

## **Scottish Child Abuse Inquiry**

### **Witness Statement of**

DFX [REDACTED]

Support person present: No

1. My name is DFX [REDACTED] My date of birth is [REDACTED] 1981. My contact details are known to the Inquiry.

### **Background**

2. I am a qualified teacher of [REDACTED]. I hold a [REDACTED] in [REDACTED] and a MPhil in [REDACTED] from the University of Edinburgh. I gained my Professional Graduate Diploma in Education (PGDE) at the University of Edinburgh. I completed my probationary teaching year at [REDACTED] East Lothian. From [REDACTED] 2008, I was employed as a teacher of [REDACTED] at Merchiston Castle School. In [REDACTED] 2015 I was employed as head of [REDACTED] at [REDACTED] School, Surrey. My employment at [REDACTED] School ended around [REDACTED] 2015. I am not currently registered with the General Teaching Council for Scotland.

### **Employment with Merchiston Castle School**

#### *Roles and responsibilities*

3. I was employed at Merchiston Castle School from [REDACTED] 2008 to [REDACTED] 2015 as a teacher of [REDACTED]. I taught junior [REDACTED], GCSE/IGCSE, higher [REDACTED], AS and A2 classes. During my time at the school, I was employed in various positions in addition to my teaching post.

4. At the beginning of my employment in 2008, I was an assistant house tutor in the sixth form day pupil house. This role involved providing academic and pastoral support to pupils, assisting in social events within the house and providing the children additional academic tutoring support in [REDACTED]
5. At some point around 2009/2010, I became a resident assistant housemaster to the fifth form boarding house, Rogerson House. Thereafter in 2010, I moved to become the resident assistant housemaster to the lower and upper sixth form boarding house, Laidlaw House.
6. In [REDACTED] 2010, I was employed as the head of Personal, Social and Health Education (PSHE) at the school. I was responsible for writing and creating the PSHE curriculum and managing a large team of staff to implement the specific PSHE programmes to each year group in the school. I was still assistant resident housemaster at this time. In [REDACTED] 2012, I was employed as deputy child protection coordinator. This role involved supporting the child protection co-ordinator at the school, attending training on child protection and presenting training to staff members. The child protection co-ordinator at this time was Alex Anderson, who was to ensure I was adequately trained. Management was aware that I was keen to enhance my professional development. The post of Head of Personal, Social and Health Education was offered to me. I did not apply for this post. I did not have training for the role.
7. In 2012 I moved out of resident accommodation in Laidlaw House to private accommodation in Edinburgh. Around [REDACTED] 2014, I was offered the role of resident assistant housemaster to the fifth form boarding house, Rogerson House. I began this role in [REDACTED] 2014. These roles involved assisting the housemaster in providing pupil support and pastoral care to pupils, additional academic tutoring support and supporting the children with social events and house dinners. I retained the role of deputy child protection officer when I returned to Rogerson House.

8. In 2014, I was appointed child protection coordinator. This role involved managing the deputy child protection coordinator and ensuring the implementation of the school's child protection policies.

#### *Recruitment process*

9. I was required to be registered with the GTCS as a prerequisite for employment. I was also required to complete an enhanced disclosure/PVG as part of the recruitment process.
10. The recruitment process for the teaching post of teacher of [REDACTED] involved an interview with the headmaster and the head of [REDACTED]. I was also required to attend an interview with the deputy headmaster for the assistant housemaster position. I was invited by Andrew Hunter, headmaster to take on the PSHE coordinator position at the school. I was not required to apply or have an interview before a panel for this position. It was an informal discussion with the headmaster. Upon acceptance of any role at the school, I was required to complete a probationary period. For example, my first year as assistant housemaster of Rogerson House was a probationary period. At the end of the probationary period, the school undertook a review of the probationary status, as part of their review and development process. I did not require to obtain references for the additional positions applied for whilst employed at the school.

#### *Line manager / monitoring*

11. In my position as teacher of [REDACTED], my line manager was the head of [REDACTED] department. Continued monitoring by the head of [REDACTED] department involved lesson observations in my classroom and the completion of classroom observation reports. I received pre-appraisal summaries from the head of [REDACTED] department and was required to attend appraisal interviews with the head of [REDACTED] department. I was required to complete self-evaluation forms, which were reviewed by the head of [REDACTED] department. I was required to participate in the peer lesson observation programme. My teaching was also observed by the school leadership team.

