a tawse?

2 A. Talking about both.

3 Q. Both. Did you ever use anything else to hit a child?

4 A. Did I ever use one?

5 Q. No, yes. I will ask that first. Did you ever hit

6 a child with anything --

7 A. No, I didn't.

8 Q. -- implement wise?

9 A. No.

10 Q. No. But I think you do accept that within the classroom

11 scenario you would throw things?

12 A. Yes.

13 Q. What did you throw?

14 A. A bit of chalk. The reason you would throw a bit of

15 chalk is because you had a bit of chalk in your hand,

16 having sort of written something on the board, and while

17 your back was turned somebody was gassing away or

18 making -- doing something they shouldn't be doing and

19 you would swing round and you would throw the bit of

20 chalk at them.

21 But I don't want it to get out of hand. It wasn't

22 that widespread and it wasn't that often. It was -- if

23 I had to put a figure on it, I might have done it ten,

24 a dozen times in my whole teaching career. And that was

25 always right at the very beginning. And I picked it up

1 from other members of staff.

2 Q. I was going to ask where you picked up. Was that

3 something others were doing?

4 A. Yes, it was not peculiar to me.

5 Q. Had you experienced it in your own schooling?

6 A. Sorry?

7 Q. Had you experienced it in your own schooling?

8 A. Oh, no. No. I went to a state grammar school. There

9 was no corporal punishment there at all. Oh, wait,

10 sorry, the headmaster, I think, used it, yes, but nobody

11 else. I think the headmaster used it, corporal

12 punishment, at the school I went to.

13 Q. What about teachers throwing chalk?

14 A. No, no, they weren't. I wouldn't have thought so.

15 Q. Do you accept that throwing a piece of chalk -- were you

16 throwing it at the pupil?

17 A. Yeah. Yes, you -- if you were throwing it at anything

18 you were throwing it at the pupil, yes, you're right.

19 Q. You could cause, I suppose, significant injury if it hit

20 a soft part of the body, like an eye?

21 A. Yes.

22 Q. Do you think it was a wise thing to have done?

23 A. No.

24 Q. Do you regret doing it now?

25 A. Yes.

1 Q. All right.

2 You'll be aware, because a number of statements were

3 shared with you, various applicants to the Inquiry and

4 other witnesses are suggesting that you also threw board

5 dusters?

6 A. No. I mean, board dusters, they -- I don't know anybody

7 who threw a board duster, and I didn't throw one myself,

8 but it's part of what went on, so I am told. But

9 I didn't throw a board duster and I don't think I knew

10 anybody who did.

11 Q. So the suggestion you did, you disagree with do you?

12 A. Pardon?

13 Q. If someone suggests that you did --

14 A. Oh, yes, I disagree.

15 Q. You make the point that discipline very much depended on

16 the character of the teacher, some were good teachers

17 who wouldn't require to discipline --

18 A. Yeah, yeah.

19 Q. -- others were perhaps less good teachers, who overused

20 discipline?

21 A. Yes.

22 Q. You recognise that description?

23 A. I recognise that. I recognise there were some people

24 who could only maintain discipline in their class

25 because they administered corporal punishment.

1 Q. Was anything done by the school to address that?

2 A. Not that I know of.

3 Q. Are we back to heads of department might try and help --

4 A. Yes, yeah.

5 Q. -- but that's the amount of it?

6 A. [REDACTED]

7 [REDACTED] So I can't say

8 categorically that was so.

9 Q. All right.

10 Being a teacher presumably is at times quite

11 a stressful job?

12 A. Yes, I'm sure people did find it quite -- but I can't

13 say I felt very stressed about things. Odd little

14 things, yes, would stress me, but in general, day in day

15 out, I was quite content.

16 Q. We have accounts, and they've been shared with you, of

17 descriptions of you losing control or becoming angry?

18 A. Yes, it was misunderstood really. I felt -- one way of

19 gaining control back was to pretend to be angry, which

20 I used as a method, but not very often. I mean, I did,

21 on occasions, get quite cross.

22 Q. What sort of things would trigger --

23 A. Well, instead of doing working they were chatting to

24 each other, messing around. I would be teaching -- if

25 you are teaching on a board you are writing up, you

1 know, [REDACTED] and things like that or solutions to
2 problems, and people are not paying attention, it's
3 a pointless exercise. So you want them to be watching
4 what you're doing and following what you're doing.

5 So, yes, inattention and chatting, those sort of
6 small-time irritating things.

7 Q. It's been suggested that you had, to be cliched about
8 it, a short fuse. Would you accept that?

9 A. No, I don't accept that. I'll accept that I got cross
10 and annoyed and I might have demonstrated that, but
11 I'm not a person with a short fuse.

12 Q. Okay. For teachers who became frustrated -- presumably
13 you saw your colleagues becoming frustrated, pupils can
14 be difficult -- was there any response by the school to
15 try and address --

16 A. No, no. I mean, if I got cross with somebody in
17 a class, I wouldn't go and tell anybody else about it.
18 I would regard it as a bit of a failure on my part if
19 I did. So I would just, you know, having dealt with it,
20 got on and brushed it aside and got on with what I was
21 supposed to be doing.

22 Q. Okay. But was there any mechanism you remember where
23 you could go?

24 A. Yes. You could go to your head of department or you
25 could go to the rector or you could possibly -- you may

1 well go to a close friend of yours on the staff and talk
2 to him and -- or her, but again I never had to use any
3 of these methods. I was, generally speaking, on top of
4 what I was doing.

5 Q. Two things about that.

6 1, that's you choosing, was that official or was it
7 just informal again?

8 A. Informal.

9 Q. Right.

10 Second, and you've touched on it already, you are
11 aware there is an allegation that you essentially lost
12 control completely and assaulted a child?

13 A. (Pause)

14 Well, I didn't assault him, that's for sure. Do you
15 want me to go through the story?

16 Q. Tell us what you remember.

17 A. Yeah. Okay. It was at the time of the year when we
18 were doing either exams or mock exams and for that time,
19 timetables were messed around a bit, and you had to come
20 into school, especially if you were a boarder, even
21 though you didn't have an exam on that day. If you
22 didn't have an exam on that day you had to come and do
23 your revision under supervision. That was all laid down
24 very, very clearly. And the member of staff in charge
25 of the timetable had to draw up a fresh timetable to

1 show people where to go.

2 I was doing one of the supervision classes and two
3 or three pupils were missing. I went to look for them
4 and I found them outside the sixth form common room
5 pretending to look at and work out where they were.
6 This is a good ten minutes into the period.

7 I was so cross with them that I just said, "Get over
8 to my classroom, get over there", and I pushed them off,
9 or this particular person. It was no more than that.
10 It certainly wasn't a punch and it certainly wasn't
11 kicking and it certainly wasn't beating up. Beating up
12 to me means, you know, three or four people setting on
13 a person. It was a single movement, which I think was
14 a push or it could have been a pull, but it wasn't
15 a punch and never has been a punch.

16 That particular case led to the pupil going to the
17 rector and complaining. The rector called me in and
18 said, he has had this complaint and this, that and the
19 other. I can't remember the conversation at all. But
20 he wanted me to ring up the parent of the boy and make
21 my apology. I was happy to do that and I did it and
22 I got a fairly good reception from the parent. And
23 that's where it ended.

24 And that's all 40 years ago, and here we are
25 discussing it now as if it happened yesterday, but it

1 didn't. It happened that long time ago.

2 I've got no more to say. I did not punch that boy.

3 Q. You spoke to a parent and I think from the statement you

4 remember speaking to the father?

5 A. Yes.

6 Q. Did you follow up with correspondence to the family?

7 Did you write?

8 A. Did I follow up?

9 Q. With correspondence to the boy's parents?

10 A. No, no, it was a phone call.

11 Q. Right. We have heard that letters were sent but that's

12 not your recollection?

13 A. No.

14 Q. No. All right.

15 A. It had a detrimental effect on me, in as much as it went

16 on my record. The rector did -- the rector at that

17 time, and when I was applying for posts [REDACTED] at

18 other schools, he had -- in his reference had to tell

19 them that I had had an altercation with a boy. He felt

20 that was his duty to do. And I wasn't making any

21 progress down the road of promotion and he then said two

22 or three years later: I think I'm going to stop doing

23 any references. I'll take that out and, think what you

24 like, I got the post, the next post I applied for.

25 Q. But we should understand it was recorded?

1 A. Yes, it was recorded.

2 Q. And it was then mentioned, and I think you say for three
3 years in the statement, in any reference that was sought
4 about you?

5 A. Oh, yes. I had no way of saying whether it would be --
6 it's not my decision. It's the rector's decision.

7 Q. All right. I think from what you say in the statement
8 is you were concerned that you weren't progressing
9 and --

10 A. I wasn't progressing. Applications had been turned
11 down, because of the reference to my, you know,
12 uncontrollable behaviour or whatever.

13 Q. Were you aware that that was being said in references or
14 was it because you asked?

15 A. No, he didn't tell me that until I had actually got the
16 job at Glasgow.

17 Q. All right.

18 The description that you're aware of that was shared
19 with you, of what it is suggested you did do, would you
20 accept that that would be abusive?

21 A. Could you repeat that, please?

22 Q. Of course. You have told us what you recollect of
23 events --

24 A. Yeah.

25 Q. -- but the suggestion that you beat up, kicked, punched,

1 threw around a boy like a ragdoll, to use the phrase,
2 you would accept that that would be abusive?
3 A. Oh, yes, that would be abusive, but by this time he was
4 quite a big chap and I -- I mean, it's physically
5 impossible for me to have treated him like a ragdoll.
6 Q. Okay.
7 In terms of child welfare generally, we have heard
8 evidence of another boy who was beaten by another
9 teacher and as a result of the beating, which was with
10 a gun strap, his fingers were very badly swollen and his
11 recollection that his next class was with you and you
12 expressed concern. Is that a memory you have?
13 A. No.
14 Q. No.
15 A. Not at all.
16 Q. Is it possible in 50 years, 40 years, it may have gone?
17 A. No, I don't -- somebody who was involved in a fight with
18 me and has swollen fingers?
19 LADY SMITH: No, 'William', the short point is have you
20 a memory of a boy in your class with badly swollen
21 fingers, fingers or finger, I can't remember?
22 MR BROWN: Fingers.
23 LADY SMITH: Fingers.
24 A. No, I've no recollection of that whatsoever.
25 LADY SMITH: Generally, have you memories of boys coming

1 into your class showing injuries of any sort?

2 A. I have no recollection of any sort whatsoever.

3 LADY SMITH: Right.

4 Yet -- let's think of sport for example, would there

5 have been occasions when boys came in a bit battered and

6 bruised from rugby.

7 A. Oh, could have been then, but I have no recollection of

8 any boy bringing -- showing me and saying: look at my

9 hands. Look at this, or look at that, that sort of

10 thing. I mean there could have been a boy who, as you

11 say, was slightly injured in a rugby match and he was

12 showing the bruises or whatever it would be to his

13 colleagues, to his friends, without reference to me.

14 LADY SMITH: Separately, 'William', if you had ever

15 yourself, perhaps as you were walking around the

16 classroom, noticed that a boy had an injury --

17 A. No.

18 LADY SMITH: If you did notice that a boy had some injury,

19 let's say on his hand, would you have asked him what has

20 happened? Are you okay? Or something like that?

21 A. I almost certainly would have, yes, I would have. If I

22 was walking around the class and saw something which was

23 out of order.

24 LADY SMITH: That could have been part of your normal

25 practice to do that, could it?

1 A. No, I wouldn't say I go into every class and say to
2 myself now I must look out for this.

3 LADY SMITH: No, hang on, 'William', that's not what
4 I'm suggesting. If you just noticed a child had
5 an injury, is it likely that you would ask him what had
6 happened?

7 A. Yes, it is.

8 LADY SMITH: Thank you.
9 Mr Brown.

10 MR BROWN: I think, to be explicit, the suggestion in the
11 evidence was that the hands were so swollen the boy
12 couldn't write.

13 A. I don't have any recollection of that at all.

14 Q. Had you seen something like that, would you have done
15 something about it?

16 A. Probably.

17 Q. Probably. You were asked about a lot of your former
18 colleagues and whether you had any concerns about them
19 and the answer broadly is "no"?

20 A. Yes.

21 Q. You make mention of two people I would like to ask you
22 about though, because we have the full details in your
23 statement.

24 One is a PE master who I think after you left the
25 Edinburgh Academy you heard had a liking to be in the

1 shower area when boys were washing after games; is that
2 ...
3 A. Certainly the rumour that was going around was that
4 a particular member of staff always stood in the doorway
5 of the shower area and carried on a normal conversation
6 with them, but they knew why he was there.
7 Q. And why was that?
8 A. That he had a sexual interest in them.
9 Q. Yes. When did you discover that?
10 A. When did I discover that?
11 Q. Yes.
12 A. Probably not until I was in Glasgow.
13 Q. So after?
14 A. Yes.
15 Q. Did you do anything about it?
16 A. No, I didn't. Because it was only a rumour.
17 Q. All right.
18 A. The whole business, isn't it, it's very, very difficult
19 when you've got a suspected sexual harassment or sexual
20 ... and the person who you know is pretty decent and
21 quite straightforward, you feel, well, I don't want to
22 raise this with them, it would spoil my relationship
23 with them forever to suggest that.
24 I felt that strongly when I was in Glasgow Academy,
25 that a boy came to me and made a complaint about

1 a member of staff, who had a practice that he did, but
2 I said, again, I involved the parent in that case and
3 had a discussion and we discussed that we would not take
4 action, because it would make it very, very difficult
5 with that member of staff if it wasn't true.

6 Q. Would you not accept that, of the two, the child is the
7 more important?

8 A. Yes, I would, I would, yeah.

9 Q. Would you do that now?

10 A. But -- (Pause).

11 If I was now still teaching -- and I haven't been
12 teaching for a long, long time.

13 Q. I'm aware of that.

14 A. A long, long time, I probably would do something, yes.
15 But I can't be sure.

16 LADY SMITH: 'William' --

17 A. In fact --

18 LADY SMITH: Can I pick up on this and you have just
19 referred to the long, long time you have had not
20 teaching, but that means you've had a long experience of
21 life. Has that taught you that people with an unhealthy
22 and perhaps sexual interest in children don't come with
23 a label on their foreheads saying "paedophile" or
24 "beware" and they might actually seem to be charming,
25 nice people on the surface?

1 A. Yes, yeah, I accept that.

2 LADY SMITH: That's a problem, isn't it?

3 A. Yeah.

4 LADY SMITH: Do you accept that if adults who owe a duty of
5 care to children are to exercise that duty
6 appropriately, they have to err on the side of caution,
7 caution for the child and for child's interests?

8 A. Agreed. I agree.

9 LADY SMITH: Thank you.

10 Mr Brown.

11 MR BROWN: Just one last point of detail. You mention
12 Hamish Dawson in the statement.

13 A. Yeah.

14 Q. You, as the statement makes clear, were not aware of
15 concerns about him. He wasn't someone you really
16 engaged with?

17 A. Hamish Dawson lived out at Morningside and our first
18 house was at [REDACTED], which is a bit further
19 out. And he would often give me a lift home and he
20 would -- as well as me he would have two or three boys
21 as well. And that went on until we went to America for
22 a year, my wife and I, on an exchange trip, and by the
23 time we came back we came back and lived in Trinity, so
24 it didn't happen thereafter.

25 At no time in the whole of that did I ever suspect

1 that Hamish Dawson was doing what he's doing. That
2 was -- he covered it up -- he had a sort of relationship
3 with a boy -- boys which others didn't have. He was
4 very close to some of them and they went on these trips,
5 but I still didn't think of it as being in any way
6 a deviant until it came out in the newspapers.

7 Q. I think you remember, in the statement, that on those
8 trips, and there were trips up to Glen Doll and also
9 trips on steam ships?

10 A. Yes. He very, very rarely went to Glen Doll, not that
11 that has any --

12 Q. But he could go away with boys?

13 A. Yes.

14 Q. Do you remember him going away with another teacher?

15 A. Yes.

16 Q. Who you describe --

17 A. A chap called IBP .

18 Q. Yes, who you don't remember with great affection?

19 A. No, I don't remember -- I didn't think that IBP
20 would be -- I was surprised at that.

21 Q. All right. There is a recollection from one of your
22 colleagues that when the colleague expressed interest in
23 joining one of those trips you said, "Don't go". Do you
24 recall that?

25 A. No.

1 Q. No.

2 A. What, one of Hamish Dawson's things?

3 Q. Yes.

4 A. And a member of staff saying --

5 Q. Recalls you saying to him: don't go on one of those

6 trips?

7 A. Well, I've forgotten that if I have.

8 Q. Do you think it's something you might have said?

9 A. Yes. I mean, if -- now that I know, it may well have

10 been something I might have done.

11 Q. But back then?

12 A. But back then?

13 Q. Yes.

14 A. (Pause)

15 Well, what you are asking me is did I say that or

16 did I have recollection of saying that?

17 Q. Yes.

18 A. No, I don't have a recollection of saying that.

19 Q. All right.

20 A. But, in retrospect, I might have. Sorry to be

21 confusing.

22 Q. Is that because of what you know now?

23 A. Pardon?

24 Q. Is that because of what you know now?

25 A. Yes.

1 Q. Yes. I understand.

2 LADY SMITH: 'William', in your statement you described

3 Dawson as having a very extraordinary relationship with

4 young boys.

5 A. Yes.

6 LADY SMITH: Tell me what you meant by that, "extraordinary

7 relationships"?

8 A. You were either in or out in a very real way. You were

9 one of his or you were not. And he had a sort of

10 playful attitude with them all the time, in the back of

11 the car he would be making jokes which involved them.

12 They weren't nasty jokes. They were just general -- on

13 the surface of things it looked as if he was a loving,

14 caring member of staff having a good relationship with

15 a certain group of boys. And it was nothing more than

16 that.

17 But it was a lot more than that, but he was able to

18 cover it up in whatever he did. But what I meant by the

19 strange relationship was it was a very thick

20 relationship, very strong relationship and you couldn't

21 join it if he didn't invite you.

22 LADY SMITH: That's very helpful.

23 Thank you.

24 MR BROWN: Thank you, 'William'. I have no further

25 questions. We see your comments about your thoughts on

1 how to improve things.

2 A. Sorry?

3 Q. We see your thoughts in the statement about your

4 recommendations looking ahead, in terms of perhaps

5 policy and handbooks and the like.

6 A. Right.

7 Q. Is that correct?

8 A. Yeah. Thank you.

9 Q. All the things that were missing from the

10 Edinburgh Academy?

11 A. Right.

12 Q. Is that fair?

13 A. Yeah.

14 MR BROWN: Thank you very much indeed.

15 LADY SMITH: 'William', can I repeat the thanks I gave to

16 you at the beginning of your evidence and add to them my

17 thanks to you for bearing with us as we have questioned

18 you for an hour-and-a-half.

19 I'm really grateful to you. I'm sure it's been very

20 tiring, particularly with the challenges of the hearing

21 loop, but you have added value, considerable value, for

22 my purposes, to the written evidence you have given us,

23 so thank you for that.

24 Please go and have a restful time for the rest of

25 today, if you can.

1 A. Thank you for putting up with me not quite understanding
2 some of the questions.

3 LADY SMITH: Our fault.

4 Do feel free to go, 'William'.

5 (The witness withdrew)

6 LADY SMITH: We'll take the morning break now and I'll sit
7 again at about 11.45 am.

8 (11.30 am)

9 (A short break)

10 (11.45 am)

11 LADY SMITH: Before I ask Mr Brown to introduce the next
12 witness, there is something I wanted to say that really
13 is very important. It's been brought to my attention
14 that it's possible that at times someone or some people
15 in the public seats have been recording our proceedings.

16 Don't do that. You cannot do that. It's wrong to
17 do that. So please, just as mobile phones should be
18 silent, or muted, you simply must not hit the record
19 button. We can record a witness, because we are
20 a public inquiry and that is the basis on which we can
21 record a witness.

22 It is not open to anybody to come into these
23 premises and record our evidence or our witnesses. So
24 please bear that in mind. It may be there has been
25 a misunderstanding. Perhaps I should have said

1 something earlier, but I'm saying it now and I don't
2 want any of you to forget that.

3 Now, Mr Brown.

4 MR BROWN: My Lady, the next witness is Robert Cowie.

5 LADY SMITH: Thank you.

6 Robert Cowie (sworn)

7 LADY SMITH: Rob, can I begin by thanking you for engaging
8 with us as you have done so far, in providing written
9 evidence in your written statement. But also for coming
10 here today to enable us to ask some questions of you, to
11 add to the written evidence that you've given to us.

12 I know that it probably sounds like a tall order,
13 but I'm really very grateful to you for agreeing to
14 that. It's of value to me that you're here.

15 The red folder that you have your hands on has your
16 written statement in it. If you find it helpful to use
17 the statement as we go along please feel free to do so.
18 If there is anything we can do to make the process of
19 giving evidence as easy for you as possible, just speak
20 up, if it's something we haven't already thought of. If
21 you want a break at any time just say. Or anything else
22 that would work for you. If it works for you, it will
23 work for me.

24 Any questions, speak up. It's our fault if we
25 haven't thought of them in advance or if we're not

1 making sense to you, so let us know.

2 If you're ready, I'll hand over to Mr Brown and

3 he'll take it from there. Is that okay?

