

## **Scottish Child Abuse Inquiry**

Witness Statement of

**David SPAWFORTH**

1. My name is David Meredith Spawforth. My date of birth is [REDACTED] 1938. My contact details are known to the Inquiry.
2. I have answered the questions to the best of my ability and recollection, amplifying where relevant. It should be noted that in some areas my recollections are relatively fresh, prompted by statements I made to the police in 2013 in the course of Operation Yewtree (to which no doubt the Inquiry has access. If required I can expand on this.) and when I had access to files. As it is now over twenty years since I retired from Merchiston, I must rely on my memory in relation to other matters.

### **Background**

3. My experience both as a pupil and teacher has been solely in boarding schools. I had experienced what the author John Rae termed "The Public School Revolution", one aspect of which was the change from tough male orientated and dominated boarding schools to establishments more in tune with the home, with female staff, married Housemasters, closer contact with parents, closer care and supervision of pupils. This coloured my approach, when appointed as a Housemaster at Wellington College and more particularly at Merchiston; in both posts my wife, Yvonne, was totally involved.

### *Qualifications*

4. I graduated from the University of Oxford with an MA in Modern Languages in 1960. I gained a Diploma of Education from the University of Oxford in 1961.

### *Employment*

5. I was an Assistant Master at Winchester College from 1961 to 1964 and I was an Assistant Master at Wellington College, Berkshire from 1964 to 1967. I was a Housemaster at Wellington College from 1968 to 1980 and I was Headmaster of Merchiston Castle School, Edinburgh from 1981 to 1998.

### *Other employment*

6. I was BP Education Fellow at Keble College, Oxford. I was a Board member of Oxford and Cambridge Schools Examination Board, subsequently OCEAC and then OCR. I was a member of exam boards final appeal tribunal. I was a member of UK schools group of Atlantic Council. I was an Adviser on Boarding Education to the Sichuan provincial government of the PRC. I was on the governing body of a number of prep schools and also on the Council for St George's School for Girls, Edinburgh. From 1962 to 1980 I was Captain of the CCF (range qualified).

### *After retirement*

7. From 1998 to 2017 I was Liaison Officer Scotland of the Arkwright Scholarship Trust which involved visiting a number of state and independent schools in Scotland. My details are on Disclosure files. From 2018 to present I am Emeritus Liaison Officer.

### **Employment with Merchiston Castle School, Edinburgh**

8. I was employed at Merchiston Castle School from January 1981 to August 1998 as Headmaster. I was responsible to the Board of Governors, and with a formal report/review each term.
9. The post was advertised in Scottish and UK press. I made the application with my CV and the names of two referees. These references were taken up by Governors who also researched 'outside the box'. I had an interview with the selection

committee and I then had a shortlist interview, along with my wife Yvonne, by the full Board. To my knowledge it was not a prerequisite that I be married but the job description issued by the Governors at that time would be definitive in that regard. My recollections of the nature of my appointment are that the Governors valued the husband/wife approach to my Housemastering at Wellington College and that this was a factor in my selection for interview. Subsequently it was clear that the Governors, as they had hoped, greatly appreciated Yvonne's involvement and contribution, as did the parents.

10. The Board of Governors acted as my line manager. I was very fortunate in having a prominent Judge, Lord Robertson, as Chairman. He visited the school twice a week and roamed freely talking with boys, staff and parents. We had a formal meeting once a week but I could contact or consult with him virtually at any time. He was also keen to be involved in a number of social events Yvonne and I ran for the boys. These included receptions for parents and former pupils we ran all over Scotland, the North of England and Ulster, and overseas tours following teams and choirs etcetera. I can think of no other Chairman who had his finger more on the pulse.
11. Furthermore when difficult decisions had to be made he was always there to give me advice. These included supporting my resolve to restructure the medical provision at Merchiston despite the opposition of a longstanding and highly regarded doctor; supporting major expenditure in terms of staff appointments, building projects and improving facilities early on in my time and when the school finances were not strong; advising and supporting me in relation to the sensitive issue detailed in paragraph x below. At the end of my time he was succeeded by Neil Kilpatrick who operated a similar routine.

#### *Specific Training*

12. I attended the New Heads Training Course which was run by the Headmasters' and Headmistresses' Conference. It was Lord Robertson's idea that my wife and I should spend one term prior to appointment to research and acclimatise the post. We also met with parents, former pupils, feeder schools and various professional bodies,

building up trust. All this enabled me to 'hit the ground running' and quickly implement certain changes/policies.