12. In the role of assistant housemaster, my line manager was the housemaster. In my position of assistant housemaster for the sixth form day house my housemaster was Ian Mitchell. In my first position in Rogerson House my line manager was the Housemaster, Javier Palacious. In Laidlaw House my housemaster was Rupert Heathcote. In my second position as housemaster of Rogerson House my line manager was Martin Kemp. I do not recall any formal appraisal process taking place.
13. In my role as head of PSHE my line manager was Peter Hall the deputy headmaster. In my role as deputy child protection coordinator, my line manager was the child protection coordinator, Alex Anderson, who mentored me during this role. When I was appointed the child protection coordinator, my line manager was Peter Hall, the senior deputy head.

#### *Training*

14. I was required to complete an induction and undergo training before becoming an assistant housemaster at Laidlaw House. During my appointment as assistant housemaster I was required by the school to complete the BSA diploma course in boarding as part of my ongoing professional development. The course was funded by the school.
15. During my appointment as deputy child protection coordinator I attended and completed child protection training at the school and completed Level 4. I recall attending a child protection training session in 2014. The child protection training was provided and arranged by the school and was also delivered as part of in-service training. I attended two in-service training days which delivered presentations on child protection. I attended an in-service day training on '*Child protection presentation (suicide prevention and sudden death policy)*' in January 2015. I attended a further presentation on '*Updated wellbeing, safeguarding and child protection policy*' in April 2015, which was delivered by the school's senior deputy head Peter Hall. During my time in this role, I was mentored by the child protection officer.

16.



### **Policy**

17. I was involved in and had responsibility for policy in relation to the care, including residential care, of children at the school during my appointment as deputy child protection coordinator in [REDACTED] 2012 and then, child protection coordinator in 2014.
18. Policies were in place when I took up the position and to my knowledge they did not change during my time at the school. All staff received training in child protection. I was not involved in the recruitment of staff. No formal qualifications were required for staff members who were not in positions of responsibility. I was not involved in staff appraisal. The staff complaints procedure involved initial discussion with your relevant line manager and subsequently senior management if necessary. Discipline and punishment of children was carried out by housemasters and/or senior management. Complaints and allegations against staff members were made to senior management. I am assuming records were kept by senior management of any complaints or allegations. The consideration of appropriate discipline and punishment was left to the individual housemaster.

### **Strategic planning**

19. I was involved in strategic planning in relation to the school. My involvement and responsibility in the school's strategic planning was to the extent of ensuring its

implementation during my appointment as child protection officer. The potential for abuse featured in the school's strategic planning in terms of bullying and self-harm.

20. I can only comment on my involvement in implementation of the Child Protection Policies. These policies were designed to ensure that students were both physically and emotionally safe whilst they were at school. This included policies for bullying, drug and alcohol misuse, mental health, including self-harm and suicidal thoughts.

### **Staff training**

21. During my employment with the school, I was involved in training of staff but not in the personal development of staff. During my appointment as deputy child protection officer, and then, child protection officer I was involved in the training of staff. I presented child protection training during in-service training days at the school. I presented child protection training during some in-service days at the school. I cannot remember how often or how many child protection training presentations I presented. Perhaps, once a year.

### **Staff Supervision/ appraisal/ staff evaluation**

22. I was involved in the supervision of staff during my appointment as Head of PSHE. I informally evaluated staff performance but was not required to complete appraisal reports. As head of PSHE I wrote lesson plans for each year group in the senior school and emailed them to those members of staff who were timetabled to present PSHE. This included all the housemasters and other staff members who had space in their timetable, perhaps 10 or 12 people in total.

## **Living arrangements**

23. During my period of employment at the school, I resided in on-campus accommodation. Under the terms of the occupancy agreement provided to me, the costs of living in the property were met by the school. The accommodation provided was a flat that was located in a boarding house on the grounds of the school. There are five boarding houses located on the school grounds. The children who are boarding pupils at the school reside in the boarding houses. Housemasters, deputy housemasters and assistant housemasters reside in their respective boarding house alongside the pupils.
24. Initially in 2008 I resided in private accommodation in Edinburgh. Between [REDACTED] 2008 and 2012 I resided in flats in Rogerson and Laidlaw House. In [REDACTED] 2012, I moved out of Laidlaw House to live off-campus in private accommodation in Edinburgh. I returned to live on-campus in [REDACTED] 2014. At this time, I was provided accommodation, a flat, in Rogerson House. The flat in Rogerson was situated across from the geography and Masterchef departmental building.
25. There were resident staff members who resided in accommodation on campus and there were non-residential staff members who stayed in accommodation off-campus. Residential staff members who were appointment housemaster, deputy housemaster or assistant housemaster stayed in accommodation in each of their respective boarding houses where the children also resided. Other residential staff members stayed in separate accommodation, which were in separate buildings on the grounds of the school.
26. Other residential staff, the housemaster, permitted guests and pupils had access to my accommodation. The school had a Code of Residency in place, which provided guidance on who was permitted access to my accommodation.