4 A. Thank you. Yes.

5 LADY SMITH: Mr Brown.

6 MR BROWN: My Lady, thank you.

7 Questions from Mr Brown

8 MR BROWN: Rob, good afternoon. Sorry, good morning, we're

9 still there.

10 LADY SMITH: Just.

11 MR BROWN: Just.

12 You have the statement in front of you, as

13 Lady Smith has just said. It has a reference number,

14 WIT-1-000001302 and it runs to 50 pages. On last page

15 you confirm:

16 "I have no objection to my witness statement being

17 published as part of the evidence to the Inquiry.

18 I believe the facts stated in this witness statement are

19 true."

20 That is correct?

21 A. Yes.

22 Q. Thank you.

23 As you'll understand, we're not going to go through

24 it line by line. But just to understand a little bit

25 about you, you are now 83?

1 A. Yes.

2 Q. And you worked at the Edinburgh Academy for many, many
3 years in one form or another?

4 A. Indeed, yes.

5 Q. When did you start?

6 A. 1963.

7 Q. And when did you finally stop?

8 A. Finally stopped in March 2013.

9 Q. Gosh, so a half century.

10 A. It's a long time.

11 Q. Yes. You began as a science teacher?

12 A. Yes.

13 Q. And you also taught a bit of maths, your statement
14 reveals. Were you really just doing what the school
15 required of you, in a sense you presumably have
16 a principal subject but as necessity demands you can put
17 your hand to other things?

18 A. Yes, I think there had been a change in the staffing and
19 probably in the provision of subjects, so, yes, I knew
20 I was going to have to teach a bit of maths and then
21 later a bit of physics from time to time.

22 Q. Had you intended to stay as long as you did?

23 A. No, not really, no. I thought I'd come for three years
24 originally, but it didn't work out that way.

25 Q. Why was that?

1 A. A variety of reasons. I was lucky to get the
2 opportunity to take on various responsibilities at
3 convenient times in my life and my -- also I got married
4 and had two boys [REDACTED],
5 although that wasn't a prime consideration. If
6 I'd wanted to move I would have moved. But life was
7 interesting and full and busy and fulfilling and so
8 I stayed.

9 Q. It's been pointed out already that many staff seemed to
10 stay for long periods at Edinburgh Academy; is that
11 something you recognise?

12 A. Yes, although there was a lot of my particular
13 generation who left after a decent length of time,
14 10/12 years to become heads elsewhere. Some more
15 ambitious ones, or maybe didn't enjoy it as much, left
16 after three or four years to go for heads of departments
17 jobs, but, yes, it was a very pleasant place to teach
18 in. Contrary to really why we are here today, sadly.

19 Q. Could I ask you perhaps to draw the microphone
20 a fraction closer. You are quite softly spoken.

21 You make the point, and this is in relation to
22 a number of aspects of the school life, that you really
23 filled dead men's shoes in terms of progression. We
24 understand, and have heard from others, that seniority
25 mattered, so for example to be a head of department it

1 would be the next senior man once someone left, is that
2 right?

3 A. Yes, that was the tradition, yes. I mean, it didn't
4 always happen. People were invited -- appointed from
5 outside. Some jobs were advertised, but quite often
6 I think perhaps the school liked continuity and if they
7 liked a person who was there then they liked to offer
8 them career progression. So that did happen, yes.

9 Q. In the school context though, would you agree there is
10 a risk of complacency if there's just gentle progression
11 up the ladder, little change and little new blood coming
12 in to say: why are we doing it this way?

13 A. Indeed, a risk of complacency is certainly there.

14 Q. Was that something that you actually thought about in
15 the time you were teaching?

16 A. Yes, I did and it was sometimes brought home to me by
17 parents, perhaps, at a parents' evening. They would
18 make some comment about -- if I explained why something
19 was happening they would maybe say why, forcefully, and:
20 have you thought of doing it a different way? So, yes,
21 we thought about it.

22 Q. But did things change?

23 A. Yes, things did change.

24 Q. Well, let's look in decades, since you can deal in those
25 terms.

1 You start in 1963. From your statement, would you
2 agree generally things begin to change in the 1980s,
3 thinking of appraisal for example, appointment of
4 a senior master, not just by dead men's shoes, a second
5 master who deals with discipline, that sort of change is
6 about 20 years in?

7 A. Yes, indeed. Well, when ICH [REDACTED], ICH [REDACTED] was
8 rector, he was there from 196[REDACTED] to 197[REDACTED] and I would say
9 that he -- it was fairly static the way things were run,
10 apart from the major one of phasing out corporal
11 punishment, which he did quite early in his time.

12 Q. By boys of boys?

13 A. Of boys, by boys and by staff, he -- it certainly
14 reduced hugely. And that was his -- there is
15 a statement in there about his belief that he couldn't
16 achieve civilisation by means of a wooden bat.
17 I remember him clearly saying that when he stopped
18 authorising beatings by boys on boys and tried to
19 discourage it from staff. Staff were made to feel that
20 was not really an acceptable way of dealing with things,
21 but it wasn't outright banned I think at that stage.

22 Q. No. But there was a gentle drive, perhaps?

23 A. Absolutely, yes, yes, yes.

24 Q. Thinking of your arrival though, going back to the early
25 1960s, did you receive any training in how to do your

1 job or was it just assumed you could do it because you'd
2 be appointed?

3 A. Well, miraculously, yes, it was assumed we could do it,
4 we were given guidance on the subject matter by the head
5 of science, but, yeah, it was kind of -- it was assumed.

6 Q. We've heard that there was really no hierarchy other
7 than departmentally, you would have a head of
8 department, who you might speak to?

9 A. Yes, there was a head of department.

10 Q. But the idea then of engaging directly, of going to the
11 rector or being spoken to by the rector, from what we
12 have heard certainly in the early period just wouldn't
13 have happened?

14 A. Yeah, it did happen, because when I wanted -- I had been
15 a housetutor from starting in 1963 to 1966, and I wanted
16 to leave. I wanted to get out of the houses to get on
17 in my life a bit more. And so I remember writing to the
18 rector at that time, explaining that and explaining how
19 my assistant, as it were, was keen to carry on to take
20 my place. So I thought I had it all fixed up. And he
21 obviously was a bit miffed about this assumption that it
22 was me who was fixing it up, so he didn't speak to me
23 for quite a while and I asked him what about this letter
24 I'd written him and he said, "Well, you have fixed it
25 all up", so we did speak, but there wasn't an awful lot

1 of chat.

2 Q. The communication sounds broken, if I can put it --

3 A. Well, compared to nowadays, but if there was -- yeah, if
4 I wanted to go for a reference, which I did later in the
5 1970s, you know, I felt friendly to him when I was head
6 of department. He -- over the appointment of staff he
7 was very friendly. I remember being responsible for
8 early sort of PSE in a way.

9 Somebody came along who was a recovering alcoholic
10 to talk and I -- he wanted me to hear how the lecture
11 had gone and I said he wasn't actually against alcohol
12 and he said, "Neither am I", and promptly poured me
13 a sherry before lunch, which came as a great shock
14 really. That wasn't the image he had of being that
15 social and that relaxed, because that was the kind of
16 man he was.

17 Q. Okay. I think what I was perhaps trying to drive at was
18 there were no policies as you would understand towards
19 the end of your career -- policies would come in for
20 everything by the time you left in 2013?

21 A. Yes.

22 Q. But perhaps, 1960s, 1970s, even 1980s, policies were not
23 common in terms of school policies?

24 A. I wasn't aware of them being written down --

25 Q. That is the point?

1 A. -- and in a file somewhere, but everybody -- yeah, there
2 was a lot of power invested in the rector and his
3 judgment was trusted largely and if it wasn't, people
4 didn't come to the school. So, yeah, no, the policies
5 weren't written down as far as I know.

6 Q. Processes were, from what you're saying, informal. You
7 would choose to write. There wasn't a process that set
8 out how you did things?

9 A. No, no, no.

10 Q. Likewise for pupils presumably, there weren't handbooks
11 or handbooks for teachers as we would now have them?

12 A. There was a little rule book, which did have a huge
13 number of school rules at the back on -- I can't really
14 remember what they were all about, but they were
15 relatively minor matters. It would seem matters of
16 dress, behaviour. I mean the overriding one was
17 ungentlemanly conduct, which at any time was not to be
18 tolerated, but, yeah, so there were a lot of little
19 rules, and that was in the roll book that they had. So
20 they knew where they stood. Or should have done.

21 Q. All right. The roll book, was that a constant
22 throughout your time from 1963 on?

23 A. Yeah, but it was phased out at some stage in the 1990s.
24 Data protection was beginning to raise its head. Staff
25 didn't want telephone numbers or addresses which were in

1 there. There was a wealth of information, but that was
2 gradually less acceptable. So I think they probably
3 died out in about the 1990s or they became confidential
4 to staff for a while in the 1990s and then were phased
5 out.

6 Q. Okay.

7 You mentioned the rector you first dealt with.
8 Describe his tenure and how the school was. Is it as
9 we've been discussing, informal and without policies or
10 procedures?

11 A. To say it was without policies or procedures I think
12 does him a disservice and does the school a disservice.
13 Just because they weren't written down in a file in
14 a filing cabinet and people couldn't go and pull it out
15 and say, "Look, here it is", I think there was a lot of
16 trust invested in the rector by the court of directors
17 and indeed by the parents and the people he appointed
18 were supportive of him.

19 Q. I'm not questioning that. It's just in terms of the way
20 the school operated. It really turned on him making
21 decisions?

22 A. Yes.

23 Q. It was his school --

24 A. His school.

25 Q. -- to decide the direction of travel?

1 A. Indeed, yes, yes. I felt it was anyway, yes.

2 Q. Whether that's for good or ill, but he was it?

3 A. Yes.

4 Q. [REDACTED] by Laurence Ellis?

5 A. Yes.

6 Q. How did things change?

7 A. Well, things became much more liberal. I think the

8 school in lots of ways changed for the better, although

9 I was -- I approved of the previous regime, but equally,

10 a lot of things needed to change. The activities were

11 widened, more music, drama, the type of drama widened.

12 And his general tone was gentler, more open, friendly.

13 He made much of having an open door policy in his room.

14 Anybody was invited to go to see him at any time.

15 Q. Is that staff only or are you talking pupils as well?

16 A. I don't honestly know about the pupils. I imagine they

17 could have gone to see him. I don't know whether they

18 were aware of that feeling. I just -- I don't know.

19 Q. Had you been thinking prior to his arrival that these

20 things needed to be changed or did you suddenly

21 understand that once he began to effect change?

22 A. I think some of the things I'd thought needed to change.

23 The drama, the art, the music, I felt had been

24 suppressed in a way, because I think he was distrustful

25 of drama particularly, or the spoken word and ideas

1 could be subversive perhaps, as he saw them. So some of
2 these things, yes.

3 Q. Okay. What was the culture amongst the staff like,
4 thinking back to your first 20 years?

5 A. First 20 years was very sociable. I felt there was
6 really good camaraderie among the staff. The staff got
7 on extraordinarily well, I think, for a workplace and
8 for a huge big group of teachers. So, yeah, I think
9 they were pretty co-operative. It's not to say we
10 didn't have arguments, disagreements or didn't complain
11 about the rector or something that was being done or
12 policies. We discussed them informally. There was --
13 formal staff meetings were maybe once a term, unless
14 there was some issue that a meeting was called to
15 discuss a particular issue.

16 Q. So the picture you're painting is one staff meeting
17 a term, but otherwise it would be more informal?

18 A. Yes, yes.

19 Q. Did that change when Ellis [REDACTED], was there greater
20 formality in engaging with the staff to try and
21 understand what was happening in the school?

22 A. No, I don't think it became all that much more formal.
23 Although eventually he introduced appraisals and so on,
24 which was a formal process, towards the end of his time.

25 Q. That I think again is the 1980s?

1 A. Yes. Yes, he came in 1977, yes.

2 Q. Yes. [REDACTED]

3 A. [REDACTED] Ellis's time it was
4 felt that the place needed gripping, as it had become
5 too liberal, and so [REDACTED] was hailed as
6 a Messiah really.

7 Q. By whom?

8 A. By the staff, everybody, parents, staff, thought Ellis
9 had been there a long time and it was time for a change
10 and -- but sadly he only lasted [REDACTED] before he
11 became discouraged, disillusioned. I don't know quite
12 what happened to him.

13 Q. I think we know from or after the documentation he
14 introduced the post of deputy head, the gentleman called
15 Andrew Trotman?

16 A. Andrew Trotman, yes.

17 Q. Who, would you agree, modernised process and policies?

18 A. He did.

19 Q. Policies started pouring out?

20 A. They did. They did.

21 Q. And there was clarity of what should happen?

22 A. Indeed, indeed.

23 Q. Which until then -- this was the early 1990s, I think --
24 had been absent?

25 A. I would agree with that, yes. I think that is partly

1 why Andrew Trotman was appointed really.

2 Q. It was a recognition --

3 A. Recognition that that was needed, yes.

4 Q. I think we know, and you will remember, that the 1990s

5 was a period of transition --

6 A. Yes.

7 Q. -- socially? The Children's Act was passed and there

8 was greater import in the context of children and

9 residential care, for example?

10 A. Yes, yes, yes.

11 Q. When all that was happening in the 1990s, do you

12 remember thinking: why didn't we do this before?

13 A. Oh, dear. I'm in danger of being accused of

14 complacency. No, it didn't really strike me in that

15 way.

16 I thought some of the things were good ideas, but

17 I can't honestly say that it had been pent up in me that

18 the education world, the care profession was crying out

19 for this. I was unaware of abuses. In my experience at

20 that time, I hadn't heard of bad things happening that

21 could have been prevented by the systems that came in

22 then. So, no, I can't honestly say that?

23 Q. All right. Let's move away from the school to the

24 boarding houses. You were appointed a tutor at the

25 outset and that was something you wanted to do?

1 A. It was, yes.

2 Q. Why?

3 A. Why?

4 Q. Yes.

5 A. Well, as I said in my report, I was sold on the idea of

6 boarding. I boarded myself from the age of 14 and

7 I thoroughly enjoyed it. I thought the opportunities

8 for development, different things to do, different

9 people to get to know, different responsibilities were

10 beneficial. So I thought if I was going to teach

11 I wanted to teach in that context. I felt there was

12 more co-operation between the staff and the pupils in

13 a boarding context, that you got to know the staff or

14 the pupils got to know the staff and vice versa out of

15 the classroom and in more informal situations, which at

16 the time I thought was wholly positive.

17 Q. In terms of your appointment, was there a process that

18 you had to go through to be appointed or were you simply

19 selected?

20 A. What, as a houstutor?

21 Q. Yes.

22 A. It came up at the interview. I mean, I must have

23 expressed an interest in boarding, because at the time

24 I also had an offer for Strathallan, which was a fully

25 boarding school.

1 Q. Yes.

2 A. And so ICH perhaps wanted me to come to the Academy
3 and said, "Oh, well, we've got ..." I didn't realise
4 there was much boarding at the Academy when I applied
5 for it. I knew there were some boarders certainly, but
6 I didn't think it got much attention or notice, but he
7 said he was keen to develop the boarding. Indeed, he
8 did, according to his ideas. I'm not saying all of
9 these I agree with or even agreed with at the time, but
10 he wanted to turn it more into a boarding school.

11 Q. Okay. Having been appointed (a) as a teacher but (b)
12 a houstutor, did you receive any training for either
13 role?

14 A. No, I would have chatted to the housemaster and he would
15 have discussed the routines and so on, but no formal
16 training, no.

17 Q. Which house did you go to?

18 A. To Dundas House.

19 Q. Were there rules for the house --

20 A. Well, there were house rules for the pupils. The day's
21 routine and when they had to do their prep and all the
22 rest of it.

23 Q. Yes, there was daily routine they have to follow.

24 A. And the basic behaviour of when they wore uniform and
25 when they didn't and that sort of thing, yes.

1 Q. Was that issued to the pupils or was it --
2 A. Well, it was probably on a notice actually.
3 Q. Right. Okay. But you've been through the boarding
4 experience yourself?
5 A. Yes.
6 Q. You enjoyed it?
7 A. I did, I did.
8 Q. Did you have only happy memories of boarding?
9 A. I do, but I was going to say I only went to board when
10 I was 14 and I was never so keen really on prep schools
11 or what I heard happening in prep schools. So my
12 enthusiasm for boarding was senior boarding really.
13 Q. You had heard about junior prep school boarding?
14 A. The kids I went to school with, some of them had been to
15 prep schools and although that was an advantage and
16 their reputation as rugby players or cricketers or what
17 may have proceeded them and helped them into school
18 teams, they were ahead in certain subjects, but I was
19 actually glad that I hadn't been to -- I was glad
20 I'd been to a local primary and high school in Hawick
21 before I went to board.
22 Q. That obviously informed your view of --
23 A. It did, yes. I wouldn't have been keen to look after
24 a junior house for instance, although my first
25 experience was in a junior house, but as quickly as

1 possible I got into one of the senior houses.

2 Q. Right. Given it's a junior house, were there particular

3 concerns that you had?

4 A. No, I just -- I don't know. I just felt I was happier

5 dealing with older boys. I suppose they were more --

6 I don't know, more predictable. I can't really explain

7 it. It's perhaps what I was used to at school.

8 I'd been in a senior school boarding environment.

9 Q. Okay.

10 A. I felt less confident dealing with younger boys.

11 Q. All right.

12 A. For whatever reason.

13 Q. Your housemaster, first housemaster was?

14 A. ICG [REDACTED].

15 Q. Yes. Did you ever have any concerns about him?

16 A. I had no concerns in terms of abuse, no.

17 Q. No.

18 A. He was a mildly eccentric man, but, no, I never saw

19 anything or indeed heard anything to cause alarm while

20 I was him.

21 Q. What processes were there in the junior house,

22 appreciating you wanted to move on to an older one, do

23 you remember for the pastoral care of these children?

24 A. Well, it was a very small house and you were very close

25 to them and so after you finished games you were --

1 would be mingling with them, possibly playing a game of
2 table tennis or something or in the library with them
3 reading the newspapers, so there was chat there. You
4 would supervise prep and after prep, I can't remember
5 formal activities, but the chat was -- I would like to
6 have thought -- relaxed. I don't know.

7 And then you go round the dormitories and chat to
8 them before they went to -- before they settled down for
9 the night.

10 Q. Or rioted?

11 A. Or rioted, yes, indeed.

12 Q. Which you would just deal with?

13 A. It was too small really for ... none of the riots
14 I think in Dundas House.

15 Q. No. But was there any process by which they could come
16 to you to raise issues?

17 A. Well, they could have done, but I don't know if it would
18 have crossed their mind.

19 Q. We have heard an awful lot about children not sharing
20 information, either with each other and certainly not
21 with teachers, because that could just lead to further
22 trouble. Don't clype being the essence of that?

23 A. Yes.

24 Q. You would be aware of that?

25 A. I would be aware of the don't clype, yes, yes, but

1 I'd like to have thought they would have come and could
2 have trusted me really, or trusted any member of staff
3 is what I would have thought, I would have hoped, if
4 there was something bothering them or some issue with
5 other pupils or another member of staff.

6 Q. Did it ever happen?

7 A. No, I don't remember it happening, no.

8 Q. You became a housemaster and I think succeeded someone
9 who had moved on to another school?

10 A. Yes, I did, yes.

11 Q. Again, the impression we have -- please tell me if this
12 is right or wrong -- is that seniority in appointment as
13 a housemaster mattered? You would be considered because
14 of length of service?

15 A. Yes, but there -- yeah, and I didn't look into this
16 closely. I mean, there were other people who had been
17 there longer who didn't get that job. Now, whether that
18 was because they had been offered it and turned it down
19 or whether it was because they hadn't been offered it,
20 I have no idea.

21 Q. Were you aware how you were selected or is it just again
22 you are offered the post?

23 A. Well, I'd like to think the people offering me the post
24 knew me and knew how I had been conducting myself as
25 a teacher.

1 Q. Of course. But the impression we have been given is
2 that it was Buggin's turn, that you had to wait for
3 someone to move on before you as the next senior in
4 line, if you wanted to do it, would be offered it?

5 A. Yes, that was the overriding thing, but with the proviso
6 there were some people who didn't, weren't offered it.
7 And it could be that they didn't want it or it could be
8 that they weren't offered it because it was thought they
9 wouldn't make a job of it. But there were other cases
10 that people maybe were offered it on the basis of
11 seniority and they weren't totally suitable.

12 Q. That's the inherent risk in such a process?

13 A. It is. It is. I'm not denying that, no, no.

14 Q. What I'm interested in: you were happy and
15 keen/enthusiastic to do the job --

16 A. I was.

17 Q. -- but were you concerned at the process potentially
18 employing people who should not have been employed? Did
19 that cross your mind?

20 A. No, it didn't, it didn't.

21 Q. Again, was it the subject of discussion among
22 housemasters or staff. So and so has got a house and he
23 really shouldn't?

24 A. Maybe there was one previous appointment that it was
25 thought that he shouldn't have got the house.

1 Q. Was anything done about that by those who were
2 expressing concern?

3 A. Well, he came out of the house after about five years,
4 which may not have been early enough but ...

5 Q. It's simply -- we seem to have a culture where you have
6 views but they are not views, which you may be
7 discussing with others who agree with you, but we don't
8 have a culture of saying anything. Is that fair?

9 A. Well, I don't know. I suppose we were diffident about
10 saying things about other people, judging other people,
11 as inherently junior to them and, you know, there was
12 the rector and the court of directors and some senior
13 members of staff who would have been more in the know
14 and I think I probably felt that's their responsibility.