### **Policy**

13. It will be appreciated that, during my Headship, legislation covering the protection of children and specific needs and monitoring changed on a number of occasions and with different official bodies to refer to. New policies were introduced. The overall protection of children included inter alia regular fire drills and inspections, firearms and bomb threats as we had sons of prominent Northern Ireland citizens and from the military during the height of IRA activity. We also implemented drugs and alcohol abuse education, sex education, bullying, medical care, spiritual care and links with home.
14. There were regular meetings including the Head with Housemasters, Heads of Department, whole staff, chaplain, medical staff, senior pupils and parents. In addition a transformation of the boarding house accommodation was undertaken for the pupils and for the staff.

### **Strategic planning**

15. When I was appointed it was made clear that I was to develop strategic planning in conjunction with the Governors, starting with a review of the Merchiston House system and the status of a single sex school with boarding and day pupils and its ideal proportions. This was to include pupils from overseas, both expat and non-British. The review was to include the care and welfare of the pupils. Child protection was interpreted as physical and mental care or welfare and within that framework to guard against sexual predators.
16. I was responsible to the Governors and for their approval regarding strategic planning and the presentation of policies. Clearly within these policies the safety and

welfare of children was a key issue as a number of Governors had children in the school. Furthermore reporting on appointments and introducing appointees to the Board before reporting all major complaints. I was required to report to the Board, meeting once a term, on any appointments made or pending. Newly appointed staff met with the Board at the lunch after the meeting. Similarly any major complaint by a parent, pupil, member of staff or other source was in the first instance referred to Lord Robertson then, after I had acted, for information to the Board.

17. Merchiston in 1981 had, to my mind, not fully made the transformation highlighted by John Rae and certainly was not alone in this respect. Pressure from parents evident to me in my training period was already demanding changes. These related to better academic results; better career advice and better preparation for after school; better communication with the school regarding on time and of term reports; more contact with their sons namely by telephone; more leave out of school; more teacher/parent meetings.
18. To understand how Merchiston worked as a boarding school the following should be known. The Merchiston House system differs from the traditional house system in a boarding school. At Merchiston the Houses are by age. For example, the boys joined at age thirteen into Chalmers West then each year progressed up the school via four succeeding Houses and Housemasters. The advantages to this system were that there was no bullying of younger by older boys in House.
19. From a group of sixty plus boys you were virtually certain to make friends and also share a wide range of interests. The lifestyle, activities and accommodation were adapted to suit the particular age group. Housemasters therefore could be chosen, not by seniority, but for particular skills and empathy with the given age group. Senior boys were chosen by the same criteria to assist. For the pupil there was a real sense of advancing and they did not get bored by school.
20. There was a year group camaraderie and friends seemed to last well beyond school days. The disadvantages were mainly for parents who had to relate to a fresh Housemaster each year. The Head, therefore, became a constant feature for the

parents and also a supra Housemaster, involved in observing the development of pupils and being kept informed on key matters.

21. The Head became directly involved in the recommendation or choice of subjects at GCSE, Higher or A level and career, university or further education applications. Also disciplinary matters, health and home matters. To do this you had to get to know your pupils and in this my wife contributed immensely and was involved 24 hours a day, seven days a week in the life of Merchiston as our two children were away at school, university or army.
22. My wife also involved herself in the families of staff both teaching and non-teaching. Research would show that she was much loved by all, not least by all the boys who enjoyed her home baking or unofficial popping in to see them. When we retired she had a special farewell party given by the parents. I hope it will not be misinterpreted when I say in the best traditions of the Colonel's wife. All this could work in a school of the size we developed, namely 350-400 pupils and was a key aspect of child welfare as we saw it.
23. We undertook a major upgrading of the boys' accommodation and facilities in boarding houses and, according to age, from small dormitories to cubicles to individual study bedrooms which had two day pupils sharing. The major building programme was also to create 'married with family' Housemaster accommodation in all boarding houses.
24. Other changes were that more female staff were to be involved in the boarding houses and married, preferably with families. The reason for this is that they would support the family ethos of the school also with children of their own they would be more attuned to or understanding of children in their care. There were to be more links with home and private phone booths as these were pre-mobile phone days. Following Esther Rantzen's Childline initiative these notices were displayed in the pupils' phone booths. There were particular efforts to keep guardians and overseas parents in the loop. There was better reporting to parents both formally through more detailed end of term reports and annual parent/teacher meetings and informally by

holding receptions for parents around Scotland, North of England, Northern Ireland and occasional forays overseas usually with a choir or pipe band tour. Lord Robertson usually accompanied us.