### **Culture within Merchiston Castle School**

27. The school was a typical boarding school. Residential care was provided twenty-four hours a day and seven days a week. All members of staff held multiple roles and worked extremely long hours. Students' time was heavily scheduled to include both academics, sport, extra-curricular and free time. I am not aware that fagging existed within the school during the period of my employment.

### **Discipline and Punishment**

28. Children could be disciplined and punished by professional members of staff at the school. Senior teaching staff and the housemaster of each boarding house had primary responsibility for disciplinary issues for all children. Thereafter, the headmaster had overall responsibility for issues relating to school suspension or expulsion of children. Punishments included detention, removal of free time and privileges. I think that there was a formal policy in place in relation to discipline and punishment at the school but in general staff sought guidance from their Line Manager.
29. All school policies were provided in the school's policy booklet. Disciplinary issues were reported to the housemaster and/or head of department. Records were supposed to be recorded in each child's personal file held by the headmaster.
30. Discipline was not the responsibility of senior pupils. Senior pupils were required to report to their housemaster or deputy housemaster any disciplinary issues. Prefects were required to attend weekly meetings with their housemaster and/or assistant housemaster, who supervised their role. However, this role did not carry responsibility for disciplinary action of other children.



### **Day to day running**

31. As the head of PSHE at the school I was required to create a programme focused on PSHE themes, which would be delivered to each year group of the school during the school term. I was required to write teaching lessons for teaching staff as part of the PSHE programmes. Additionally, I invited guest speakers to present on specific topics to the children at the school.
32. As assistant house tutor, I was involved in providing academic and pastoral support to pupils within the boarding houses. I assisted pupils in drafting their UCAS applications. As assistant housemaster, I was involved in supporting the housemaster in providing pupil support and pastoral care to pupils. I was involved in supporting the children in creating and participating in house events. I was involved in organising the house dinners and social events for the children. As deputy child protection co-ordinator, I was involved in supporting the child protection co-ordinator at the school, attending training on child protection and presenting training to staff members. As child protection coordinator, I was responsible for managing the deputy child protection co-ordinator and implementing the school's child protection policies.
33. My suitability for these roles was assessed by senior management and overall, determined by the headmaster. I sought the role of head of PHSE to advance my career progression. I was offered the role of deputy child protection officer as it fitted well with my Head of PHSE appointment. I became senior child protection coordinator by default when the previous appointee unexpectedly resigned this position.

### **Concerns about the school**

34. To the best of my knowledge, the school was the subject of concern to the Care Inspectorate, Police Scotland and parents because of the way in which children and young people in the school were treated.

35. Following Police Scotland's investigation against James Rainy Brown, I am aware that there were concerns regarding his behaviour towards pupils. The parents of the children were made aware of such concerns by the school. The headmaster had the overall responsibility for reporting such concerns to the parents.
36. I think the school's approach to the potential of abuse prior to this event was focussed on child to child bullying and child mental health and wellbeing. I think the school was shocked because he was a well-respected, long serving member of staff. He was liked by staff, pupils and parents. I think the school responded appropriately by contacting the Care Inspectorate and the police. I believe that the school's response was proportionate.

#### **Reporting of complaints / concerns**

37. If any child in the school, or another person on their behalf, wished to make a complaint or report a concern, the processes and school procedures in place were outlined in the school's policy booklet. Children and any person complaining on their behalf could make a complaint to the housemaster of their boarding house or any professional member of staff, including the headmaster. Complaints tended to be made to housemasters initially. As far as I am aware complaints were required to be recorded in the children's personnel file by the Headmaster.

#### **Trusted adult/confidante**

38. If a child had any worries including concerns about the conduct or behaviour of other children, staff or others towards them they were expected to speak to their parents, sixth form prefects and professional members of staff, including assistant residential tutors, assistant housemasters, deputy housemasters, housemasters, and teaching staff. Children could also speak to the deputy child protection coordinator or child protection coordinator. In my experience students tended to speak to their Housemasters about any concerns. I am aware that children in practice raised

concerns in this way. It is normal for children to have concerns from time to time about bullying, classwork, issues at home, and so on. These were dealt with in a proportionate, pragmatic way.

## **Abuse**

39. The school had a definition of 'abuse' which applied to the treatment of children at the school and was constituted as anything that affected a child's physical or mental wellbeing. This definition was communicated and explained to staff working at the school through child protection training. The definition of abuse was introduced before the start of my employment at the school and changed slightly in relation to the impact of social media, although this was always present in some form during my time at the school.