15 No, it didn't really cross my mind. We did discuss
16 this one particular appointment.

17 Q. Was there any -- I'm sorry, I'm talking about processes
18 obviously -- mechanism where you could raise those
19 concerns, even if you'd been minded to do so?

20 A. If I'd been minded to do so and I thought it was really
21 dangerous for the children involved, yes, we could have
22 done, yes. We were not frightened to go to the rector
23 over issues that we felt strongly about. So obviously
24 we didn't feel strongly enough or confident enough about
25 this to raise it. But, no, we could have done that.

1 I wouldn't have felt inhibited saying I can't talk to
2 the rector about that.

3 Q. The point is though that would be your choice, rather
4 than the school expecting you to raise these things?

5 A. Yes, it would. It would.

6 Q. And providing a mechanism to do so?

7 A. It would, yes.

8 Q. All right.

9 In terms of the house that you took over, it was
10 a senior house?

11 A. Yes.

12 Q. Scott. So you've got what you want?

13 A. Yes, yes.

14 Q. And --

15 A. And some.

16 Q. Sorry?

17 A. And some, I said.

18 Q. How so?

19 A. No, no, there were just various problems, the smoking
20 and the thieving actually. That was the biggest worry
21 when I went in. There was stealing going on. It
22 proved -- it took about five years to -- before that
23 stopped really, which was disappointing and frustrating.

24 Q. Stealing by staff?

25 A. Stealing by boys from boys and -- well, one of the

1 cleaning staff certainly was involved.

2 Q. Was the fact that boys were stealing from boys shared
3 with you by --

4 A. Oh, yes. We were all involved, because, you know,
5 somebody would say they'd lost a tape recorder or
6 something and so there would be a hue and cry to find
7 out where it was and who had taken it and so on. And
8 sometimes it turned out it would have been the cleaner,
9 who came in with her shopping trolley and took stuff
10 away. And sometimes money was taken certainly from --
11 by boys from other boys. Birthday cards were opened,
12 you know. Somebody would say, "My granny's sent me £10
13 or £5 and there's nothing in the envelope" and so, yeah,
14 everybody knew it and it's -- it causes a most
15 unpleasant atmosphere as you're trying to find out who
16 is responsible.

17 Q. But would you be met with the same wall of silence, you
18 know it's happened but did people come forward and
19 name --

20 A. No, no, no there was no wall of silence from the pupils
21 about that.

22 Q. They would be open about that sort of thing?

23 A. They would be open and they would try and find out.

24 Q. All right.

25 A. I remember warning a boy, a rather heavy presence in the

1 house, and he said, "Oh, I'll find out for you", and
2 I said, "Well, I don't want anybody rattled up against
3 a wall to find out". "No, no, no, I won't do that", he
4 said. No, everybody was involved. It was ...

5 Q. How long were you a housemaster for?

6 A. Ten years and two terms.

7 Q. In that ten years and two terms, you say in the
8 statement you could go and speak to the rector about
9 issues?

10 A. Yes.

11 Q. Again, is that the informal approach, you think, I must
12 go and speak to the rector so I will do so?

13 A. Yes, yes.

14 Q. So to that extent I think you say there was oversight,
15 because the rector was there to be spoken to?

16 A. Well, if I claimed it was oversight it's maybe putting
17 it too strongly because he didn't come very often. He
18 saw the boarders. He took services and he lived close
19 by and he probably heard them coming home on a Saturday
20 night, on some occasions. Yeah, I really can't speak
21 for him. I don't know how much oversight he felt he was
22 providing or needed.

23 Q. That's what I was going to ask. How often did he come
24 to the house in those ten years?

25 A. Not all that many times. Not regularly. He didn't make

1 a point of coming down regularly.

2 Q. Did anyone else come down and inspect?

3 A. Well, there was -- the directors appointed someone to

4 keep an eye on -- well, to liaise with the boarding

5 houses was the title and they did come down. Not to the

6 extent that they should have done, by --

7 LADY SMITH: So that was -- sorry, was that a member of the

8 Academy court was appointed as a boarding liaison

9 person, something like that?

10 A. Yes, yes.

11 MR BROWN: Can you remember, and, I'm sorry, it's not

12 a memory test, when that was?

13 A. I think it would be -- well, I was in the house from

14 1983 to 1993, so it would have been in the 1980s.

15 Q. I think we have a document if I can put it up on the

16 screen, SGV-000000858. If we just look at the first

17 half, this is 2005 and it's from the chairman of the

18 court, I can tell you. Just stop there. Thanks, the

19 bottom paragraph:

20 "The HMI report of January 2001 recommended that we

21 should strengthen the links between the court and the

22 boarding houses, we appointed a director to liaise with

23 the boarding house staff and we have found this to be

24 a useful link."

25 Then:

1 "The court is confident the level of care provided
2 in our boarding house is high and we have had no cause
3 for concern on this subject in recent years. There have
4 been no complaints in the last five years about our
5 boarding provision."

6 That would tend to suggest that such liaison was
7 light touch?

8 A. Yes, it was light touch. It was light touch.

9 Q. Thinking of school inspections, was there anything of
10 a similar depth in --

11 A. In the boarding? No. Not that I can remember, no.

12 Q. No.

13 A. Well, this refers to --

14 Q. Thank you?

15 A. -- 2001.

16 Q. Quite.

17 A. Yeah. Until then I don't remember the Inspectorate
18 coming to the boarding houses at all.

19 Q. The point of asking is, I take it you remember from your
20 own boarding experience the personality of the
21 housemaster would influence what your life as a boarder
22 was like?

23 A. Yes, hugely.

24 Q. Hugely. So it matters who's appointed and it matters
25 that there is some check on how they are carrying out

1 their role?

2 A. Yes.

3 Q. It just seems, and I'm not talking about your house, but

4 we are aware of other houses where we are hearing of

5 real concern about the conduct of housemasters, which

6 doesn't seem to have permeated up to the school or to

7 anyone else?

8 A. Right. Well, I'm not aware -- I wasn't operating in the

9 circles that would have heard about that. I mean,

10 that's the rector and court level, I would have thought.

11 So, yes, that seems regrettable, certainly. Although,

12 as I say, this master who was there for five years and

13 wasn't a good fit, I don't think, for housemaster, there

14 must have been some complaints about him to cause the

15 change, because the normal stint was ten years in the

16 boarding house.

17 Q. Yes. But I think for example, and one person that we

18 specifically asked you about was John Brownlee.

19 A. Yes.

20 Q. Who was the housemaster of Dundas?

21 A. Indeed, yes.

22 Q. Which I think at that stage was the junior --

23 A. It was, yes.

24 Q. -- house. One of his tutors, Geoff Fisher, came from

25 Dundas to you?

1 A. Yes.

2 Q. As a visiting tutor, he wasn't living in?

3 A. Yes.

4 Q. He shared with you that he didn't like the way Brownlee
5 was treating the children?

6 A. He did, yes, he did.

7 Q. The words of the statement are:

8 "He said he was far too rough."

9 A. Yes.

10 Q. You go on:

11 "Brownlee had that reputation."

12 A. Yes.

13 Q. Again your words:

14 "He was undoubtedly over the top with some of his
15 physical punishments."

16 A. Yes.

17 Q. When you said that, did you mean in the school or in the
18 house or both?

19 A. I think probably both really.

20 Q. But obviously --

21 A. But it was hearsay, so --

22 Q. Is it hearsay, because you are getting a tutor who has
23 worked with him and is saying he's too rough with the
24 children?

25 A. Yes.

1 Q. That is not hearsay, that is evidence.

2 A. Yes, okay.

3 Q. And you are aware of the reputation, so the reputation

4 has been confirmed?

5 A. Yes.

6 Q. Did you do anything about that?

7 A. No, I didn't. I didn't.

8 Q. Do you regret that?

9 A. Perhaps I should. Perhaps I should. But equally at the

10 time, I mean, he had been in the school a long time. He

11 was well known to the headmaster of the school. He'd --

12 that reputation related to his classroom performance as

13 well as the -- well the boarding one came out from

14 Geoff Fisher's comment. I didn't necessarily make

15 a connection that he would be over the top in the

16 boarding house. That was a classroom reputation that he

17 had, which I felt was up to the headmaster of the prep

18 school. I didn't agonise about it. I just thought

19 that's -- you know, that's somebody else's

20 responsibility, whether Geoff Fisher mentioned it higher

21 up, I don't know.

22 Q. Did you encourage him to go higher up?

23 A. I would love to say that I did, but I have no

24 recollection of that. I certainly wouldn't have

25 discouraged it, I wouldn't have tried to reassure him in

1 any way that, you know -- and people do form different
2 opinions. They have different standards of what they
3 think is acceptable and so on.

4 Looking back on it, I wish I had, yes.

5 Q. It seems to be potentially two things at play, perhaps
6 more.

7 One is there is a culture in the school that it's
8 for other people to deal with and you don't rock the
9 boat, if I can put it that way?

10 A. Well, I don't think these two things necessarily go
11 together. There might be a culture that it's other
12 people to deal with it, but the fact that I didn't
13 choose to deal with it wasn't out of concern for rocking
14 the boat.

15 Q. What about loyalty to colleagues?

16 A. I don't know. I'm trying to keep my own head above
17 water. I don't know. Life was pretty busy and full on
18 and I don't know.

19 Q. From what you are saying, the expectation from you as
20 a housemaster in another house is that if there's
21 a problem it's for someone else to report or the rector
22 to deal with?

23 A. Geoff Fisher's comments didn't come across as strongly
24 as they seem now, if you know what I mean.

25 Q. All right.

1 A. It was general, perhaps he was hesitating to be too
2 strong about it, but he did raise it certainly.

3 LADY SMITH: Sorry, Rob, but you say they did fit with what
4 you knew was Brownlee's reputation?

5 A. Well, yes, that he was a strict disciplinarian and that
6 he probably beat harder or more often than was a good
7 thing and I don't know what other punishments he did,
8 but this was him teaching in the junior school, and so
9 I didn't have first-hand evidence. Whereas, you know,
10 there was a headmaster who was close to him. He was the
11 deputy head for quite a long while there and there were
12 several colleagues there, who knew his performance, his
13 behaviour, if you like, in the class better than I did.

14 MR BROWN: But this is against the background you have
15 already discussed of an effort by the rector in the
16 senior school to move away from corporal punishment?

17 A. Yes, but I think -- yes, indeed, indeed: I think -- yes,
18 it's hard to know what I knew of John Brownlee in 1988,
19 or whatever, when I spoke to Jeff and what I know of him
20 now and what I've heard since. It's quite hard to
21 disentangle these two views, but certainly he had
22 a reputation for being strict, shall we say, overly
23 strict.

24 Q. From what you're saying and I appreciate, because we
25 have heard this already, there is a distinction between

1 senior and junior school. They are physically separate
2 and how much exchange was there between the two?
3 A. Well, there wasn't a lot. In fact, this was pointed out
4 as a fault I think possibly in an Inspector's report and
5 certainly there were steps made to try and bring them
6 together, but there were differences of opinion between
7 them. And one of the differences of opinion was
8 John Brownlee. I mean, he was -- he felt strongly about
9 running the rugby the way he wanted to run it in the
10 junior school and he didn't want to comply with
11 necessarily the overview from the senior school, the
12 person in charge of rugby for instance. So, yeah, there
13 was -- it wasn't as good a relationship between the two
14 sets of staff as there should have been.

15 As I say, eventually steps were made to try and
16 improve it and teachers went up and down and exchanged
17 classes and I think that proved quite difficult, because
18 it obviously takes finite time to make the move between
19 the two schools.

20 Q. Going back though, there are four houses?

21 A. Mm hmm.

22 Q. How much exchange was there between the housemasters?

23 A. Well, John Brownlee only overlapped with me for two
24 terms, so negligible. I went in a January and he went
25 out in July, I think. And then the house was sold. So

1 Dundas House ceased to exist then. I hadn't had any --
2 I can't remember any discussions with him about anything
3 in the two terms I was there.

4 Thereafter, I felt there was very good relationship
5 between the housemasters of the three houses that were
6 left and we met each other frequently over meals,
7 socially and we chatted. We were friends and we
8 exchanged views about pupils, various things.

9 Q. And the running of the houses?

10 A. And the running of the houses, yes.

11 Q. Did you have concerns about either of the other two?

12 A. Of the other two?

13 Q. The ones you were having meals with discussing?

14 A. No, I didn't. No, I didn't.

15 Q. That sounds more collegiate than previously?

16 A. I believe it was. When I was there as a tutor in the
17 1960s I didn't feel the housemasters got on all that
18 well with each other. They weren't really three of
19 a kind in a way. They were -- I think there was more
20 rivalry and looking over their shoulders to what the
21 other was doing. I don't know.

22 Q. So --

23 A. I thought we were very lucky in that we had a good
24 relationship with the other housemasters.

25 Q. So in the third decade of your time at the Academy

1 things have improved in that sense?

2 A. Yes.

3 Q. There's greater exchange, albeit it sounds informal?

4 A. Yes.

5 Q. Just because the three of you get on?

6 A. Why.

7 Q. Whereas before, there wasn't that interchange and really

8 the houses were individual?

9 A. Yes, much more so.

10 Q. Is that fair?

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

12 Q. Okay. You've talked about oversight from the court of

13 directors, and we've seen the document from the 2000s.

14 Did you see a sea change of interest and intervention

15 from either the school or the court, the court you have

16 talked about, but the school encouraging formal

17 discussion about the houses?

18 A. Well, I think that first inspection -- was it 2001?

19 Q. Yes.

20 A. That was probably the first one that had happened.

21 Q. So that's really at the end, in the last years of

22 boarding at the Academy?

23 A. Yes, it lasted another eight years or so.

24 Q. I think we know from documents that you went to the Far

25 East to try and drum up --

1 A. I did, yes.

2 Q. Because boarding numbers were just diminishing?

3 A. Yes, they were.

4 Q. In the Edinburgh Academy but also I think more widely?

5 A. Yes, all over the place, yes, they were.

6 Q. I think we read that one of the rectors went to America

7 to try and generate --

8 A. Yes.

9 Q. Do you remember that?

10 A. Yes, I do, yes.

11 Q. There were positive efforts to try and drum up the

12 numbers, because domestically they weren't coming?

13 A. Yes.

14 Q. I think ultimately the view was taken it was no longer

15 viable?

16 A. Yeah.

17 Q. Is that correct?

18 A. Well, it -- either the houses needed money or the school

19 needed money and there wasn't money to spend on both of

20 them, so ...

21 Q. Did you regret that?

22 A. I regretted it. I think they contributed to the school

23 by bringing in a wide variety of people from all around

24 the world.

25 LADY SMITH: Can you just remind me when it was that

1 boarding ceased?

2 A. Well, from memory 2008, but I'm not absolutely certain

3 if that was the date.

4 MR BROWN: I think that's right, my Lady.

5 LADY SMITH: But it had dwindled to how many houses?

6 A. To one house really. I mean Scott House and Jeffrey

7 were run by one housemaster latterly. They knocked

8 a wall down between the two houses and they were

9 administered and the numbers were pretty tiny latterly,

10 in the teens I think probably when they closed.

11 LADY SMITH: Thank you.

12 MR BROWN: Thinking about discipline, you have talked about

13 the school, the senior school at least, a diminishing of

14 the use of corporal punishment.

15 A. Mm hmm.

16 Q. I think we would understand from various SCIS, Scottish

17 Council of Independent Schools, records that in fact

18 theoretically the Academy maintained corporal punishment

19 until the very end, albeit it wasn't being used in

20 practice. That's your impression, that it was fading?

21 A. Oh, it was certainly fading. I mean, the reputation

22 when I came to the school among Academicals who had been

23 there in the 1950s, or indeed the 1940s, was of really

24 quite a violent place, or there were some violent

25 teachers, shall we say. But that's 1940s/1950s and

1 I felt even under ICH, I know it's contrary to some
2 of the things that actually did happen, but I think he
3 was beginning to try and get rid of it and I think it
4 did diminish considerably.

5 Q. Boys beating boys, do you ever remember that taking
6 place when you were there, ephors in other words?

7 A. No, no. I think maybe 1962/1963 was the last -- I came
8 in 1963. I don't think they were -- I think that had
9 been stopped after one year of ICH's rectorship.

10 Q. Right.

11 Looking at the senior school, what was the process,
12 if any, for children to report complaints?

13 A. Well, there was no process in the sense there wasn't
14 a box of complaints slips or a suggestion box, that
15 I remember. But the rectors that I knew, I feel would
16 have been open and I think they did get some pupils
17 going along to see them, but I don't know for sure.

18 No, there wasn't a formal process. I mean people
19 would have talked to somebody that they trusted,
20 I think, on the staff, in the first instance and
21 hopefully that would have been then reported further up
22 the line or they would have been recommended to go and
23 speak to the rector about it and then the staff would
24 have talked to the rector about it. It's kind of
25 understood, it's assumed, you are absolutely right,

1 there wasn't a formal process.

2 Q. No. Did you have pupils coming to complain about

3 things?

4 A. I can't remember, quite honestly, so it can't have been

5 common.

6 Q. What about parents, would they complain?

7 A. They would complain. I can't remember. I remember

8 getting -- the only parental letter I got was from

9 a distinguished ballet dancer, who complained the naval

10 uniforms were too rough. That is the only letter

11 I've kept in my memories.

12 Q. You talked about various issues being raised and dealt

13 with by headmasters and you speak positively in the

14 statement about Ellis responding vigorously to

15 a complaint of an attack by third formers on a boy in

16 the fourths?

17 A. Yes, yes, indeed.

18 Q. Now that got into the newspapers, which presumably meant

19 it was very widely understood?

20 A. Yes, that was a major trauma of the time really for

21 Laurence Ellis, because he hadn't been there very long.

22 Q. No.

23 A. I think I said it was a double-page spread. That is not

24 what I meant. It was a double column headline on the

25 front page.

1 Q. But in that case, because the press are involved, there
2 was a response and you say that people were suspended --
3 A. There was a strong response, yes. Two boys were
4 expelled and some were suspended.
5 Q. Had there not been the press interest, do you think the
6 response might have been different?
7 A. No, I think the incident was -- the boy was hospitalised
8 and had to have an operation and I'm -- I think there
9 would have been expulsions over that.
10 Q. Right. That of course is one headmaster, who you had
11 a high opinion of and you thought honest?
12 A. Yes.
13 Q. And he was clearly prepared to act?
14 A. Yes.
15 Q. Going back to the original headmaster that you dealt
16 with, I think you were made aware that an applicant told
17 the Inquiry of his mother reporting abuse by Iain Wares?
18 A. Yes.
19 Q. And the suggestion is that the mother was told by ICH
20 that it would be unhelpful to complain and the son must
21 have an overfertile imagination?
22 A. Yes.
23 Q. You say, "It's possible that could have been said but
24 I don't know".
25 Of course you don't know, but you think it's

1 possible, having presumably known [CH] ?

2 A. Yes.

3 Q. Why would he do that?

4 A. Who knows.

5 Q. All right.

6 A. Who knows.

7 Q. I suppose one inference is because he was concerned to

8 keep the reputation of the school intact?

9 A. That's certainly a possible interpretation.

10 Q. Is it one you think reasonable? You knew the man?

11 A. I -- I would -- I would like to think that his sense of

12 decency and justice would have overruled his desire to

13 keep the reputation of the school intact. I think -- as

14 I say, I hesitate to speculate, because it goes into

15 what was in the mind of the man and what was his life

16 experiences and all the rest of it and given the times

17 perhaps he didn't think -- I don't know. I really --

18 I don't know. It was clearly -- if he did get that

19 report, which I've no reason to doubt, if it's said by

20 an applicant to the Inquiry, then he was in error in

21 dealing with it in that way. There's absolutely no

22 question. And if we had known that that was the case at

23 the time I think people would have said something. But

24 I don't know. At the time we had no idea. When

25 Iain Wares's name -- or the suspicion that was the name

1 first came out, none of us of the time had any, that
2 I know, inclination of any wrongdoing by him while he
3 was at the Academy, but there obviously was.

4 Q. He of course was junior school?

5 A. He was junior school, yeah.

6 Q. Did you have much dealings with him at all or awareness
7 of him?

8 A. I knew he existed. I said, he played in the staff rugby
9 team and I remember chatting to him once about South
10 Africa, after a game, but that was -- yeah. He wasn't
11 a pal. I didn't see him. He didn't come to the pub
12 with the senior staff when we met. He wasn't a member
13 of the rugby club. He played hockey perhaps at the
14 Grange, I don't know, but, no, I didn't know him.

15 Q. You did talk though when we were remembering
16 John Brownlee that there was an understanding of his
17 disciplinary approach in the junior school. He was
18 deputy head of the junior school?

19 A. Yes.

20 Q. Were you aware of other teachers at the junior school
21 who had the similar reputation?

22 A. (Pause)

23 Yeah, possibly one who was strict, but again it was
24 not a reputation that I would feel I did anything about.
25 I mean teachers -- some teachers were stricter than

1 others. Some had been brought up in a stricter regime
2 and therefore may be more forceful or kept on with the
3 corporal punishment until, as you say, it was actually
4 banned.

5 Q. Two phrases that of course we hear a lot about are
6 "pastoral care" and "child protection".

7 A. Yes.

8 Q. Again, I'm not asking for an exact recollection, but
9 were those phrases that were current in your experience
10 of the Academy early on?