25. All of these took place in addition to events for former pupils. Housemasters were encouraged to have informal parents' events. I introduced a formal rule book which was sent to new entrants with joining papers. Parents were therefore au fait. Staff also had copy of rule book and there was a copy on the staff room board.
26. Developing strong links with two girls schools, notably so with St Georges School for Girls in Edinburgh. Their involvement with drama, music balls, social evenings and discos ensured pretty normal boy/girl relationships. Fraternization was most certainly not a problem.

#### **Other staff**

27. I technically had overall responsibility for all staff, both teaching and non-teaching. The teaching line managers were the Heads of Department. The pastoral line managers were the Housemasters. The chaplain was the line manager for both pastoral and spiritual care. There was 24/7 medical care which entailed two General Practitioners on contract plus two Accident and Emergency experienced nurses and an on-site surgery with a small ward. There was a Combined Cadet Force and the school had an armoury. The aforementioned all reported directly to me.
28. The Second Master (Deputy Head) reported to me frequently, if not daily. I had regular formal meetings with Housemasters and also with the Heads of Department. The Bursar also had the role of Secretary to the Governors. I met with him weekly or more often informally.
29. The Catering and Cleaning Manager were employed on an outside contract but reported to me weekly. Their staff were vetted. The same applied to the Works manager and his staff. They all reported to me every fourteen days or as requested.

### **Recruitment of staff**

30. I was responsible for the recruitment of all teaching staff; with the Governors responsible for the school doctor and the Bursar. The Bursar was responsible for the recruitment of works, accounts and reception staff. The Catering and Cleaning managers were responsible for recruiting staff but details were submitted to the Head for vetting and final approval. The CCF were recruited in conjunction with the army authorities. In all cases where I had sole responsibility references were sought and also vetting was carried out. In the other above detailed areas I went through vetting procedures as per legislation and procedures at that time.
31. All teaching staff were expected to have a degree and initially there was a preference for a teaching qualification which later became mandatory. This only varied in exceptional circumstances if there was a sudden need for replacement in a key area. An application for teaching post required a letter with CV and the names of two referees. If interested in the applicant I would seek written references. For those shortlisted I would phone referees and/or other sources to put further questions including to ask if they had any problems with sex, drugs, alcohol or discipline. If these responses were okay, the shortlisted candidates were invited to school and interviewed individually by me, the Second Master and the Head of Department. The candidates were placed in classrooms or had pupil contact to watch interaction and this whole process lasted most of the day.
32. Vetting procedures evolved with the passage of time. In 1981 vetting of a prospective member of the teaching staff was implemented using Procedure A. In the case of the chosen candidate I would refer to the Scottish Office which held a list of persons either convicted of offences of a sexual nature or alleged to have committed offences of a sexual nature. This was called their List 25 and the Headmasters' Conference held an equivalent list which I consulted in conjunction with same. These lists covered persons residing throughout the UK.

33. Subsequently, as Child Protection changed, Procedure B was implemented and this related to the employment of all staff who would come into contact with children and not just teaching staff. In addition to Procedure A, a referral was made to the Scottish Criminal Records Office and covered convictions of all natures, not just those relating to sexual offences. This was valuable as one would not wish to see in a school someone convicted of serious crimes for example assault, drug taking or child sex abuse.
34. Finally Procedure C was implemented and the SCRO was replaced by Disclosure Scotland.
35. Unless they had significant teaching experience all new teaching staff were employed with a probationary first term. The Governors were informed of all new appointments and they met them at next Governors' meeting.

#### **Training of staff**

36. All new members of staff had an appraisal at the end of their probationary term. Training was delegated to Head of Departments. With regard to personal development, there was discussion with member of staff at appraisal point or at the request of the individual. Various development courses including pastoral and academic were generally on offer from official outside bodies.