## **Child Protection arrangements**

40. Staff were guided and instructed on how children in their care at the school should be treated through child protection training at in-service training days.
41. Staff who became aware of reports of abuse or ill-treatment were encouraged to speak to their line managers or senior management. Autonomy in dealing with certain issues was given to senior members of staff, including housemasters and heads of department teaching staff to manage issues between professional staff members and children. It was normal for children to have concerns from time to time, whether about their relationships with other pupils, problems with their studies or at home, and so on. These concerns would be dealt with in a proportionate way. Sometimes a chat was all that was required. If the issue was more serious or recurring, staff knew that it should be referred up the chain of responsibility.
42. Child protection arrangements were in place to reduce the likelihood of abuse, ill treatment, or inappropriate conduct by staff, or other adults, towards children at the

school. Staff received child protection training and were encouraged to speak to line managers and/or senior members of staff if they had received any reports of abuse. In the boarding houses children were only permitted to access the study of resident staff members' accommodation, if they had one. If staff members were to meet with the pupils in their accommodation, the policy in place to protect children, was that the door of the study was to remain open. Prefects occasionally ate group meals in staff accommodation.

43. In relation to online abuse the school required staff to sign the '*Agreement for Computer and Internet Use*'. There was a policy on '*electronic communications with pupils*' in place which was outlined in the school policy booklet. This regulated the means and for what purpose the pupils could communicate with staff and vice versa using electronic communications.
44. The '*electronic communications with pupils*' policy advised that staff were prohibited from communicating with pupils through social media unless authorised by the head of department for educational purpose. The social media account was required to be a school account and a senior staff member was required to have membership of any group created through social media for that same purpose. Any informal means of communication through social media was required to be notified to a senior member of staff. Students were taught about the risk of cyber bullying, how to use social media responsibly and how to protect their identities on social media
45. I think that if a student or member of staff reported an issue then it would have been dealt with appropriately.

### **Record keeping**

46. The headmaster held personnel files on all children at the school and all professional staff members. I assume that any informal record keeping kept by a member of staff that was relevant to abuse would end up in these files. I cannot comment on the historical position as regards to record-keeping.

### **Investigations into abuse - personal involvement**

47. I was involved in an investigation on behalf of the school into allegations of abuse of a child whilst on a school trip. Some time after the death of James Rainy Brown a junior school pupil alleged to his parents that during a school trip to an outdoor centre, led by James Rainy Brown, the leader of the outdoor centre asked the boy to shower naked and watched him doing so. The parents reported this to the school and the school reported this to the police and the Care Inspectorate.

### **Police Investigations/criminal proceedings**

48. I became aware of police investigations into the alleged abuse at the school only after the death of James Rainy Brown. Allegations were made of inappropriate behaviour by James Rainy Brown to primary school pupils during extra-curricular/ free time. I have not given evidence at any trial concerning alleged abuse of children cared for at the school. Other than in respect of the matters contained in Section B of the s.21 notice served on me [REDACTED] I have not given a statement concerning alleged abuse of children cared for at the school.

### **Specific alleged abusers**

49. I am aware the Inquiry has received evidence of allegations about staff and others who may have been employed at the school at the same time as me, and I have been asked questions about my knowledge of each individual.

DXP [REDACTED]

50. In relation to DXP [REDACTED] I did not know this individual.

*James Rainy Brown*

51. I recall James Rainy Brown. He was at the school when I started in 2008 and I was still at the school when he died. He would have been aged in his 60's to 70's. He worked in the primary school and I had no contact with him. As far as I am aware he was very traditional, although I did not know him. I believe he was well liked by the pupils. The only time I saw him with children was in the distance in the school grounds. As a result I cannot comment on how he interacted with the children and I never saw him discipline any child. I never witnessed him abuse any child. The first I heard any suggestion that James Rainy Brown had abused a child was after his death.

DRW

52. I have limited knowledge of DRW. He would have been in his forties and was the housemaster of the primary school for a year or two whilst I was there. I had no contact with him so don't know anything about him or what he was like. I never saw him with children so never saw how he interacted with or how he disciplined children. I never saw him discipline or abuse any child, nor did I hear of him abusing any child.

QZA

53. I did not know QZA

*Torquil Johnston-Ferguson*

54. Torquil Johnston-Ferguson had involvement with outward bound camps. I never met him.

**Lessons to be Learned**

55. I have no comment to make in relation to the lessons that can be learned to protect children in a boarding school now and in the future.

56.



**Other information**

57. All information provided is true to the best of my knowledge, understanding and belief.  
I believe the facts stated in this witness statement are true.

Signed....

DFX  
A black rectangular redaction box covering the signature.

Dated.....

08/05/2021