11 A. No, I think the phrases have come -- I think -- I was
12 very conscious that what we were doing in the boarding
13 house was giving pastoral care, whether we called it
14 pastoral care in these days, I don't know.

15 The child protection, as a phrase, I would say we
16 became aware of with ChildLine starting, as far as the
17 boarding house is concerned. Esther Rantzen's campaign,
18 which led to the ChildLine number being made available
19 to the pupils in the boarding house by the payphone.

20 Q. But pastoral care, from what you're saying, for you,
21 would be instinctive?

22 A. It would, yes, it would. It would.

23 Q. But there was no -- again, forgive my obsession with
24 process -- there was no process --

25 A. No.

1 Q. -- or education about it, or suggestions how it might
2 best be applied?

3 A. No. But I mean that's true of -- if I may say -- lots
4 of aspects of education. We've now got deputy heads who
5 are in charge of teaching and learning. Now, for most
6 of us, for most of our lives, we thought that was what
7 going to school was about, but now there's somebody
8 delegated in charge of that. Whether that's a step
9 forward or not, I don't know. But it's a further
10 example. Just because there wasn't a policy for it
11 doesn't mean it wasn't being given.

12 Q. But are we back to the assumption about you being
13 appointed in 1963 as a teacher? You're appointed,
14 therefore you can teach now?

15 A. I suppose, it may seem trivial but I think they do take
16 into consideration what you have done at school, whether
17 you had positions of responsibility at school and within
18 a boarding context, for better or for worse, and sadly
19 sometimes for worse, but the senior pupils have quite
20 a lot of responsibility and if they are thoughtful then
21 they learn from that responsibility. So they have
22 experience of both good and bad behaviours. So although
23 there is no formal training their experience I think
24 would have been taken into account.

25 Q. I'm thinking of teachers not pupils, it's the

1 appointment to a post, it is assumed that the person
2 will just do it, instinctively?

3 A. Yes.

4 Q. They will provide pastoral care, they won't abuse
5 children, because one doesn't think otherwise?

6 A. Yes, but they had to be appointed to the school in the
7 first place. Presumably there was a weeding-out process
8 and there would be other applicants when they were
9 appointed. The feel of the person appointing them, ie
10 the rector, would instinctively, if you like, take that
11 into consideration.

12 Q. If he was thinking about it?

13 A. Well, hopefully he was. I mean it's the most important
14 job he does is appoint staff.

15 Q. I don't think appointing staff, other than
16 departmentally, was a prime factor in your experience?

17 A. No, no, no.

18 Q. You talk about child protection coming in and we're
19 conscious of that transformation and you say at
20 paragraph 105:

21 "When this happened it was a most depressing start
22 to the term."

23 A. Yes, it did. I can only record the way we felt after
24 that staff meeting and it was the feeling of not being
25 trusted, the fact that we were being called into

1 question as to how we treated the pupils and on
2 reflection then obviously we should have to think about
3 it and it's good that it happened, but at the time we
4 found it, and a lot of very, very kindly members of
5 staff, and many of the women on the staff, found it
6 quite a hard session really.

7 Q. Because they felt that they were being doubted?

8 A. Well, they were being doubted and that they couldn't
9 actually give the kind of care that they felt was
10 necessary, that they would have instinctively cared for
11 a child who had fallen or who has lost a parent or
12 whatever it was and they had to be so wary about it.
13 I think that's why there was this air of gloom about it.

14 Q. You say the emphasis was more on not laying yourself
15 open to charges and being careful?

16 A. Yes.

17 Q. It was a very defensive mentality?

18 A. It was, it was, yes.

19 Q. Thinking in terms of the child protection training that
20 then followed, did that tone change away from the
21 defensive to perhaps --

22 A. Yes, much more accepting of it, in the fact that -- it
23 was necessary and there was a kind of -- yes, it did
24 gradually change.

25 Q. As you say, and have said on reflection, it was

1 necessary, but perhaps the manner of the implementation
2 was just harsh for those who had not experienced it
3 before?

4 A. Possibly, yes, yes, or -- yeah, maybe we were being too
5 sensitive, I don't know.

6 Q. Because obviously you are aware that there are
7 allegations of abuse against a number of teachers with
8 whom you worked?

9 A. Indeed, yes.

10 Q. In terms of one and if we can simply refer to him as
11 a [REDACTED] teacher, your experience of that teacher was
12 not one that caused you concern, in the sense of child
13 protection?

14 A. No.

15 Q. I think you were concerned that he couldn't control
16 a class?

17 A. Indeed, yes.

18 Q. But from your experience at the time that was the only
19 concern?

20 A. Yes, I mean steps were taken to help him. I spoke to
21 him and his head of department spoke to him about his
22 discipline issues, but there was no -- I was totally
23 unaware of any other problems with him at all.

24 Q. You became aware of course later on that there had been
25 problems elsewhere?

1 A. Yes, much later really.

2 Q. I think, to be fair to you, this is after you have
3 finally stopped, you had ceased to be engaged with the
4 school at that point?

5 A. Mm hmm.

6 Q. Did you discuss it with your colleagues, former
7 colleagues?

8 A. Yes, they were astonished. The people who knew him were
9 astonished. I think I said that, you know, he ticked
10 a lot of the boxes of what was wanted in a young
11 schoolmaster, in terms of the activities he helped with.

12 Q. He was an enthusiast for outdoor activities?

13 A. He was.

14 Q. And friendly with children?

15 A. Well, that was his excuse for wanting to be not standing
16 on the raised desk behind the demonstration bench in the
17 [REDACTED].

18 Q. I'm sorry?

19 A. That was his explanation when I suggested he would -- it
20 would be helpful -- it would help him to have more
21 control over the class if he actually stood behind the
22 demonstration bench a foot above the class so he could
23 see more of what was going on. Whereas he said he liked
24 to be among the kids.

25 Q. Did that --

1 A. No, at the time in my innocence it never -- I just
2 thought, oh, well, it's something that's been taught
3 at teacher training college. That's a modern attitude.
4 Not as authoritarian as we were.

5 Q. You were aware though I think of allegations beginning
6 to surface in the early 2000s?

7 A. Yeah, I was.

8 Q. This was following a newspaper report which referred to
9 a teacher, though it didn't name him in the newspaper?

10 A. Yes. Yes, the first report just said there were things
11 happened that shouldn't have happened, I don't think it
12 was -- yes, so there was obviously a teacher involved.

13 Q. Was there much discussion among the staff at that point
14 about who it was?

15 A. Yes, there was, and none of us could figure out who it
16 was.

17 Q. Did you learn --

18 A. Subsequently.

19 Q. When?

20 A. Well, when he went to Fettes and then left Fettes
21 I think. It was many years later.

22 Q. Yes. I think we know about the newspaper report was
23 2001, when are you saying you were aware of issues with
24 Wares?

25 A. Only hearsay from Fettes later on, or possibly when he

1 left Fettes. I mean he kind of went out of our
2 consciousness.

3 Q. So you were aware of him -- we understand he left Fettes
4 in 1979. Are you talking about 1980s that there was
5 chat then?

6 A. Well, I think it was -- yes, but -- yes -- I don't
7 remember chatting about it until the 2000s.

8 Q. Sorry, that is what I'm trying to establish.

9 A. No, no, no, no.

10 Q. All right. But when it was chatted about in the 2000s,
11 and from what you're saying there seems to be some
12 knowledge of who the press reports were talking about?

13 A. Yes.

14 Q. Was that gleaned from talking to other teachers or were
15 you told by anyone formally that this is who was being
16 referred to?

17 A. No, no, we weren't told at all.

18 Q. Right. Was there concern amongst those who had been
19 around at that time whether the school should do
20 something about it, for example contacting pupils?

21 A. In the 2000s?

22 Q. Yes.

23 A. Again, I don't know. That would be something for the
24 rector of the time, because he did have some contact.
25 I think that did promote or provoke some -- "provoke" is

1 the wrong word, it did cause some pupils to get in
2 touch, but how he dealt with that, I don't know. I mean
3 I stopped teaching by then. I was working in the office
4 and I did have a slightly public relations sort of role,
5 but nothing very formal. So I wasn't in a position to
6 question or I didn't question the rector as to what he
7 had done or what he should do. Again, I didn't feel it
8 was my business.

9 Q. Do you think there should have been more openness with
10 you as staff members who had been around at the time?

11 A. Possibly, yes. Possibly. But, again, yes -- but again,
12 there is so much confidentiality. There is such
13 an emphasis on confidentiality these days that
14 I accepted that, you know, the rector would have told me
15 all he wanted to tell me or could tell me safely and
16 didn't want to tell me any more.

17 Q. We heard evidence from ICA [REDACTED] that he was told, he
18 was in the junior school, by Brownlee the reason why
19 Wares left the Edinburgh Academy, albeit after the
20 event?

21 A. Well that's --

22 Q. That's news to you?

23 A. That's news to me, yes.

24 Q. All right.

25 Hamish Dawson was, of course, a senior school

1 teacher?

2 A. Yes, he taught at the junior end of the senior school

3 mostly, certainly.

4 Q. But I think you recall, because he was in charge of

5 rugby, to read from your statement, he talked about boys

6 in the showers and said you had to make sure that boys

7 washed properly after rugby otherwise the mothers

8 complained if they came home with dirty knees?

9 A. Yes.

10 Q. And he said that you shouldn't be frightened to go in

11 and make sure they were having a shower?

12 A. That is what he said, yes.

13 Q. You say, "At the time I thought I wasn't sure I would do

14 that". Why not?

15 A. I just didn't -- it didn't feel right. It didn't feel

16 comfortable.

17 Q. Did it raise a caution in your head?

18 A. No, no, it didn't. Not at the time. Well, I suppose

19 I thought, well, that's -- yeah, I was -- it raised

20 a query in my head, but not sufficient to take any

21 action.

22 Q. I think we have heard that one teacher who went with

23 Dawson on his trips, on the boat or to the country, was

24 a teacher called IBP [REDACTED] ?

25 A. Yes.

1 Q. You remember that, that they would go on trips together?

2 A. Oh, yeah, indeed, yeah.

3 Q. I think you heard from a pupil when you had stopped

4 teaching, this is 2005, who talked about this teacher

5 admitting to urges?

6 A. Yes.

7 Q. And homosexual urges, is that what you understood?

8 A. I understood that, yes, yes.

9 Q. Did that come as a surprise to you, having worked with

10 him?

11 A. It came as a bit of a shock to hear this confession,

12 yes, but I mean it was believable. I was amazed that

13 he'd confided in this pupil. By this time he was dead,

14 IBP [REDACTED], and the pupil was living in South

15 Africa and happened to be back.

16 Q. But I think the account was that it had been urges only

17 rather than actions, so far as the people understood?

18 A. That was the account, yes, definitely.

19 Q. You were asked about many teachers and, put short, you

20 have nothing untoward to say about most of them, fair?

21 A. Yes, yes.

22 Q. One thing, IDR [REDACTED], you remember a caricature of him

23 in a school performance running around with

24 a blood-stained lab coat with an axe looking for Geits?

25 A. I do remember that sketch, yes.

1 Q. Whose idea was that sketch?

2 A. I have no idea. I have no idea. That was left to the

3 senior boys to get together that show.

4 Q. I think you say he had a reputation for being a bit

5 shouty?

6 A. Yes.

7 Q. And intolerant?

8 A. And intolerant?

9 Q. Yes. Of the young, your words. Did you ever worry

10 about him?

11 A. No, I didn't. I didn't. I didn't at all.

12 Q. All right. You also remember a good friend of yours,

13 IDZ [REDACTED] ?

14 A. Yes.

15 Q. You knew discipline was high on his agenda, but you

16 didn't see it as at a worrying level?

17 A. No.

18 Q. He was a bit keen on using the shoe, you say?

19 A. The gym shoe. Well, by reputation, but he didn't have

20 the best control of classes, by reputation again.

21 I never worked in a room near him, so I don't know.

22 Q. Then you remember a teacher who I think you inherited

23 a boarding house from, who you remember positively but

24 you do remember that he could become frustrated?

25 A. He could become cross, yes.

1 Q. Was he short tempered, or is that --

2 A. It's an emotive word, but I was trying to find another

3 word.

4 Q. You tell me. I don't --

5 A. Or cross, that is what I said he could become frustrated

6 and cross and angry.

7 Q. Over what sort of things?

8 A. Well, I gave a trivial example in relation to my

9 dealings with him, where he threw his briefcase in the

10 wastepaper basket, but --

11 Q. You remember another occasion where he came into the

12 common room upset?

13 A. I don't know how upset he was, but he wanted to say that

14 he'd hit somebody and basically he knew that he

15 shouldn't have done, that he had lost his rag or lost

16 his temper, whatever.

17 Q. And you say he wasn't proud of it?

18 A. Oh, certainly not, no.

19 Q. Do you know if anything came from that?

20 A. I don't know. I don't know.

21 Q. All right.

22 We have heard a lot about a PE teacher and much

23 about checking of shorts to see there was no underwear

24 underneath. Do you understand why that was done?

25 A. Well, I've suggested -- I don't know. These tales came

1 to me much, much later, after he had retired, in fact.
2 And they came as a surprise, but all I can think of is
3 that in the old days you didn't wear underwear under
4 sports clothing, for what I always took to be hygiene
5 reasons, in that you didn't want to be still in sweaty
6 underwear for the rest of the day and that you had
7 sports underwear.
8 Q. Had that been your experience at school?
9 A. At school, it had, yes.
10 Q. To you it made sense, because that was the norm for you?
11 A. It did, yes.
12 Q. Was that a school rule though at Edinburgh Academy?
13 A. I have no idea.
14 Q. You have no idea?
15 A. I have no idea.
16 Q. I think you have heard however he was keen on being in
17 the showers?
18 A. I've heard that, yes, but, again, I don't know the
19 layouts. I don't know the layout of the shower in the
20 gym, whether it was for -- to avoid any fighting or
21 wrestling. I mean, in PE lessons there is a lot of
22 physical interaction in terms of competitive physical
23 interaction and it may have spilled on in the showers.
24 Maybe he reckons he was supervising them. He was
25 a chatty fellow and liked to talk to people and he may

1 have been in conversation with people and carried on
2 into the showers. I personally, even now, don't think
3 that there was any question of gratification for him in
4 these actions, but I don't know.

5 Q. Although you felt a little uneasy when Hamish Dawson was
6 saying to you, go and --

7 A. I did, yes, I did.

8 Q. So why not with the PE teacher?

9 A. They were very different people. I got to know them in
10 different ways.

11 Q. One final name, and this is the penultimate page of your
12 statement, you reference a South African teacher who was
13 in the junior school and you think he was in the
14 boarding house after you left?

15 A. Yes, I can't remember in -- whether he actually took
16 over a boarding house or whether he was -- when I said
17 the two houses were combined and he may have lived in
18 what was Scott House and sort of looked after the
19 Scott House side, I'm not sure, but he was living in the
20 boarding house for a while, yes.

21 Q. Right. He didn't last long?

22 A. No.

23 Q. He was there, we understand, for about a year?

24 A. Yeah.

25 Q. Do you understand why he left?

1 A. No.

2 Q. But you remember that the headmaster was going to drive
3 him to the airport when he left, you had had him for
4 a meal so your wife offered to drive him and the
5 headmaster said "no"?

6 A. Yes.

7 Q. Why does that stick out?

8 A. Why does it stick out?

9 Q. Yes.

10 A. Well, obviously he didn't want my wife talking to him or
11 him talking to my wife.

12 Q. Did that cause you some surprise?

13 A. It did, yes, it did.

14 Q. Were you aware of any issue with that teacher?

15 A. No, no.

16 Q. I think we know from court of directors' documents,
17 minutes, that it was reported that he was leaving
18 because of family concerns?

19 A. Yes, his wife had been across here with him I think at
20 one stage and then she went back, I think. I mean, my
21 wife became more friendly with him because (a) she was
22 born in South Africa and (b) he was a fellow colonial
23 and she worked in the junior school as a nurse, so --
24 and we had been in the houses. I think we had lent him
25 some kit for the kitchens or the house or downy covers

1 or something, so it wasn't a great friendly
2 relationship. I didn't know him really very well at
3 all.

4 Q. Could you just look at one document, please, which is
5 SGV-000101857, it will appear on the screen. This is
6 a summary of child protection files, current or
7 immediate past, which were recovered from the Care
8 Inspectorate, I think. If we go to the very bottom, the
9 names are blacked out. The third one.

10 "Former member of staff, allegation of assault
11 against pupil, dealt with under disciplinary
12 procedures."

13 Take it from me it's the same teacher.

14 A. I've no idea.

15 Q. You had no idea about that?

16 A. Absolutely no idea, no, no idea. I didn't -- no,
17 I didn't have much -- although my wife worked there,
18 I didn't have much dealings with the junior school
19 really. I've no idea. Obviously since his name has
20 come up I was wondering what is he being accused of, or
21 what's he done. So that explains what he's done.

22 Q. So this is in the last 15 years, but that sort of
23 information wasn't being shared with you?

24 A. No, no.

25 Q. Or more widely, it would appear?

1 A. No, no.

2 Q. Does that concern you that there isn't an openness of
3 communication?

4 A. Well, it does, it used to frustrate me but again I put
5 it to this drive for confidentiality. It seemed
6 prevalent in the tone of the -- for instance, children
7 going to the doctors. I remember trying to get some
8 information about a child who had gone to see the doctor
9 and the doctor wasn't allowed to tell me anything about
10 him because of confidentiality and I thought well I'm --
11 he's in my care and that seems a bit counterproductive
12 and I think perhaps in some ways it's gone too far.

13 Q. I think this is why in terms of lessons learned your
14 phrase -- you say lessons to be learned:

15 "I hope that the baby doesn't get thrown out with
16 the bathwater."

17 Just explain what you mean by that?

18 A. Well, I did try and go on to explain it, in the sense
19 that the confidentiality is one thing and if there is so
20 much emphasis on confidentiality that you are not
21 exchanging information that could be helpful and useful
22 in dealing with people, that seems counterproductive.

23 If staff who normally take school trips and camping
24 expeditions, sailing expeditions, whatever, there is the
25 feeling that they are not really fully trusted to do

1 that, then there's always this risk of accusations, then
2 they won't do it and so the children will lose out on
3 valuable experiences. That was my feeling. It was
4 after a long session and that is what I came up with.
5 Q. That perhaps ties in with one of your concerns in the
6 statement that you found the increasing bureaucracy
7 frustrating?
8 A. Well, yes, that is a personal thing.
9 Q. Would you not accept though, with child protection in
10 mind, really these are small burdens to carry --
11 A. Indeed, yes.
12 Q. -- if it protects the child?
13 A. Of course, yes, indeed. I'm not saying I was right to
14 be frustrated with it. I'm just saying that's how
15 I felt and I do accept what you are just saying, yes,
16 of course.
17 MR BROWN: Rob, thank you very much indeed.
18 I have no further questions for you. Is there
19 anything else you would wish to add?
20 A. I don't think so, no. I think I've ...
21 LADY SMITH: I'm sure we have exhausted you already, Rob.
22 Both in the questions you were asked when you were
23 interviewed for your statement, which I'm aware has
24 obviously had a lot of work put into it, and that in
25 itself will have been a burdensome task for you, but

1 also thank you for bearing with us this morning and
2 I'm aware of the fact that we have had you giving
3 evidence for quite a while now.

4 Everything you have told me is really helpful.
5 Please be assured of that. I'm very grateful to you for
6 bringing to life some of the things you have talked
7 about in your statement. So I'm able to let you go and
8 hopefully have a more restful afternoon than you have
9 had a morning.

10 A. Thank you. I hope so, yes.

11 Thank you.

12 (The witness withdrew)

13 LADY SMITH: I'll rise now for the lunch break and sit again
14 at about 2.10 pm.

15 Thank you.

16 (1.20 pm)

17 (The luncheon adjournment)

18 (2.10 pm)

19 LADY SMITH: Good afternoon.

20 Mr Brown.

21 MR BROWN: My Lady, the final witness today is Tony Cook.

22 LADY SMITH: Thank you.

23 Tony Cook (sworn)

24 LADY SMITH: Tony, thank you for agreeing to come along this
25 afternoon and for providing the written evidence that

1 you've provided.

2 Practicalities, the red folder in front of you has
3 your written statement in it. Feel free to refer to it
4 if you find that helpful. You don't have to, but it's
5 there if you want it.

6 Otherwise, please understand, I do know that this is
7 not an easy thing to do, to come into public and talk
8 about events in your own professional life, spanning
9 quite a long period, and starting quite a long time ago,
10 at a stage in your life that you probably thought you
11 could perhaps relax a little more.

12 But by the end of today I hope you will be able to
13 do that, and if you can bear with us between now and the
14 end of the day, in the hearing, that would be wonderful.

15 Do let us know if there is anything we can do to
16 make things more comfortable for you, whether it's
17 a break or a breather just sitting where you are, or if
18 we're not explaining things properly, tell us. It's our
19 fault not yours if that happens.

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

22 A. Yes.

23 LADY SMITH: Thank you.

24 Mr Brown.

25 MR BROWN: My Lady, thank you.

1 Questions from Mr Brown

2 MR BROWN: Tony, good afternoon.

3 A. Good afternoon.

4 Q. We have the statement, which is in the red folder, a
5 reference number WIT-1-000001315. It runs to 43 pages
6 and you signed it this month.

7 A. Good, yes, correct.

8 Q. You ended by confirming you had no objection to the
9 statement being published as part of the evidence to the
10 Inquiry and that the facts in it are true, and that's
11 correct?

12 A. Correct.

13 Q. Thank you.

14 You are now 80 years old?

15 A. Yeah.

16 Q. And your connection with the Academy I think in terms of
17 the evidence we've heard from live witnesses goes back
18 the furthest, because you were a pupil there from 1951
19 until 1961. Is that right?

20 A. Correct, yes.

21 Q. Then you returned in 1975 as a teacher and stayed
22 I think until 2008?

23 A. 2003.

24 Q. 2003. Thank you. That didn't end the connection,
25 because you remained involved in a number of senses and

1 you are still involved, as you are currently president
2 of the Academical Club?

3 A. That is correct.

4 Q. As a result of that, you are currently a member of the
5 current court of directors?

6 A. Yes.

7 Q. So the Academy has played a significant part in your
8 life?

9 A. Yeah.

10 Q. That's emphasised because you went there because your
11 father was a teacher, so it runs really through
12 everything.

13 In terms of background, you were born during the
14 war. In fact, you didn't see your father for many years
15 because of the war. You make the point when you were at
16 school many of the teachers had returned from active
17 service, a number were decorated. Do you remember that
18 having an effect on behaviour, the war service, was that
19 something that was considered at the time?

20 A. No, I can't remember anyone considering that at all
21 actually. It was just a fact.

22 Q. It was just a fact?

23 A. Yes, yes.

24 Q. All right. I think you make the point that having been
25 at the point you went to college and then university,

1 but teaching had not been your aim. You said you were
2 wanting to go down the academic route and you started
3 a PhD, which didn't finish?

4 A. Yes. I suppose teaching, it's very rare that people at
5 school actually want to become teachers, for a variety
6 of different reasons, but I sort of -- I suppose I must
7 have had some of the genes for teaching, because my
8 parents were both teachers and my grandparents were
9 teachers and they had -- they came through and through.

10 Q. Yes, but I think you discovered as part of your PhD that
11 you were teaching undergraduates --

12 A. Yes.

13 Q. -- and you actually enjoyed it?

14 A. Well, I did, because when you are doing research of any
15 sort it becomes very specialist and it often becomes
16 quite difficult, perhaps communicating with people when
17 they ask you what you do and you have to go into the
18 population genetics of crows and people say, well, what
19 is actually the point of that and how -- and often it's
20 quite difficult to justify, but -- and I did find that
21 once I started communicating with the students though
22 I quite enjoyed it, at a slightly lower level.

23 Q. Okay. You then gave up the PhD ultimately?

24 A. Well, yes. I didn't mean to. I thought when I started
25 teaching I would have plenty of spare time, which is not

1 the case at all, because once you start teaching,
2 particularly at a school like the Academy, there is
3 a lot of extracurricular stuff that you have to do --
4 I suppose you don't have to, but you do it because you
5 enjoy doing it and it's part of the job.

6 Q. Would it be also fair to say there's an expectation
7 that --

8 A. Yes, of course there's an expectation because when they
9 employ people they employ people that do seem to have
10 a breadth of experience and a willingness to give in
11 different areas.

12 Q. Were there times, just touching on that point, where
13 your life as a teacher was very busy?

14 A. Yes, well it was, because I had -- I gradually started
15 having a few children, or my wife did, and so as we went
16 on, the expectation was for instance on a Saturday
17 morning one would take games and Sunday, often nothing,
18 but sometimes we had a field centre called Blair House,
19 which was much appreciated by everybody and we might go
20 up there on a Friday evening, after a parents at home,
21 and take a dozen boys or so up there and then spend
22 a couple of nights there and come back on a Sunday
23 afternoon. With my wife fielding all the work at home,
24 so I was very appreciative of her great support in that
25 area, but it was just something that, you know,

1 I enjoyed doing it. I didn't think it was a drudge at
2 all.

3 Q. No, but at times did you feel it was just too much that
4 was being expected of you?

5 A. No, I didn't. No, I didn't feel it's too much. No,
6 I thought it was absolutely fine. I felt the more I did
7 the better almost.

8 Q. And your colleagues, would they have said the same?

9 A. No, colleagues varied so much. There is such a variety
10 of colleagues and as time went on I think there was
11 gradually an expectation that you were allowed more
12 family time and that perhaps your weekends were your own
13 a bit and you were allowed a day off with your family.

14 Q. So the school began to understand that teachers have --

15 A. I think so --

16 Q. -- lives as well.

17 A. -- yes.

18 Q. And presumably that they too may be under a fair amount
19 of stress?

20 A. Yes.

21 Q. When did that change?

22 A. It changed very gradually. I mean from when I started
23 teaching there, in 1975, I suppose you would think it
24 was the old guard there and we just had, you know, one
25 school minibus and so it was a bit of a fight for that,

1 but gradually, as new staff came, they would just be --
2 it's a fairly gradual process. They just have slightly
3 different expectations.

4 Q. Prior to new staff coming in, you've described the old
5 guard, starting in 1975 did you get the sense the school
6 was operating in many ways just as it had when you had
7 been there as a pupil?

8 A. It did a bit, because there were quite a few of the
9 teachers, the masters as they all were in those days,
10 who were still there. ICH [REDACTED] had appointed, when
11 he was rector, a lot of people who actually loved the
12 hills, loved the outdoors as well as having the academic
13 experience, but he focused very much on that because he
14 was a great outdoors man himself, and so many of those
15 were still there. So for instance when we went out on
16 a climbing meet or something like that on a Sunday,
17 there would be 10/12 members of staff, who would be
18 there and then this gradually got less and less, for the
19 reasons I've just explained.

20 Q. Yeah. But having been at the school 1950s, into the
21 early 1960s, you come back 14 years later. Did you get
22 the sense the ethos had remained the same in the
23 intervening 15 years?

24 A. Yes, but not completely the same.

25 Q. No, no.

1 A. It was a gradual change and the fact that there was
2 still corporal punishment for instance, although some
3 aspects of it obviously had disappeared. But it was
4 interesting to see how that gradually did disappear and
5 the new teachers that came in were not going to be using
6 corporal punishment. One or two of what I called the
7 old guard might have still, because it's part of the
8 fabric of their life and their method.

9 Q. It was what they knew?

10 A. Yes, it was, yes.

11 Q. Now, you went to the Academy aged seven?

12 A. Yes.

13 Q. [REDACTED]
14 [REDACTED]

15 A. [REDACTED]

16 Q. You weren't ever in a boarding house, [REDACTED]
17 [REDACTED]

18 A. [REDACTED]

19 Q. Not involved in that side [REDACTED]

20 A. No, I wasn't, no.

21 Q. You were too busy doing other things?

22 A. Yes, well ...

23 Q. Okay.

24 Thinking back to joining school, and you've seen the
25 Edinburgh Academy from, as I say, starting aged seven up

1 until the present day, we get the sense that the world
2 is entirely different in terms of a new start's
3 experience?
4 A. Oh, completely. I mean --
5 Q. What was your experience?
6 A. Of?
7 Q. Day one.
8 A. At school?
9 Q. Yes.
10 A. Being a little bit nervous, because you are coming down
11 there and you are suddenly dumped with your class
12 teacher and we're in the main hall there and the rector
13 reads out which class you're in, so there is a list of
14 names comes out, so you know which class you're in and
15 you go to that class and it was brought into sharp focus
16 recently, because the boy that was my, what you might
17 call my minder, because the lady in charge, Ms McClure,
18 she said, "Right, now, [REDACTED], will you please look after
19 this new boy" and that was it. So that he did and he
20 did a brilliant job on it and showed me all the facets
21 of the school and where the toilets where, and where the
22 tuck shop was and what happened in the first break and
23 all the details that are vitally important.
24 Q. So that was a good start?
25 A. That was a good start. Oh, yes, it was, but there was

1 nothing -- there was no formal -- I mean, nowadays it's
2 so different and they have a day of preparation that
3 young children coming into the school and the new ones
4 have a preparation and the ones coming from the junior
5 school to the senior school, the preparation started
6 last year, where they're just gradually coming into the
7 new system there and getting used to it, so when they
8 start they're really enjoying themselves.

9 I know that for sure, because I've got two
10 grandchildren and they've just done that today and
11 yesterday.

12 Q. It's a different world?

13 A. Completely, totally different world and this is the
14 extraordinary thing, how we can have this complete
15 change and to look back over all these years and see
16 what used to happen and what did happen, it's -- for me
17 it's an awful experience, because my love of the school
18 at the time -- I wouldn't say my school days were
19 necessarily the happiest days of my life, but on the
20 other hand, I didn't dislike them in any way and I made
21 some very good friends, which I've still got, but
22 those -- I still look back on -- with a great love for
23 the school.

24 But then, when things happen, and particularly when
25 things happen while you were there and you didn't

1 realise they were happening, it cuts like a great thrust
2 into the middle of your heart that things weren't as
3 they might have been. And this gives me a tremendous
4 feeling of sympathy, understanding and slight
5 bewilderment that some people are going -- still going
6 through this process.

7 Some boys that I taught, some boys that were my
8 compatriots, this gives me tremendous pain.

9 Q. Yes. I think though going back to day one and to use
10 the language of the statement, you had a very good
11 minder?

12 A. Yes, I did.

13 Q. But otherwise the culture was sink or swim. You learnt
14 to survive?

15 A. It was very much. That was it. You just got on with it
16 and you had to learn from other people and so you asked
17 each other what you did and how you got up to games,
18 which would have been down at Raeburn Place -- we didn't
19 have Newfield in those days -- and how you got there and
20 where you changed and all that sort of business. So
21 there was a lot of learning from each other and
22 of course when you step into an environment that may be
23 in your class of 25 or 30, 30 it would be in those days,
24 you didn't know any of them.

25 Q. No.

1 A. But quickly you did get to know and some, you know,
2 particularly if you enjoyed a sport that they enjoyed,
3 like rugby, they would take you on board, but there
4 would be moments of slight worry that you weren't being
5 accepted perhaps.

6 Q. Yes. You make the point that there was an outdoor
7 aspect to schooling, your schooling, and you reference
8 the fact that your first ever camping trip was with
9 Hamish Dawson?

10 A. Yes, it was, because he was actually -- I was -- when he
11 arrived at the school I was in his class, in what would
12 be 1956 or something like that. I can't remember the
13 exact date. So I was in his class and he taught me
14 history.

15 But he had a system where he obviously enjoyed
16 outdoor stuff, because he continued throughout his life
17 and did things like the canal trips and that sort of
18 thing, but he had this friend with him and we -- and it
19 was by invitation that -- I don't know how he invited
20 people, how he decided who was going, because I know my
21 parents were a bit upset because my brother wasn't
22 invited. But he was perhaps a little bit more of
23 a scamp than I was. I don't know. Or they fell out in
24 some way.

25 Q. But you enjoyed the outdoor trip?

1 A. I did. It was quite tough in those days because there
2 wasn't a proper means of transport and we went up by
3 train and then had to walk in from Aviemore into
4 Glenmore Lodge, which is five miles or so, but then that
5 was all good and we had these big tents with big wooden
6 tent pegs and great mallets that we had to hammer in.

7 Q. But you remember him as a teacher, there is nothing
8 untoward about the trip?

9 A. No, there was nothing untoward about the trip at all.
10 No, it was quite -- we had a great time, and he -- you
11 know, taught us how to ford rivers or how to, you know,
12 drink from a burn, just things like that and how to --
13 I think they did the cooking in the first instance and
14 then the second year I went we went as an independent
15 group and we did the cooking.

16 Q. Tell us about Hamish Dawson in the classroom though?

17 A. Yeah. In the classroom, I think children are always --
18 they always think teachers are a slightly different
19 breed and that they're just different because they
20 appear there and their behaviour in the classroom isn't
21 necessarily the same as their behaviour elsewhere and
22 this is a fact of life, that this is the case.

23 But Hamish was a little bit erratic, I suppose, as
24 a teacher, that you weren't ever terribly sure how he
25 was going to react to a situation or something.

1 He certainly didn't like people dropping off to
2 sleep in his class, because he would be very accurate
3 with a piece of chalk, which he would hurl at you and so
4 you made sure you avoided that.

5 Q. Was that a common --

6 A. Did other teachers do that? Yes.

7 Q. Yes.

8 A. One or two did. Oh, yes, people used to throw things
9 about a bit, just to keep you on your toes, really.

10 Q. I think you mention Hamish Dawson throwing a log?

11 A. Oh, well, there was a little log. I can still see it in
12 my mind. It held the door open. Sometimes he --
13 I won't say he lobbed it with great intent, but he might
14 throw it across the room. And you woke up perhaps to
15 field it and that would be something, but I don't
16 remember him throwing it trying to hurt people.

17 Q. Okay do you remember other teachers throwing things?

18 A. Throwing things?

19 Q. Board dusters for example?

20 A. Board dusters, yes, occasionally or the odd gym shoe
21 could get thrown around, because we had lockers that
22 were open and so this used to have gym shoes and things
23 spilling out of them, so they were quite handy little
24 things to throw around or give people a tap if they
25 weren't doing what they were supposed to do.

1 Q. Was that considered in any way offensive by the boys?

2 A. No, I don't think so. It was just par for the course.

3 Q. It was the norm?

4 A. It was the norm. That's what you did. And I think it

5 was similar everywhere probably.

6 Q. Just thinking momentarily to your teaching experience,

7 were the same things going on as far as you were aware,

8 chalk throwing, duster throwing?

9 A. Not that I was ever aware of, because when you start

10 teaching it's a different scenario completely, because

11 there I am in a class with the children and it's not

12 like I'm one of the children in the class and I go round

13 lots of teachers as a child. So you don't get that

14 experience of the individuality of -- but I know for

15 instance Hamish Dawson used to have a gown which had

16 a greenish tinge to it, I remember that, and I think he

17 had a knot tied in it that he could playfully give you

18 a little whack every now and again.

19 Q. Okay. I think you mentioned that he had compasses which

20 he would -- you never experienced?

21 A. I never observed this happening, but I know it happened

22 because I've got a very good friend that I think

23 I've mentioned, not by name, but who is still a good

24 friend and he definitely got a prod with a compass and

25 he went home to his parents and told them about this and

1 so they made some -- went and saw the rector about this,
2 I think.

3 What exactly happened, I don't know. But the result
4 was that he left the school.

5 Q. Yes. Corporal punishment, when you were a schoolboy was
6 routine?

7 A. Yeah, it was routine but it wasn't a daily occurrence,
8 necessarily.

9 Q. No.

10 A. But it was a routine thing that happened and it was
11 usually -- 95 per cent of it was the tawse with
12 teachers, and that was ... and some of them had a tawse
13 that they kept on their person. It was traditional to
14 put it underneath your jacket so that it could be
15 whipped out easily, but other teachers kept it in
16 perhaps a drawer or a cupboard that was locked or some
17 teachers borrowed a tawse from another teacher. They
18 had a sort of agreement.

19 Q. But I think some teachers had the reputation for being
20 fierce or even vicious with a tawse?

21 A. Yes. I think the ones you feared most were the ones
22 that wielded it with the greatest intent and often
23 wielded it the least, because one was sufficiently
24 frightened of the possibility of a serious whack with
25 a full tawse, that other teachers would not produce the

1 same effect at all. And it was just a case of whacking
2 on the hand perhaps occasionally.

3 But this didn't happen every day or even every week
4 in a class, but it did happen on a regular basis and
5 there were some teachers undoubtedly that used it more
6 or used it as a threat. I mean there was one teacher
7 that used to keep it on his desk and these were desks
8 you stood at, big desks with a lifting lid, and lay it
9 on the front there so that the class could see it
10 clearly and that it was there as a threat.

11 Q. You remember one in particular who you describe as
12 a sadist, who went on to Kelvinside?

13 A. Yes, he was the one that used to say, "I've got my
14 Lochgelly persuader here, so watch it", but he did --
15 I think he was -- there was no compassion in his mind.
16 One always got the feeling that he quite enjoyed boys
17 suffering a bit at the time.

18 Q. Now you're the son of a teacher, would you go home and
19 tell your --

20 A. No, you didn't do that. There was a thing called
21 clyping --

22 Q. Yes.

23 A. -- which you didn't do almost -- and this is ... often
24 has worried me, that if a thing was serious, and I think
25 getting a bash with the tawse is not a serious thing,

1 but other things could be more serious. And I think it
2 was very sad when children felt unable to perhaps go to
3 their parents and explain that, but then in those days
4 sometimes if you received corporal punishment at school
5 your father would give you the same.

6 Q. In terms of clyping, we have heard an awful lot about
7 not clyping from applicants?

8 A. Yes.

9 Q. One could say that that culture of not clyping never
10 really went away and may still be present?

11 A. I think it may still be present nowadays, yes. Children
12 don't like to do that.

13 Q. When do you recall the school made efforts to address
14 that?

15 A. Well, I suppose when we started getting year heads and
16 people that were on -- or even a padre and having
17 another level of people that a child could go to,
18 because if a child just didn't want to go home, didn't
19 want to go to their class teacher, but they might have
20 had an affinity with another member of staff, and
21 particularly if somebody was in there as a year head and
22 really got on well with the children, I think some of
23 the children -- and now the process is streamlined to
24 such an efficient extent that it's totally unlike the
25 past and that's been a gradual process, since the late

1 1970s/early 1980s.

2 Q. Okay. Going back to your schooling though, there was
3 also -- we have talked about corporal punishment, you do
4 also remember one teachers would taught [REDACTED],
5 Mr [REDACTED] ICQ ?

6 A. Oh, yes, yes, yes.

7 Q. He had a reputation of being, I think to use your word,
8 dodgy?

9 A. Yes, dodgy, yes, because in those days we had benches
10 that could be triple benches. They had -- they were
11 wooden benches with an inkwell in each corner and there
12 might be two of us there, but being a bench you could
13 shove up and so sometimes you used to be explaining some
14 conjunctive phrase and then would ask the child to shove
15 up and so he would, and then perhaps act what we -- what
16 would be inappropriately by putting his hand on
17 somebody's knee, and he was known for this.

18 In fact, he used to have favourites in the class and
19 there's one chap, he's now just retired as a professor
20 of brain surgery down south, and he was his favourite.
21 He was a very bright boy, very bright boy, but somehow
22 he liked him and would sit down beside him and put his
23 hand on his knee and the question is: what did this boy
24 think about that?

25 He didn't care a bit. They thought it was just

1 a laugh. You know, that's what he felt at the time and
2 he didn't feel it as a threat, which other children
3 could well have done.

4 Q. But again is that something that you would ever have
5 thought of raising with your father, who is a teacher,
6 [REDACTED]?

7 A. No, I never saw this particular incident. I only heard
8 about it from this guy because I spent a holiday with
9 him. But I would not go and talk about things that
10 happened at school to my father, never, never, never.
11 He wasn't actually a very approachable man in that
12 respect.

13 Q. All right. When you returned in 1975, was [REDACTED] long
14 gone?

15 A. Yes, he'd been gone several years and died quite young.

16 Q. But were you aware of any teachers with a similar
17 disposition or did you suspect when you were a teacher?

18 A. No, I can't think of any. I mean, I think the thing is
19 Dawson was there still, as a colleague this time, but
20 there was no evidence. And I was too busy getting my
21 own teaching sorted out, because still in those days it
22 was quite -- you were still thrown to the lions a bit.

23 Q. We'll come back to that shortly.

24 One last thing, though, we have talked about
25 discipline in the classroom. The other thing that was

1 still active when you were a pupil is ephors being
2 allowed to beat.

3 A. Yes.

4 Q. We've heard evidence of being called to the ephors' room
5 on a Friday afternoon?

6 A. Yes, 3.10 pm.

7 Q. When would you discover you had to attend -- it sounds
8 as if it's a court --

9 A. Yes, it was a bit of a court, so that if an ephor came
10 in, because during the breaks you were supposed to go
11 outside and you weren't supposed to play inside, because
12 you get a lot of boys playing inside they tend to cause
13 damage of one sort or another. But if -- and the ephors
14 would go round and if they saw somebody misbehaving in
15 some way they would just say, "Ephors room, 3.10 pm".
16 That's what they would say to you, and you had to go.
17 You had to remember.

18 Q. What sort of reputation, before we talk about the actual
19 event, what was the reputation of a beating by the
20 ephors?

21 A. The?

22 Q. What did you understand the level of beating would be?
23 Was it something that was feared by the pupils?

24 A. Oh, yes, it was pretty much, because they used the
25 clacken, you see, which is a sort of flat bat.

1 Q. We have seen the clacken, yes.

2 A. You have seen the clacken, have you, yes. So they used

3 that and yes there was a fear. Some -- I think the

4 ephors, and it was the senior ephors, of whom there were

5 eight normally, that would be dishing out this

6 punishment and some of them -- I mean there was one --

7 one of them was the Scottish school squash champion, so

8 he had a very deft hand and like to probably do more

9 than -- and others were much gentler and it was just

10 a little tap they probably gave you. So there was quite

11 a variety.

12 Q. But the reputation was --

13 A. The reputation --

14 Q. You might suffer?

15 A. You're going to suffer and so you would wear an extra

16 pair of underpants or if you -- or perhaps put

17 a geography atlas, but then that was not to be

18 recommended because they would find that out.

19 Q. And there would be more punishment?

20 A. Yeah, they'd double the thing.

21 Q. We understand the maximum was six?

22 A. Six, yes.

23 Q. But could it go to 12?

24 A. It never went to 12, I don't think.

25 Q. You said it could double?

1 A. Yes, I think it was only because six would be unusual,
2 but there were standard numbers for if you weren't
3 wearing your cap on a Saturday in Princes Street there
4 is a standard I think of three that you were given.

5 Q. Yes. If we look please at a document, EDA-000000858.
6 It will appear to the screen on your left. If we go to
7 page 6, this is the beat book.

8 A. Yeah.

9 Q. If we go down to 3 February, I think we can see:
10 "Seen on Friday night wearing cloth cap. No
11 plausible excuse. Sentenced to 3 beats."

12 A. Yes, that would be normal. So you wouldn't be allowed
13 to wear a cloth cap. You have got to wear the proper
14 cap.

15 Q. I think if we go over to page 7, top of the page,
16 9 March:
17 "No cap on Saturday. Very feeble excuse. 2 beats."

18 A. Yeah.

19 Q. Then if we go down to the bottom of the page, you will
20 see after the line of single beats, there is then:
21 "Failed to hand in lines for senior ephor, no
22 excuse. 1 beat."

23 A. Yeah.

24 Q. "The HE [head ephor] declining to beat [REDACTED]
25 [REDACTED]."

1 That is you?


2 A. Me? Okay. Yes, could well have been, yes.

3 Q. Take it from me, it is. I'm afraid the names are

4 blacked out.

5 A. What a shame, yes, because I may know some of them. But

6 I could thank him, couldn't I? I don't know --

7 

8

9

10 Q. But I think you laugh now, but --

11 A. No, it wasn't a laughing thing at all, no, I mean you

12 were terrified as an 11-year-old standing there and you

13 were called and these were like men there, sitting

14 behind this table, each one holding a clacken. I mean,

15 there was a tremendous threat about that and then having

16 given you the -- having stated what you had done wrong,

17 they then asked you to go and stand outside, while they

18 considered how many beats to give you, so there was

19 a certain two or three minutes of suspense before you

20 are called in and told what your punishment would be.

21 Q. Did anyone think this was abnormal?

22 A. No, I don't think so. They just -- that's what happened

23 really. It was just part of the thing about a school.

24 They didn't compare it with other people. We didn't

25 tend to swap tales with other schools particularly, but

1 I think that would have been unusual, although, you
2 know, fagging systems in schools, particularly boarding
3 schools, would have entailed possibly something --
4 Q. Fagging from your experience, did that amount to
5 cleaning shoes?
6 A. Well, yes. I mean, it wasn't a full boarding school in
7 the way that the others were, so I think the fagging
8 system wasn't overused at all.
9 Q. No. But the point is, there is a beat book. These are
10 being recorded?
11 A. Yes.
12 Q. So it's known and there are records of clackens being
13 broken and some pride?
14 A. Oh, yes, you are allowed to keep the clacken if it broke
15 on you.
16 Q. Presumably it broke because of the amount of force?
17 A. Yes. Unless it had a weak part in it, yes, no, it would
18 be a fair old whack.
19 Q. But the point is it's being recorded, it's all known?
20 A. Yes.
21 Q. All the pupils know this and presumably the staff knew?
22 A. Yes, the staff would have known, yes.
23 Q. But no one thought to say that this is --
24 A. No, because it was a completely different ethos. We're
25 talking about quite a long time ago. We are talking

1 about the 1950s --

2 Q. Indeed.

3 A. -- and there was ... corporal punishment was used

4 regularly everywhere.

5 Q. The culture was one where violence, as we would see it

6 now --

7 A. Yes, there was -- I wouldn't say gratuitous violence,

8 but there was just violence was a part of -- but it

9 hadn't always been a part of the teaching process.

10 Q. You say that in your statement. One teacher was

11 dismissed because he wouldn't beat?

12 A. Yes. But the culture back in Victorian times, where

13 they had classes of 150/200, they had to have a very

14 serious method of keeping people under control and that

15 was -- and the expectation from parents in those days

16 would be that corporal punishment would be meted out on

17 a regular basis.

18 Q. Okay. But did that everyday violence or corporal

19 punishment impact on the way pupils behaved one to the

20 other, do you think?

21 A. Well, it might have, I suppose. It might have done.

22 But it wasn't such a regular thing. I mean, one talks

23 about this nowadays and everyone thinks this is

24 terrible, this sounds awful and you imagine going into

25 school and there's beatings taking place in every

1 classroom and ephors thrashing around. It was not
2 a common occurrence. It was a rare event really.

3 Q. Do you ever remember a teacher, when you were a pupil,
4 using a clacken?

5 A. There were -- it was not ... I've spoken to several
6 people about this and nobody can remember any teacher in
7 the senior school using a clacken, with one possible --
8 there is one possible teacher that might have done. But
9 otherwise, people say no, teachers did not use clackens.
10 I think that in the junior school, or the prep as we
11 called it then, that would have been slightly different,
12 particularly latterly.

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

14 A. Yeah.

15 Q. Let's move on from the 1950s/early 1960s to 1975 and you
16 come back as a biology teacher?

17 A. Yes.

18 Q. Your appointment process is you are interviewed by the
19 head of department and by the then headmaster, Mr ICH ?

20 A. Yes.

21 Q. Mr ICH, from what you said, is interested in whether
22 you hillwalk?

23 A. Yeah, that's it. That's his main question. He assumed
24 that the background biology was okay, because my CV
25 covered probably what I had done and also the head of

1 department had -- I didn't have much of a chat with him,
2 but I must have had some chat.

3 Q. So it's really quite cursory?

4 A. It was pretty cursory, for me anyway and although it was
5 quite -- I think we talked for 25 minutes about hills
6 and he was waxing eloquent about the field centre and
7 the different climbs you could do there and, you know,
8 he was so keen to get people who were interested in the
9 outdoors.

10 Q. And I think as you say, when you then get the job, and
11 you then discover really there's no training for the
12 courses you are teaching --

13 A. I know, but again it was assumed that you could just do
14 that and you'd find out how to do it and it was just
15 sink or swim in a way.

16 Q. As a teacher as opposed to a pupil?

17 A. As a teacher, yes, I think there was probably more care
18 for pupils then than there had been, but certainly from
19 the point of view of a teacher, you just found out from
20 other teachers what you did and of course if you had --
21 your head of department would be expected to look after
22 you, but they didn't always, because they're busy doing
23 lots of other things.

24 Q. So there's no training and we would understand there are
25 no policies as we would understand them now. They came

1 in --

2 A. No, everything. I mean everything is now so categorised
3 and organised.

4 Q. But was it really, thinking back to 1975, you have this
5 cursory exchange, they look presumably at your CV, take
6 up your references and if they think you fit you're in
7 and that's really it. They assumed thereafter you are
8 fit to teach, you're fit to do whatever?

9 A. Yes, and then you can join the CCF or take children
10 out --

11 Q. Or become a housetutor?

12 A. Or become an housetutor, yes, and there was
13 an expectation if you were a young man joining and you
14 were unmarried, they're always looking for somebody to
15 be a housetutor.

16 Q. So all these potential tasks that you'll take on in
17 addition to teaching, it was assumed you would just do
18 them, no training, is my point?

19 A. Yes, it would be assumed that you could do it.

20 Q. Likewise we have heard that in terms of promotion to
21 head of department, but also for appointment as
22 a housemaster, seniority mattered and you would fill in
23 as people left?

24 A. Yes, it was in the -- when I started teaching there, the
25 head of department would be selected from -- it would be

1 more or less automatic that it would be next senior
2 person in that department, it wasn't advertised.

3 Q. No.

4 A. Of course it is now.

5 Q. In the same vein you would understand, although you
6 didn't do this, that for housemasters once one left,
7 they would go to the list --

8 A. Yes, they would go down the seniority list of how long
9 people had been there and I would think they would ask
10 them if they wanted to do it, because some probably
11 didn't want do it for one reason or another, but
12 probably most of them did, and even perhaps if some of
13 them weren't as qualified as others they still saw it as
14 a good thing -- it was a ten-year stint.

15 Q. And it meant free accommodation?

16 A. It meant free accommodation, yes, and so you could
17 presumably let your house out. I think there were
18 financial incentives for that.

19 Q. You make the point with that approach one person you
20 remember in particular was appointed who wasn't
21 suitable?

22 A. Yes. It took him a couple of years to realise that he
23 wasn't really suitable and he didn't enjoy it and, you
24 know, he wasn't a good enough disciplinarian.
25 Housemasters have got to be good disciplinarians, but

1 they've got to be strong characters as well, that can
2 look after all the aspects of a child's, particularly
3 extracurricular and home life.

4 Q. Whether we're using labels like "pastoral care" or
5 "child protection", they presumably ought to have those
6 aspects of their character?

7 A. Yes.

8 Q. But that --

9 A. That was just assumed, that because you were a member of
10 staff, you know, you're okay on those things.

11 Q. You would be able to do all these things?

12 A. Yes.

13 Q. Did you consider that at the time, sorry to be blunt,
14 daft?

15 A. No, I didn't, because the members of staff -- there were
16 some amazingly competent members of staff. I think when
17 I went back there that were Paddy MacIlwaine, Jack Bevan
18 people like that, absolutely wonderful. Colin Evans,
19 you know, these were bastions of the place. You know,
20 you trusted them completely and they were great
21 housemasters and looked after not just the house and the
22 pupils but the tutors and the matron and everybody.
23 They seemed to be -- but I mean, they didn't have
24 training for it.

25 Q. No. But while you can name names that perhaps make

1 sense having heard some of the evidence, equally you
2 will be aware of names --

3 A. Yes.

4 Q. -- on the other side of the coin --

5 A. Definitely.

6 Q. -- who were positively harmful to children?

7 A. Absolutely, and that is one of the things that really
8 hurts me. That I could go through that period with
9 somebody that was in a boarding house and realise now
10 that they were going -- doing all sorts of things which
11 they shouldn't have been doing, but somehow, and I just
12 feel how on earth could this have happened without me
13 having an inkling about it? Particularly with
14 Hamish Dawson.

15 Q. Is part of the problem not that the ethos of the school
16 was, as you've discussed, one of assumption?

17 A. Well, I suppose, yes, to some extent, yes.

18 Q. And that there were no systems in place, either to vet,
19 to train, to follow up?

20 A. No, but I mean I think this was common error. I don't
21 think there was anything exceptional in the Academy
22 about that. I think it was just the way that it was --
23 teachers were at the time, and there was an expectation
24 that if you had had a certain background and upbringing
25 and training you would slot into that system.

1 Q. If you were the right sort?

2 A. If you were the right sort. That was the thing and
3 of course it's so different now that it's just
4 unbelievable.

5 Q. You talk, and please understand I'm not being critical,
6 but in terms of recruitment you describe getting
7 a teacher from another school which has just closed at
8 Oxenfoord Castle, who you presumably knew and felt would
9 fit in, but it's done by way of phone calls, there is no
10 formality?

11 A. No, I think the rector at the time, because he had said,
12 "Can you look out for somebody that might be able to
13 replace this teacher that's going on maternity leave?"
14 And I said yes, and I didn't do anything about it until
15 suddenly this event triggered it, and I knew this person
16 extremely well and I knew -- but whether she came for
17 an interview, she must have come for an interview, and
18 but I think she was ... everybody knew her and her
19 husband and they were part of the scene in a way.

20 Q. One of the right sort?

21 A. Well, I suppose if you put it that way, yes.

22 Q. I'm not being critical because there is no suggestion of
23 anything untoward --

24 A. No, no ... knew 100 per cent that she was okay in every
25 way.

1 Q. Looking back, do you regret that there was, my word,
2 such a casual approach by the school to appointments in
3 key positions, like a housemaster?

4 A. Well, I suppose it is a very difficult thing to -- but
5 that's just the way it happened.

6 Q. We know from the statement that you and your wife would
7 engage with boarders to try to provide them with care at
8 weekends for example?

9 A. Yes, that's right.

10 Q. So you individually were very concerned that they were
11 presumably having a good experience?

12 A. Yes, because there used to be -- we used to get pupils
13 from African countries used to come here and they had
14 for whatever reason they came and perhaps the father
15 thought they would get into medicine at Edinburgh if you
16 went to Edinburgh Academy, or something like that, but
17 they used to come for two or three years and again they
18 were supposed to have somebody who would look after
19 them, but some of them didn't and the more senior ones
20 would come up with us at half term and we'd take them up
21 there and I can still remember one African boy and the
22 joy of seeing snow for the first time was just
23 unbelievable. But they were great, it was like a sort
24 of family, really, occasion and they were all well
25 behaved and I think they all loved that experience.

1 It wasn't -- it was only for four days or something.

2 Q. Yes, but you make the point, and I appreciate you were

3 not, beyond those sort of trips, engaging other than the

4 classroom or the cadets or whatever with the boarders,

5 but the rector had overall responsibility for oversight

6 of the boarding houses?

7 A. Yes, of course.

8 Q. Do you know what that meant in practice?

9 A. No, I don't. I mean, whether -- not having been in

10 a boarding house, whether he would make every now and

11 again a trip down or -- I think it was more -- in those

12 days we then had a bursar and the bursar would be quite

13 involved in going around there, but he was not a member

14 of staff in the same way.

15 Q. The bursar one takes it is more concerned --

16 A. About the fabric of --

17 Q. -- about the fabric and the financials?

18 A. Yes, exactly.

19 Q. Not the child welfare?

20 A. No.

21 Q. No.

22 In terms of your experience as a teacher, you make

23 the point that you don't remember the school ever being

24 the subject of specific concerns but there were a number

25 of individuals who did cause you some anxiety, is that

1 fair?

2 A. Teachers?

3 Q. Yes.

4 A. Yes, I suppose that's always the case, if you get 50,
5 60, 70 people.

6 Q. You mention one teacher, who was in the RAF section with
7 you?

8 A. Yes.

9 Q. And he was reported, and this is at a stage where girls
10 are becoming more involved?

11 A. Well, we had girls that came, particularly in the sixth
12 form at that time.

13 Q. Yes. And you think there was some reference or report
14 by at least one girl of conduct that she considered was
15 inappropriate by him?

16 A. Yes, that's correct.

17 Q. What happened to him?

18 A. Well, he retired. He did -- when I say "retired", he
19 retired early. He wasn't 60. 60 was the age at which
20 we would take retirement when you got your pension.
21 I think he retired -- he was always -- he had a French
22 wife and [REDACTED] and went to France
23 a lot and always got this feeling that he wanted to
24 retire early as soon as he could and go and live there.
25 But whether or not there was a subplot about this,

1 I just do not know.

2 Q. All right. I think in fairness you do say it wasn't

3 immediately after --

4 A. No.

5 Q. But that's, I think, in the 1990s?

6 A. Yes.

7 Q. And by that stage the world from what you were saying is

8 changing?

9 A. Oh, yes it was, yes.

10 Q. It's in the 1990s that child protection becomes a

11 concept that is discussed?

12 A. Exactly, yes.

13 Q. And within the school we know in the late 1980s and then

14 into the early 1990s you start having the appointment of

15 Mr Evans as a head of discipline, effectively?

16 A. Yes.

17 Q. Rather than just filling shoes to become senior master?

18 A. Yes, yes, yes.

19 Q. You begin to have annual appraisals, again in the 1980s

20 I think?

21 A. Departmental appraisals.

22 Q. Departmental appraisals. So the world is beginning to

23 become --

24 A. Oh, yes.

25 Q. -- the world that you would recognise today?

1 A. Oh, yes.

2 Q. Though the process is slow?

3 A. Yes, all change is a bit slow in those areas, but it's

4 been a slow positive change over those years.

5 Q. And policies, thinking of pastoral care, we know in

6 terms of the importance of the head of year and there is

7 a reporting, is that again the 1990s and I think

8 introduced under --

9 A. Yes, it was, because previously there used to be a class

10 teacher. I certainly, in 1987, spent a year in

11 Australia. When I came back the teacher of a particular

12 class in the second year of 12-year-olds had taken

13 another job and so they were looking for a class

14 teacher, so the rector said, could I do this for the

15 rest of that year, because there was a tradition that

16 scientists weren't class teachers, because they had, you

17 know, to control their labs and everything. But -- so

18 I did that and I thoroughly enjoyed it actually for the

19 rest of that year.

20 Q. Was the year in Australia eye-opening for you?

21 A. Yes, it was, because when you've been a teacher for

22 a certain number of years, let's say 10 or 12 years, and

23 you've got your -- everything is under control, you have

24 the syllabus organised and then you take on more

25 responsibilities gradually, but certainly your

1 discipline, you're known for whatever it is in the
2 classroom. You don't have to struggle for something
3 like discipline.

4 Whereas, when you go to a new classroom, children
5 can be very cruel, because you go to a new school, new
6 classroom, new area, and the children are looking at you
7 thinking: who is this person? What can we -- how can we
8 test them out? And children, they love to do that. And
9 so it was quite a challenge having to -- they would say:
10 who is this person who has suddenly arrived here? What is
11 he made of?

12 Q. But were the systems that existed radically different to
13 what you --

14 A. They weren't radically different. It was a boarding
15 school that had 13 boarding houses, with girls and boys,
16 and so there were all sorts of problems, as you can
17 imagine, with that.

18 In 1987 it was -- they had their own problems
19 latterly with this particular school.

20 Q. Right. But thinking of reporting and we've talked about
21 that, you as a pupil wouldn't report issues?

22 A. Yes.

23 Q. By the 1990s, there is much more emphasis on child
24 protection and steps are being taken to encourage
25 reporting, whether they succeed or not is open for

1 debate. But thinking back, and I know this was shared
2 with you, we understand that in the 1970s, a parent
3 complained to the then rector, [CH], about abuse by
4 a teacher in the prep school, Wares, and it was shared
5 with you that the response was that it would be
6 unhelpful to complain and that the son who had reported
7 it must have an overfertile imagination.

8 You were asked about that and your response was:

9 I can well imagine that happening.

10 A. [CH] was a very strong, private, secretive
11 possibly, man, very much been through the war, MC,
12 didn't suffer fools gladly. And would expect the
13 highest standards of everybody and I could possibly
14 imagine him dismissing some child as being not really
15 reporting correctly or something like that. I can
16 imagine him saying that.

17 But I think it's a very dangerous thing to do, not
18 to give the child a chance, because undoubtedly when you
19 get children complaining about things, some children
20 will complain about everything and others won't complain
21 about anything at all, so there is a wide variety and
22 some children, and this particular child, I don't know
23 who it was, but maybe they had some background of
24 complaining. I just don't know.

25 Q. Do you think reputation may have lain behind --

1 A. The reputation of the child?

2 Q. Of the school.

3 A. Of the school? I think one's always caring as a rector,
4 as a headmaster, you are always caring about the
5 reputation of the school. But in those days I mean you
6 can't get away -- everything is open now, completely.

7 Q. Yes.

8 A. So there is -- you just -- everything is apparent.
9 In those days, nothing was apparent in the same way,
10 so it would be possible to hide things.

11 Q. Do you think that may have been part of his reasoning?

12 A. I really doubt he could have -- I mean, he cared about
13 the reputation of the school very much, but I don't
14 think he would want to cover up. Did I imply that?

15 Q. No.

16 A. No. I don't think he would ever have covered up.

17 Q. I'm just trying to understand why you think it possible
18 that that is an accurate representation, that the child
19 must have an overfertile imagination, when it might be
20 said the obvious thing to do, because it's an allegation
21 of sexual misconduct, is to investigate, report?

22 A. Yes. I would think that if you're in that position you
23 would want to know more about the person that had been
24 complained about.

25 Q. Yes.

1 A. And therefore if this was not the first time, then
2 I think the alarm bells should ring and that would be
3 what you would expect to happen. I don't know what
4 number of complaint this was.

5 Q. But nowadays if any complaint was made, processes would
6 swing into action?

7 A. Absolutely, yes.

8 Q. Do you think it was right that they didn't swing into
9 action back then?

10 A. No, I don't think it was right at all. I just think
11 there should have been more detail understood about this
12 particular child and if he had some reason to think that
13 this child might have had an overfertile imagination.

14 Q. But even if he did, you can't let that sort of thing
15 lie?

16 A. No, no, no, but it might just cause you to pause
17 a minute before taking draconian action.

18 LADY SMITH: Tony, what about wanting to find out whether
19 that child's experience was unique or whether this was
20 something that was happening to other children as well?

21 A. Yes --

22 LADY SMITH: Isn't that something you would want to know?

23 A. Definitely, definitely you would want to know. And
24 often the only person that would know would be the
25 rector at the time, because any complaints would

1 hopefully reach him.

2 LADY SMITH: The child might know if it was happening to

3 other children.

4 A. Yes, absolutely.

5 LADY SMITH: We have heard much evidence to the effect that

6 other children saw it happening to other children in the

7 class.

8 A. Yes, but then they weren't reporting it.

9 LADY SMITH: That's not unusual.

10 A. No, I know, that's the problem.

11 LADY SMITH: That's the problem.

12 Tony, let me separately ask you this: is it possible

13 that a feeling a rector in the position of ICH

14 might have had was a desire not to set off a tsunami

15 that would swamp the school. A desire to keep things

16 calm, organised, ticking over, rather than to create the

17 storm that would be so hard to handle?

18 A. Yes, it's not impossible, because you know he came from

19 quite a military background and liked things to be cut

20 and dried, but knew -- he knew everything about every

21 child. He wrote every single UCAS form for every child,

22 he knew them all.

23 LADY SMITH: He can't have known everything about every

24 child, can he?

25 A. No, he couldn't possibly, but I would -- in my very

1 first year or second year I was wanting to take
2 a biology class out to the Botanic Gardens and it was
3 the last two periods of the day, so I gave him a list of
4 the boys and I said: can we miss games on that afternoon
5 so we can have a proper time there? And then the next
6 day he came up to me and said:

7 "Well, very laudable, but I'm afraid the answer is
8 no, because you have the scrum half of the under 15 team
9 there and you have got ..."

10 And he gave me four things that those were children
11 were doing on Saturday morning. He knew what all those
12 kids were doing extracurricular and he said, "I'm afraid
13 not". Which was right.

14 And then the following rector, the same thing would
15 have happened and he would say, "Super idea". And then
16 everyone would say, "Where's my scrum half for the
17 match?"

18 So ICH [REDACTED] did have this tremendous focus on
19 knowledge and understanding of the children, definitely.
20 But whether or not he was prepared to allow enough
21 understanding of their background, say in the boarding
22 house or at their home, he was quite a reserved man and
23 he wouldn't chat on the sidelines to people at a match.
24 He didn't want to do that sort of thing and so he didn't
25 get really into perhaps understanding the family

1 background.

2 LADY SMITH: Without personalising it to ICH

3 though, Tony, and thinking about that era, do you

4 recognise my idea of the possibility that a person in

5 the position of rector would want to protect against the

6 effect of what I call the tsunami. It's a word that was

7 used by David Standley as well, that would be something

8 that would make them very anxious and they wouldn't want

9 to provoke that, keep things under wraps, keep things

10 quiet?

11 A. Well, I would hate to think that that was the case.

12 I really would. But would it be possible that it

13 mattered so much that you were creating an environment

14 in which children could suffer? I find that that would

15 be such a callous view.

16 LADY SMITH: I'm not suggesting for a moment that a rector

17 in that position would know as a fact that the abuse had

18 happened. I'm thinking rather more of the perhaps

19 understandable desire to maintain stability, almost at

20 all costs.

21 A. Yes, well, I don't think at all costs. I think that's

22 quite a strong statement, at all costs.

23 LADY SMITH: Almost, the temptation to do that?

24 A. The temptation might always be there, because when it

25 came to -- he would for instance -- it was in the 1970s,

1 it was the days when people had quite long -- it was the
2 Beatles and long hair and stuff, which he didn't like
3 long hair like that, and children all wanted long hair,
4 so he tried to use the CCF to try and get them to get
5 their hair cut, because he cared what children looked
6 like and he didn't like them with long hair. That was
7 just -- but -- and so he was protective of the image of
8 the school that he thought that people would see. And
9 so, you know, he cared a lot about that.

10 But I just can't think of him wanting to protect it
11 at all costs.

12 LADY SMITH: Mr Brown.

13 MR BROWN: Your account though of you wanting to take
14 children to do something in the Botanic, the first
15 reason was it will prevent the rugby team.

16 A. Yes.

17 Q. And rugby of course at that stage was one of the two
18 aspects of the school, education and rugby, so rugby
19 triumphed?

20 A. Yes, so rugby did triumph over education in that respect
21 and then a different rector would be a completely
22 different personality, because it often happened that
23 one rector was replaced by another one who was very,
24 very different in his personality.

25 Q. Thinking back, and you've touched on this already, in

1 your statement you talk about John Brownlee?

2 A. Yes.

3 Q. Whilst I recognise you say staff at the senior school

4 didn't have that much contact --

5 A. No.

6 Q. -- with the junior school, which is physically separate?

7 A. Yes.

8 Q. You do go on to say:

9 "A group of teachers at the junior school dominated

10 the atmosphere there."

11 A. Yes, they did. It's when -- you see to begin with the

12 junior school, when it was called the prep school, were

13 all women and then when the junior school was created,

14 the last year at Henderson Row, which is now the Geits

15 of course, the Geits went up to become P6, having there

16 only been a P5 before, this meant that they had to take

17 their teachers with them. So there were probably three

18 teachers that went at that time and then they started to

19 employ men, because it was only women there.

20 These men, one or two of them, were pretty powerful

21 individuals in terms of being in charge of the rugby and

22 the conditions. They used to have a separate staffroom.

23 Q. You make the point in terms of rugby:

24 "I saw Brownlee with groups of children at rugby,

25 you could tell by the way that children spoke to him and

1 looked at him that there was a bit of fear involved."

2 A. Well, yes, there was. There was always a bit of

3 a threat with him, which I think the children were very

4 much aware of and you can read children's faces. You

5 can read the different levels. Some children will show

6 more fear than others, but certainly they didn't want to

7 fall foul of him in my way.

8 Q. You go on:

9 "The perception of Brownlee amongst staff was that

10 he was a very hard man and that he was overdisciplined."

11 A. He was a very harsh disciplinarian and it's always

12 difficult to talk about overdiscipline and what standard

13 discipline might be, but undoubtedly he did use a lot of

14 force, which at the time I didn't know a lot about

15 exactly what it was and it wasn't until later that

16 I got -- found more detail.

17 Q. We've heard that he and others in the junior school were

18 using clackens?

19 A. Yes, that is quite possible. Yes, I think it probably

20 was.

21 Q. Did you know that?

22 A. I don't think I knew that, I never -- although I had two

23 boys that went through, I don't remember them coming to

24 me and talking about the different sorts of corporal

25 punishment that might have been used.

1 Q. When did you discover that he overdisciplined?

2 A. Well, I think it must have been later on when some of

3 his -- the children were adults by this time and they

4 would talk much more freely about the experiences they'd

5 had. And by the time I was -- they'd left school,

6 they'd been through the senior school as well and they

7 came back perhaps to reunions and that sort of thing,

8 they would talk quite freely about their experiences.

9 Q. I think you say in your statement:

10 "In recent years I've learnt that Brownlee was a bit

11 of a sadist, former pupils have described to me how he

12 used to shut people's heads in a locker and then hit

13 them. I discovered that Brownlee was acting this way

14 during the 1980s."

15 A. Yes, apparently he was.

16 Q. Yes, so when you say he was acting this way during the

17 1980s, that's not you discovering it. That's when he

18 was doing it you understand?

19 A. I discovered that he had been doing it then and I didn't

20 really know that.

21 Q. Was there any sense amongst the senior school staff that

22 all was not well in the junior school?

23 A. There wasn't the same communication between the schools.

24 We might have had a Christmas -- we used to have

25 a Christmas party in one of the boarding houses at

1 Christmas time, but I don't remember -- and the junior
2 school were invited, the staff there, but I don't ever
3 remember Brownlee coming for Christmas and we didn't
4 have a lot of communication.

5 For instance, nowadays there is a complete flow of
6 information and people and staff, so that there is no
7 problem.

8 Q. One statement we have received from a former pupil says
9 this, and this is going back to the 1980s, and it
10 describes how the pupil's mother, having lunch with you
11 and your wife, and your wife turning to the mother and
12 asking how she could have "sent her sons to Dundas
13 House, as everyone knew what the Brownlees were like"?

14 A. Well, anyone that knows my wife knows that she is able
15 to make statements very positively which are not
16 entirely accurate, and I just don't know -- I know that
17 she for instance is one of the most loyal people to the
18 school ever you could imagine. Her father was here and
19 I can't ever imagine her saying that as such, but
20 I think the thing is in those days there used to be --
21 the mothers used to meet -- well, they probably still
22 do -- after they've dropped their children at school,
23 they would talk about things and they would discuss what
24 the children have said and how they're behaving and what
25 their sport is, they would discuss everything, and

1 I suppose it's possible that she might have picked up
2 something like that, but whether she would have put it
3 in those terms, I find it -- that's a pretty harsh
4 statement, and I don't think she would recognise that,
5 definitely, but whether there is something that's --
6 I just don't think it could possibly be.

7 I mean, she could easily say things like that, but
8 I don't think taking it quite that far.

9 Q. All right. But I think from what you've said already
10 you are, in the senior school, somewhat distant from the
11 junior school?

12 A. Yes.

13 Q. But on the evidence we have heard for those in the
14 junior school it might have been apparent that such
15 overdiscipline was common and that for those who were
16 under his control in the house his behaviours were well
17 known, but they were not capable of discovery because
18 there was no proper oversight of the house or of the
19 junior school?

20 A. Therefore, it's possible that a child could have, for
21 instance, said something to his mother, but not taken it
22 any further and that she might have a feeling or she
23 might not have a feeling at all, but how -- are you
24 asking about how she could have come by this
25 information?

1 Q. No, I've moved on from that. What I'm talking about is
2 clearly on the evidence we have heard it would appear
3 there is inadequate oversight of the house that he runs
4 where there is --
5 A. That's obvious, yes.
6 Q. And by the same token the junior school, you being
7 removed in the senior school, what would have been known
8 in the junior school was not being reported or acted
9 upon?
10 A. I think that's true at the time, yes.
11 Q. Which tends to suggest that either there were no systems
12 in place to deal with such eventualities or if there
13 were any systems they didn't work?
14 A. Yeah, I think that's probably the case.
15 Q. Going back to the senior school briefly, you talk about
16 being taught by Hamish Dawson at the very beginning of
17 his career?
18 A. Yes, yes.
19 Q. And at the very start he had implements of correction,
20 I think is what we know them as?
21 A. Yes.
22 Q. So they were there at the start?
23 A. I don't really remember them being used much, but
24 I think they developed as a way -- he had -- he had
25 perhaps a very odd sense of humour, but there would be

1 humour attached to these, and I don't think anybody
2 feared them particularly. In fact, some children
3 actually made them if they thought he was missing one
4 from his repertoire.

5 Q. We know that when he came to retire they were auctioned
6 off for charity?

7 A. Yes, and it wasn't seen as -- and it was done as a bit
8 of a joke really and that he had raised some money for
9 it and nobody thought, "Oh, heavens, that's that
10 terrible thing that he used to thrash me with".

11 Q. Did you have any inkling at all as a fellow teacher?

12 A. No, I didn't know until these things came up.

13 Q. Right. On a day-to-day basis, you are a biology
14 teacher, he's a history teacher, would you have had
15 daily contact with him?

16 A. We had daily contact in the staffroom at that time.
17 Everybody went over for the first break automatically.
18 Because it was an important time in the day for picking
19 rugby teams, asking if there is a problem with a child
20 and just generally you had about five people to speak to
21 in ten minutes and it was a very, very important time.
22 You could make an appointment later, but unless you had
23 something specific you wouldn't be -- some people kept
24 a bit aloof and did a crossword puzzle in the corner,
25 but those days were rapidly disappearing.

1 Q. You didn't hear any chat about his behaviour?

2 A. No, I didn't. That's the staggering thing.

3 I'm absolutely appalled that how could I have been

4 teaching with somebody like that and not known.

5 Q. One final teacher I would like to ask you briefly about,

6 and this is a [REDACTED] teacher who was there in the late

7 1970s for a brief period.

8 The first question is about the late 1970s, because

9 we understand that this teacher left the school I think

10 in 197[REDACTED] and a number of people have talked about his

11 inability to control a class?

12 A. Yes.

13 Q. Do you remember when he left?

14 A. No, I can't remember and I can't remember whether it was

15 the end of a term or not, I really can't remember. All

16 I know is that he's not the sort of person that we knew

17 terribly well. He didn't get involved in -- he used to

18 do athletics with us, but he never would come to

19 a debrief or he didn't help out on Saturdays either.

20 Q. But your statement says something in your memory

21 suggests he might have left before the end of term?

22 A. I think he might. It's very difficult at the end of

23 term when people are moving around, particularly the

24 summer term, when there's lots of things happening and

25 when you last see someone -- I have no memory of him

1 giving a speech. Normally it's always been traditional
2 that when a member of staff leaves they give a speech in
3 the common room before they leave and I don't think he
4 gave one. So that's the only evidence that I would
5 have, because that would be very unlikely if he had --
6 wouldn't have given one, unless he said he didn't want
7 to give one.

8 Q. But you learnt about the same teacher I think in the
9 last ten years for different reasons?

10 A. Yes.

11 Q. You were still involved with the school?

12 A. Yes, I was.

13 Q. Do you remember, was consideration given to following up
14 with pupils who had been at the school at the same time
15 as him?

16 A. I can't remember that happening really, no.

17 Q. Do you remember it being discussed at all?

18 A. No, I don't remember discussing it. Somehow he seemed
19 to have moved on and I just had the feeling that
20 whatever he got up to it was later on and that I didn't
21 think there was any evidence of him behaving
22 inappropriately at the Academy, but that's obviously not
23 the case.

24 Q. Again, thinking back now, if you hear of conduct at
25 another school by a teacher --

1 A. Oh, yes -- well ...

2 Q. Would it not be obvious thing to go back to your student
3 body and say, this has happened?

4 A. Yes, did anyone have -- you are talking about -- how
5 many years are we talking about 10 or 15 years?

6 Q. I think in context it would be going back 35.

7 A. Yeah, so -- then you would have to find out who he
8 taught or who was in the boarding house at the time and
9 ask them, is that the suggestion?

10 Q. Yes.

11 A. Well, it sounds an obvious thing to do, doesn't it, but
12 I don't think it was probably done. I've no idea.

13 Q. Right, but it's not something you recall ever being
14 discussed?

15 A. No.

16 Q. Over any of the teachers that you have subsequently
17 discovered or knew at the time, thinking of people being
18 discovered with material on their computer who then
19 leave, for example?

20 A. That -- I don't remember much about that particular
21 event, it was -- I don't think he had a lot of contact
22 with children. Well, he was a tutor, so he did
23 obviously have contact with a number.

24 Q. But there was no effort to ask the pupils who he did
25 have contact with?

1 A. I don't think. Somehow what went on in the boarding
2 house was often a different realm.

3 Q. Why should it be treated any differently?

4 A. Well, it shouldn't be of course, but one relied so much
5 on the housemaster and the tutors to do all that.
6 I did -- I used to help out in the boarding houses in
7 some evenings, so other staff would be involved, but
8 when it came to the running of the boarding houses,
9 I don't ever remember having anything to do with it.

10 Q. As we agreed at the beginning of your evidence, you are
11 now on the court of directors?

12 A. Yes.

13 Q. And, you have alluded to this at various points during
14 your evidence, the world is now absolutely different?

15 A. Yeah. Absolutely, yes.

16 Q. I think we know from board minutes and we don't have to
17 look at them, board minutes of 30 years ago run to
18 a couple of pages, board minutes nowadays run to page
19 after page after page of all manner of things?

20 A. Absolutely.

21 Q. Including child protection, pastoral, PR?

22 A. Yes.

23 Q. Finances?

24 A. Yes. Everything is done and we have people -- if we're
25 discussing something relevant to a particular year group

1 or to a particular -- we'd have the people in to hear
2 their points of view about it, so there was tremendous
3 contact between what's going on.

4 Q. You have seen the world change massively?

5 A. Yes.

6 Q. Is there anything else that you think should be changed
7 now?

8 A. Anything else that could be changed now? In
9 worldwide --

10 Q. Well, thinking of child protection in schools, to ensure
11 children don't get abused?

12 A. I mean I am so impressed by what goes on at the moment
13 and, as you may know, I've got a son that's teaching
14 there now and he's taught in various other schools and
15 he is totally impressed by the -- what happens here at
16 the school. I can't think there could be more care and
17 more understanding in any place than the Academy at the
18 moment and that is -- but then, you know, things in the
19 past and that is the sad, sad thing, that nowadays ...
20 and parents nowadays they love what goes on. You hear
21 really nothing but enthusiasm and they, I know, find it
22 difficult to imagine here's the name being besmirched
23 a bit from their point of view and a lot of them just
24 are ignoring it, they just think: my child is loving
25 this school and this experience of it.

1 And so to go back to your question, could I think of
2 anything, I think, honestly, I can't actually think of
3 any -- I mean, maybe in retrospect there may be
4 something, but at the moment I think the -- all --
5 everything that goes on is just completely for the good
6 of all the children and their understanding and their
7 approach to life.

8 I've spoken to quite a lot of pupils, because the
9 senior pupils, particularly recently, are involved in
10 the rector, the present rector is very keen to get them
11 involved in things with former pupils for instance.
12 That type of thing. So all that is going on and the
13 pupils are amazing. They're so different to the ones --
14 they seem to like talking to people like me, which is
15 unbelievable to me.

16 Q. From what you have just said though, change has been
17 underway recently because of the new rector?

18 A. Yes, oh, yes. Definitely.

19 LADY SMITH: Another significant change you haven't
20 mentioned, Tony, and I'm sorry I can't resist this, is
21 the number of girls at the school now, because it's
22 fully co-educational. Has that made a difference?

23 A. Girls, when they came, it was a fantastic experience for
24 everybody, because it was under Laurence Ellis and --

25 LADY SMITH: That is at the stage they can only go into

1 sixth form?

2 A. They only went into sixth form and they didn't have
3 uniform and we didn't know anything about them. There
4 was all this business about skirt length and what you do
5 about this and the boys behaved completely differently
6 as soon as girls came. They were much better behaved
7 and they were -- the only problem we had was bottles of
8 water. Girls always have to have a bottle of water and
9 now everyone has a bottle of water, but it was certainly
10 a time of tremendous refreshment and it was very
11 different for 10 or 12 girls to cope with 60 boys at the
12 time in their year group and the rector at the time
13 called it the goldfish bowl a bit, and warned them, but
14 they coped, most of them coped brilliantly well.

15 And of course nowadays the first girls have gone
16 right through the whole school now and so it's made
17 a dramatic difference and it's just what life should be
18 about and is about and I think -- and looking back on
19 some of the girls that had a tough time and I still
20 speak to some of them and some of them are writing books
21 and fencing for Britain and doing all sorts of things.
22 They've made a dramatic impact in the world that they
23 have joined.

24 LADY SMITH: Thank you.

25 MR BROWN: I have no further questions.

1 LADY SMITH: That was my last question, Tony.

2 Thank you so much for everything you have given us,
3 for that long span of your recollections from when you
4 were a little boy yourself right up to the present day.

5 I think that probably gets the award for being the
6 longest span of direct experience that any witness has
7 been able to offer us. I'm really grateful to you for
8 that and I'm glad to be able to let you go before
9 4 o'clock and relax for the rest of today.

10 A. Thank you very much.

11 (The witness withdrew)

12 LADY SMITH: Mr Brown.

13 MR BROWN: I'm very conscious the stenographers have been
14 hard at it for an hour-and-a-half. If possible, it
15 would be useful, there is one more statement to read in
16 to complete, which I think will take about 20 minutes,
17 perhaps if we have a brief break.

18 LADY SMITH: We could have a five-minute break.

19 I'm looking to the stenographers to see if five
20 minutes would be enough.

21 (3.42 pm)

22 (A short break)

23 (3.55 pm)

24 LADY SMITH: Ms Bennie, when you're ready.

25 MS BENNIE: Thank you, my Lady.

1 'Graham' (read)

2 MS BENNIE: My Lady, the statement to be read in bears the
3 reference WIT-1-000001312.

4 My Lady, this witness wishes to remain anonymous and
5 he has adopted the pseudonym of 'Graham':

6 "My name is 'Graham'. My year of birth is 1953.
7 I have a degree in Natural Sciences, which I obtained
8 from a British university. After I completed my degree,
9 I was employed by a research facility for a while. Then
10 I went on to obtain a Post Graduate Certificate in
11 Education from Dundee College of Education, between 1975
12 and 1976.

13 Thereafter, I applied for a job at
14 Edinburgh Academy. I worked at Edinburgh Academy from
15 197█ or 197█ until 197█. I can't be sure of the dates
16 off the top of my head, but I know I worked there for
17 three years."

18 My Lady, I now move to paragraph 5:

19 "I was told about the job opening at
20 Edinburgh Academy by someone who read about it in the
21 Scotsman. I wrote a letter of application, gave
22 references and went for an interview. My references
23 were mostly likely from my manager at the research
24 facility I was previously employed by and my university
25 tutor.

1 The interview itself formed two parts on the same
2 day. The first was with the headmaster at the time,
3 ICH [REDACTED], and the second was with the head of
4 [REDACTED]. I can't recall his name. I have absolutely no
5 idea how many applications the school received for the
6 position, as I didn't see any other candidates at the
7 interview.

8 I think by the time I went to see the head of the
9 [REDACTED] department, it was sort of assumed I already had
10 the job. I was certainly told that day that the job was
11 mine.

12 ICH [REDACTED] was the headmaster when I took up
13 employment at the Academy and he remained the headmaster
14 for the first couple of years.

15 It then changed, but I can't remember the name of
16 the new headmaster as I had much less to do with him.

17 ICH [REDACTED] was actually inspirational, whereas the
18 other chap was a bit of a non-entity. He didn't have
19 the same charisma that Mr ICH [REDACTED] had. ICH [REDACTED] was man who
20 was always hugely enthusiastic about everything. He
21 also had a history that was inspiring. He was involved
22 in [REDACTED] and I believe he was awarded
23 a Military Cross. He had a [REDACTED]
24 and he was still very much on top of things as an older
25 man.

1 He was just a special chap.

2 My role within Edinburgh Academy.

3 I was employed at the Academy as a teacher of
4 [REDACTED] and assistant housemaster at Scott House. As
5 a new teacher I carried out my probationary period,
6 which I think was three years, at the Academy.
7 I carried out my role as assistant housemaster from the
8 beginning of my employment with the school. It was part
9 of my contract effectively. Those roles didn't change
10 during my time at the school.

11 Scott House.

12 During my employment at the Academy I lived in Scott
13 House on Kinnear Road. Scott House and the neighbouring
14 boarding house were both old Victorian buildings. They
15 had once been detached, but a modern block put in
16 between them to join them together by the time I was
17 there. They were both senior boarding houses.

18 The housemaster in Scott House was [REDACTED] IDT, who
19 I got on well with. I had a reasonable amount of
20 interaction with him and we would talk regularly.
21 I suppose most of our interaction came because the
22 boarding house was about a mile and a half from the
23 school and we would walk up and down to the school
24 together.

25 Within the boarding house I had an office on the

1 left by the front door. There was a corridor along to
2 the senior boys' studies, prep room and dining room.
3 Although there was a dining room in the house, the boys
4 generally ate in the prep school at Arboretum Road.

5 The dining room in the boarding house was used for
6 a late-afternoon tea after school had finished.

7 The junior boys' dormitories were up a set of
8 stairs. You went up a different set of stairs to the
9 modern section in between the two houses, where I had
10 a bedroom, shower room and toilet. The housemaster had
11 a three-bed house within that section, where he lived
12 with his family. He had an office within his house and
13 I think he had a general purpose room within the main
14 building, the main boarding house section, which he used
15 as an office.

16 The boys had access to my office but not to my
17 sleeping quarters. If a boy wanted to see me, they
18 would just come into my office. It was an informal
19 thing.

20 I didn't receive any specific training for my role
21 as assistant housemaster. Obviously the housemaster and
22 the other housetutors gave me advice along the way.
23 When I say housetutors it means the same as assistant
24 housemaster. The two terms were interchangeable, but
25 the role was the same.

1 Each house had a housemaster and assistant
2 housemaster or housetutor. The term 'tutor' didn't
3 necessarily imply a teaching role in the context of the
4 boarding house. If a boy asked you a question during
5 prep of course you helped them. But it wasn't
6 a teaching role. It was a pastoral role. My duties
7 primarily involved covering for the housemaster when he
8 went away, checking up on prep and supervising bedtime
9 and rising.

10 I kept an eye on the boys and talked to them. I had
11 general oversight of the house.

12 At weekends I was expected to get involved in some
13 form of activity with the boys. That would be something
14 like taking the school minibus to Hillend to go skiing
15 on a Saturday night. I seem to remember driving the
16 boys out to a dance at St George's one night. The
17 activities were undertaken by the housemasters and
18 housetutors on a rota basis and there would be two or
19 three of us on an outing. On a Sunday, the housemaster
20 generally took the boys to church, but if he wasn't
21 available for any reason, that would be my job.

22 The only other member of staff who possibly lived in
23 Scott House was the matron, we had the same matron
24 throughout my time there but I don't remember her name.
25 I didn't have much to do with her as we came and went at

1 different times. She was there to look after the boys'
2 bedding, clothing and any minor health problems.
3 I suspect she had some sort of medical qualification.
4 There were also a couple of domestic staff who came in
5 occasionally to clean and cook.

6 I have been asked if other teachers had access to
7 the boarding house. There was nothing to physically
8 stop another teacher from coming in. However, my office
9 was next to the front door. That was probably
10 deliberate, so I could see anyone coming in and they
11 could see me. There was another door into Scott House
12 from the playing fields. Someone could have come in
13 that door, but I had no concerns about that.

14 Training of staff/supervision and staff appraisal.

15 I don't recall receiving any formal induction
16 training or ongoing training from the school. I seem to
17 remember being shown something about the use of a Banda
18 machine and being given some information about
19 secretarial services by Paddy MacIlwaine, the deputy
20 rector, when I first started. I suppose that was
21 a brief induction, but it wasn't a real induction in any
22 sense. It was more: here is how things work, get on
23 with it.

24 In the boarding situation, I was answerable to the
25 housemaster, IDT . In my teaching capacity,

1 I was answerable to David Standley, who was the head of
2 the physics department and Rob Cowie, who was the head
3 of the chemistry department. They were effectively my
4 line managers. I had daily contact with both
5 David Standley and Rob Cowie [REDACTED].

6 I am not aware of any formal appraisal of my performance
7 being carried out by them.

8 Culture within Edinburgh Academy.

9 The culture at the Academy was very much centred on
10 excellence in academia and sporting ability. Both were
11 highly valued. If a boy had neither ability I would say
12 they were still valued. The school would still try to
13 get the best for them, but they didn't necessarily get
14 the same kudos or focus. I did have some concerns about
15 that, but not serious concerns. I sometimes saw boys
16 who didn't fall into either of these categories and they
17 appeared a little bit left out. If I noticed that
18 happening, I would talk to the housemaster about it, but
19 situations like that were really left to the head of the
20 house.

21 The head of house was the head boy in the house. He
22 had a significant role in the day-to-day running of the
23 house. Particularly the interpersonal relationships.
24 He was supposed to keep an eye out for that sort of
25 thing and deal with it in a way we perhaps couldn't. By

1 that, I mean he was closer in age to the other boys and
2 had more understanding of their situation. He could
3 talk to them and apply peer pressure in a way that we
4 couldn't.

5 The head of house was chosen by the housemaster and
6 would be a senior boy. Normally also a school prefect
7 or ephor, as we called them. The head boy was chosen
8 annually unless he had other commitments, such as exams,
9 in which case he might be head of house for just a term.
10 There were many other house prefects chosen by the
11 housemaster, three I think, who weren't necessarily
12 school prefects. It was accepted that it was their
13 responsibility to look after the younger boys. That's
14 certainly how I understood their role and how they
15 understood it. I think that generally worked well.

16 Fagging didn't exist when I started my employment at
17 the Academy. It had already been abolished some time
18 before. I didn't witness any instances of formal
19 fagging. That's not to say that the senior boys didn't
20 occasionally just ask junior boys to do jobs for them,
21 but nothing that would cause me to be concerned.

22 I have been read the following quotation from the
23 statement of Philip [REDACTED].

24 'From the start there were lots of peer abuse. It
25 was a hell hole. Some boys were in the year above me.

1 They were probably across all the years.'

2 I do remember Philip vaguely and I certainly wasn't
3 aware that it was a hell hole for him. There was
4 an awareness of him being a little bit of an outsider,
5 but not significantly. I'm sure there will have been
6 occasions where he and other boys were bullied to some
7 extent, but no more than is constant in all schools.
8 It's not something I really had any concerns about.

9 My relationship with pupils.

10 I have been asked if I gave out sweets or money to
11 the boys. I did occasionally give out sweets, but not
12 on a regular basis. If a boy did well, I might give him
13 a Mars bar to say well done. I felt that was entirely
14 appropriate. It wasn't a case of favouritism, it was
15 a reward for good performance as a parent might do. If
16 I bumped into one of the boys in town on a Saturday
17 morning, I might say, 'Do you want to go for a coffee?'
18 Or something like that.

19 Discipline and punishment.

20 The standard method of punishment within the school
21 itself was using what's called a clacken. It is
22 a wooden spoon, about 18 inches long, used for
23 a racquets-type game. I think technically the ephors in
24 the school were still allowed to carry out corporal
25 punishment, but I don't recall any instances of that

1 happening.

2 Within the school, the policy was that corporal
3 punishment was to be carried out in the deputy rector's
4 office, which was called the beating room, or in the
5 changing rooms at the playing fields. I was told that
6 that was the policy by the deputy rector on my first
7 day. I presume the children were aware of that policy,
8 but I don't know that for sure. There was one clacken
9 in the deputy rector's room, and one kept at the playing
10 fields. I can't recall where at the playing fields, but
11 my guess would be in the masters' changing room. If
12 a boy was disciplined at the playing fields, that would
13 not be done in front of the other boys. I do recall one
14 instance where I witnessed someone being punished in
15 front of other boys, but that wasn't generally the case.
16 I can't remember the circumstances of that, and it's not
17 a certain memory.

18 There was a punishment logbook kept in the deputy
19 rector's office, you were expected to record the date,
20 reason, person and how many strokes were given. If you
21 did, for any reason, have to beat someone at the playing
22 field, that still had to be recorded in the logbook.
23 A beating would involve striking the boy with a clacken
24 on the backside. I don't know if I was told that on my
25 first day or if it was just the expectation. There were

1 no strict guidelines as to how many strokes were to be
2 given, but the information had to be recorded. You
3 could see from the logbook that in general terms it was
4 usually two or three, certainly not more than half
5 a dozen. The logbook was the responsibility of the
6 deputy rector and I presume the purpose of keeping
7 a logbook was to allow him to check it.

8 In the boarding house I believe IDT tended
9 to use a gym shoe. Discipline was basically IDT's
10 responsibility as housemaster. In immediate terms
11 I suppose it was my responsibility on the spot, but any
12 potential beating for instance was referred to IDT.
13 That said, I only ever recall one person being beaten in
14 the house by IDT. I don't recall the
15 circumstances. I didn't witness it. I only heard about
16 it. I never beat anyone in the house."

17 My Lady, I move to paragraph 39 on page 10:

18 "I have been told of instances of informal
19 punishments being used by teachers. I remember being
20 particularly appalled by one I was told of where a boy
21 was apparently whipped on the backside with a fencing
22 foil. I believe that was by IBU, the PE master,
23 but I don't know for sure. I remember the boy telling
24 me that he had bled. I'm afraid I don't remember the
25 boy's name. He didn't tell me anything else about the

1 circumstances. I seem to remember he turned up unable
2 to run at rugby and I perhaps asked him what was the
3 matter and he told me. I didn't tell anyone because
4 I was asked not to by the boy. But I believe I sent him
5 off to see the matron. In retrospect, I possibly should
6 have done more, but at the time if a boy asked me not to
7 say anything, I considered it confidential.

8 I was also aware that in the junior boys' house, the
9 housemaster was using all sorts of beating implements.
10 The housemaster was Hamish Dawson. Again, the kids were
11 quite open about it and told me. I remember one of the
12 boys saying something about Hamish calling one of the
13 implements his tickling stick. There were tales from
14 boys who came up through the houses that suggested it
15 was a lot more strict in the prep school than it was in
16 the senior school. My view was that it was up to them
17 to manage things as they saw fit. It wasn't my
18 responsibility or remit. I didn't have any involvement
19 with the prep school."

20 My Lady, I move on to paragraph 49, page 12:

21 "Trusted adult.

22 If a pupil needed to speak to someone or had
23 concerns, they could have spoken to the senior pupils in
24 their house or the housemaster himself. Outside of the
25 boarding houses there was a member of school staff the

1 children could talk to. The school minister,
2 Howard Haslett, was supposed to have some sort of
3 pastoral role. I believe I was either told that when
4 I started or Howard himself told me. He wasn't
5 a mainstream teacher. He may have taught some divinity,
6 but he didn't have any academic teaching role so he was
7 a little bit separate from the rest of the school staff
8 in a sense. I believe the boys were aware that Howard
9 was someone they could speak to. I seem to remember him
10 saying something at an assembly along the lines of: if
11 anyone had anything they wanted to talk about, he was
12 always available and where to find him.

13 My understanding was that Howard's role was to
14 listen to the children, take account of their concerns
15 and take action if required. It probably didn't always
16 work like that in practice though. Howard was a very
17 kindly person and very approachable. I know of a few
18 boys who did talk to him and came away feeling that
19 issues had been resolved.

20 I can't remember enough about those situations to
21 give an example. However, I also suspect that he was
22 being told some things in confidence and as a minister
23 he wouldn't want to break that confidence and reveal
24 those things.

25 Abuse at Edinburgh Academy.

1 Edinburgh Academy did not have a definition of abuse
2 that I was aware of. There was no guidance given on how
3 to respond to reports of abuse. Teachers had total
4 autonomy on how to handle that. If a boy reported abuse
5 to me, I think the housemaster would have expected me to
6 pass that information on to him. That's what I would
7 have done. Unless the abuse was reported to me in
8 confidence.

9 Child protection arrangements.

10 Child protection was not something the school
11 formally raised with staff. I think there may have been
12 a single lecture on the subject when I was studying, but
13 that's as far as it went. It was something that was
14 discussed informally between staff on occasion.
15 I remember speaking to another houstutor in the pub,
16 one Friday evening. He told me about happenings in his
17 house and how he wasn't happy about what was going on
18 there. He was a [REDACTED] teacher and houstutor in
19 Hamish Dawson's boarding house.

20 I have read the following quotation from the
21 statement of 'Fred':

22 'The school never told us what was avuncular,
23 fatherly concern for young boys and what was
24 inappropriate behaviour by teachers.'

25 I would expect that's right. I don't remember the

1 school saying anything to the pupils on the subject. It
2 wasn't really something that concerned me at the time,
3 but looking back now, I would have concerns about it."

4 My Lady, I now move on to paragraph 70, page 16:

5 "John Brownlee.

6 I think John Brownlee was involved with the prep
7 school and might have been the housemaster of the most
8 junior house. I know the name and I have a vague
9 recollection of talking to him, but I didn't really know
10 him. Our roles were very separate and the prep school
11 kept themselves very separate from the senior school.
12 I think I only remember him because he was one of the
13 teachers that dined in the dining hall at the same time
14 as me. I believe he continued his employment at the
15 school after I left.

16 I couldn't really comment on what John Brownlee was
17 like. As I said, I didn't really know him as we had
18 nothing in common. There were some kids who said things
19 about him, but I don't recall the detail. I didn't have
20 concerns about him from what I had seen, but from what
21 I had been told, yes, that concerned me.

22 My general recollection of John Brownlee is that he
23 didn't sound like a very nice person to know and he was
24 one to avoid if possible. Although I can't remember the
25 details of what I was told about his behaviour, I would

1 consider it abuse."

2 My Lady, I move to paragraph 75, page 17:

3 "I don't know what impression the management within
4 the Academy had of John Brownlee. From speaking to
5 other teachers, I know they had a similar impression of
6 him as I did. If it had been different times, I think
7 I would have done something about his behaviour. The
8 whole child protection scene has changed beyond all
9 recognition. I suppose it was, not perhaps accepted,
10 but more common at the time for there to be physical
11 overzealousness. Among the other teachers who mentioned
12 John Brownlee to me were teachers who had been there
13 longer and had more experience. I assumed if it was
14 worth mentioning they would have mentioned it.
15 I perhaps shouldn't have made that assumption.

16 Hamish Dawson.

17 Hamish Dawson was a history teacher and I believe he
18 was a senior housemaster. Technically he was the one
19 that the other housemasters reported to. I personally
20 found him to be friendly and personable. However, there
21 was always a slight edge of something about him. It
22 always felt as if he was sounding you out almost.
23 I remember speaking to another tutor about him on one of
24 our few social occasions. The tutor was his houstutor,
25 so he knew more about him than anybody else. The tutor

1 told me to steer clear of him and to make sure I was
2 busy during the first week of the summer holidays so I
3 didn't get invited to Hamish's 'den of iniquity', as he
4 called it. The tutor was referring to a trip Hamish ran
5 on a steamboat up the Caledonian Canal. The implication
6 I took from the tutor's warning was that it was not all
7 above board. I didn't ask any more about that, I didn't
8 really want to know.

9 I saw Hamish regularly as he was living in the
10 boarding house [REDACTED]. If I was out in the playing
11 fields in the evening he was often in his house garden
12 and we might chat across the fence. I'd sometimes chat
13 to him as we walked up and down to school, so I knew him
14 reasonably well in that sense. From what I saw, he was
15 always joking and avuncular with the boys.

16 I never saw Hamish discipline or abuse a child, but
17 the boys would often say things about him. Particularly
18 after they had left his house and came to the senior
19 house. They would often refer back to him as not a very
20 nice man. The boys spoke of various types of beatings
21 from Hamish, but I don't recall the details of those
22 conversations. I believe the boys told me what they did
23 in confidence and I seem to recall them saying that they
24 didn't want me telling anyone. I didn't formally report
25 what I was told, but I did discuss it informally,

1 without mentioning any of the boys' names with the
2 tutor."

3 My Lady, I move on to paragraph 92, page 21:

4 "IDT [REDACTED].

5 I thought IDT [REDACTED] did a good job as
6 housemaster. He kept his distance from the point of
7 view of not getting too close to the children, but at
8 other times he was able to communicate and relate to
9 them. I thought he related to them well.

10 As I previously mentioned, I was only aware of IDT [REDACTED]
11 disciplining a boy once. He had the nickname IDT [REDACTED] and
12 I vaguely remember a boy saying he was a bit of a pig,
13 but I don't know in what respect or how that related to
14 his behaviour. I never saw or heard of him abusing
15 children in any way. It would very much surprise me to
16 learn that the Inquiry has received allegations against
17 him, because he went on to be [REDACTED] at a school in
18 Glasgow. He must have had a good record and a good
19 report to do that.

20 I have been read the following quote from the
21 statement of 'Sam'. I am surprised at what 'Sam' has
22 said. He was certainly at the school during my time
23 there. If something like that happened I would have
24 expected to hear about it myself from the same sort of
25 people. It's possible that it happened after I left,

1 but I seem to recall 'Sam' being in my rugby team in my
2 last year. If that's correct, he would have been at the
3 top of the school, likely in his last or second-to-last
4 year. IDT did have a little bit of a temper.
5 He did rise quickly. I did see him sometimes blow
6 a fuse. He would turn red in the face and shout, but he
7 would also come down again quickly too. I never
8 witnessed or heard of IDT behaving in the way 'Sam'
9 describes while I was at the Academy.

10 IBU .

11 IBU was the head of the games at the Academy.
12 He was a fairly small man, maybe in his upper 50s when
13 I was at the school. I had some involvement with him
14 through rugby and cricket. He allocated you to teams
15 and decided which teams you would be going out with that
16 weekend. He also monitored how people were progressing
17 under your direction. I also came across IBU in
18 an external sense. He was involved in the Academical
19 rugby club, who I played for. He was one of the
20 selectors there.

21 I got on fine with IBU, but he certainly did have
22 a temper. I always thought he was talking about
23 something else. You never quite knew what he was trying
24 to say and there was a sense that there was something
25 else, an undercurrent, to what he was saying. He always

1 seemed a little bit denigrating towards the children,
2 except for one or two. The one or two who were his
3 favourites and excelled at a particular sport, he would
4 praise to the high heavens and the rest weren't up to
5 par. IBU was always referring back to successful
6 pupils.

7 I don't think I ever saw IBU discipline a child.
8 As I mentioned, I was told by a boy that he had been
9 whipped with a fencing foil by IBU which had caused him
10 to bleed. It did surprise me a little bit to hear that,
11 but I knew IBU was one of the regular beaters of the
12 boys. I knew that from what boys had told me, but also
13 because of what IBU had told me himself. He would say
14 he had beaten a boy and I remember him saying things
15 like he needed a good beating. His name also came up in
16 the discipline book more often than virtually anybody
17 else. Although I also believe it's true to say there
18 was a separate book for gym, which I never saw.

19 I would say he definitely made a habit of being in
20 the changing rooms. That is something I witnessed. If
21 you are running a sports site you have to go in and out
22 of the changing rooms to make sure they are clear, the
23 boys have all their kit and everything is all right.
24 However, IBU tended to stay in the changing rooms and
25 supervise. I suppose I did wonder if there was more to

1 it than just supervision. I did have a suspicion that
2 it was more. I didn't act on that suspicion because
3 IBU was the head of games and was responsible for what
4 happened in the changing rooms. He could justify being
5 there.

6 I have been told that it has been suggested that
7 IBU insisted that boys not wear underpants under their
8 rugby shorts. I do remember being told something about
9 boys not wearing pants, but I can't recall whether that
10 related to rugby or something else. I can't be certain
11 about that."

12 My Lady, I move on to paragraph 114, page 27:

13 "Leaving the school.

14 I left my employment at Edinburgh Academy at the end
15 of the academic year on 12 July 197█. I was told by the
16 rector, Laurence Ellis, that I was not being given
17 a contract beyond the end of my probationary period, but
18 no reason was explicitly stated. I didn't ask for
19 an explanation as he was the rector and it was his
20 prerogative not to continue my employment with the
21 school.

22 My head of department, David Standley, had
23 previously told me to look at finding somewhere else for
24 a fresh start. Somewhere that I wouldn't have the same
25 discipline problems. My view is that my employment was

1 not continued as a result of the incident in my
2 classroom when the inspectors attended the school.

3 I have been read the following quote from the
4 statement of 'Fred':

5 'There were a few incidents with 'Graham' when he
6 left mysteriously in the middle of the second year in
7 the middle of the summer term.'

8 That is just not true. I didn't leave in the middle
9 of a term. I left at the end of the academic year and
10 I was never once made aware of any complaints against me
11 at Edinburgh Academy.

12 I believe Edinburgh Academy would have provided
13 references to my subsequent employers. That would have
14 come from the head of the [REDACTED] department or the
15 rector. I have no idea what they may have said but they
16 were not open references."

17 My Lady, I move to paragraph 124 on page 29:

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

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

21 My Lady, the statement is signed and it's dated
22 4 August 2023.

23 LADY SMITH: Thank you very much, Ms Bennie.

24 Am I right in thinking that now completes the read
25 ins for the Edinburgh Academy case study?

1 MS BENNIE: Yes, my Lady, that completes the read ins and we
2 have three live witnesses tomorrow.
3 LADY SMITH: We'll start at 10 o'clock tomorrow.
4 Thank you.
5 (4.26 pm)
6 (The hearing adjourned until 10.00 am on
7 Friday, 25 August 2023)
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