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

37. In addition to the appraisal which took place at the end of any probationary term, all teaching staff were appraised every two years. The Head of Department then presented this and discussed it with me and the Second Master and/or Director of Studies. The Second Master and the Director of Studies were separate appointments. In my time at the school the Second Masters were Brian Thompson, who is now deceased, and Ken Houston. The individual concerned then had short or

more detailed meeting, if needed, with me. A further meeting might be needed if there was unsatisfactory classroom control, late arrival in class, failure to prepare lessons failure to correct work or poor exam results. However, at any time when a concern about a teacher was raised, and from whatever quarter, then this was immediately investigated. If this related to poor teaching or academic results then I operated in conjunction with the Head of Department.

38. If it was more serious, for example conduct, I would act informing the Second Master about the issue. Then I would interview the individual concerned. In very serious matters, prior to action, I would consult with the Chairman of Governors. For example a senior member of staff with poor exam results who refused to accept the exam board's advice and a retraining course, prior to requirement to step down from the post. In all of the above cases the Chairman would also be informed and a record kept in the individual teacher's file.
39. Formal feedback was initially by the Head of Department who reported to me or my Deputy. Informal feedback came from parents, pupils, outside bodies or personal observation.
40. I would also be around the school and frequently entered a boarding house unannounced, including the junior house.

### **Living arrangements**

41. I lived with my wife and family in the Head's house on campus which was 75 yards away from the main building. My children did not attend Merchiston.
42. Initially some Housemasters lived in the Boarding Houses others in nearby on site houses. Undertutors lived in the Boarding Houses. Under restructuring, all Housemasters and families lived in purpose built accommodation in the Boarding Houses.

43. Boarding house staff, cleaning staff, medical staff, works staff plus outside bodies carrying out inspections, namely HMI, fire brigade, and I would have had access to the boarding departments. Other staff required permission from the Housemaster.

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

44. Merchiston in 1981, to my mind, and in common with many schools both day and boarding, state as well as private, had not made the transformation so clearly portrayed by John Rae in 'The Public Schools Revolution'. Pressure from parents, taken on board by my wife and me during my training time, demanded change and this was very much to the fore in Lord Robertson's mind. At the time Merchiston's reputation seemed to be that of a male orientated boarding school with a strong sporting tradition, notably in rugby. As outlined previously my aim, and with the full and active support of the Governors, was to create, together with my wife, a more homely, more caring, more family orientated school in which each individual could flourish in terms of personality and talents and to find or appoint staff to enable this. Two key appointments helped set the course. These were RM Ridley, who was Head of English, and later to become Head of Belfast Royal Academy and FM Hadden, who was Head of Sport and later became coach of the Scotland XV.
45. It is ironic that with the reduction of time spent on rugby and much more emphasis given to studies and the arts and with increasing achievements in academic results, music, drama, debating and technology our achievements in rugby grew even stronger. We sought to develop the family concept to embrace, in addition to the boys, all staff, both teaching and non-teaching, and actively encouraged parents to become involved in school activities, not least to join in our Sunday worship. Indeed many parents came to see the school as their church, and in turn the two successive and excellent Chaplains as their minister, in times of joy and in times of stress and sorrow.

46. As at Wellington College my wife and I had groups of boys into our home each week for a social which involved food, chat and party games. Likewise parents, visitors, senior pupils and staff were invited for coffee following the Church service.
47. Personal fagging, that is juniors for seniors, was not permitted in my time.

### **Discipline and punishment**

48. Corporal punishment was still in place in 1981. I amended this to, 'to be used only by the Housemaster' and, with my approval, for a serious matter such as bullying, theft or bringing alcohol into the school and selling it to others. A record was kept. However I soon reduced corporal punishment 'to be administered by the Head only' and again a record was kept. I felt that whilst there was a case for corporal punishment it should be seen and administered as a real deterrent; elevated therefore to be administered by the Head and very rarely. Soon afterwards I abolished corporal punishment completely.
49. Prefects were allowed to punish by setting extra jobs, for example, cleaning up an area of the Boarding House.
50. Several punishments were open to the teaching staff. All staff were aware of procedures. They could send pupils out of class, set extra work, set lines, set weekly detention, set weekly report cards, report to the Housemaster, and if necessary to the Head and drop from team or the school play etcetera. The same punishments were available to Housemasters but they could also remove privileges, for example, television, leave into town or weekend leave out. All punishments except minor, lines or extra work, were to be recorded in the boy's files with the Housemaster and major punishments in the boy's file held by the Head.
51. As the Head I could administer suspension and expulsion. Both of these were referred to the Chairman of Governors. Parents and all staff would be informed and a record was kept in the boy's file.

52. I have already referred to the blue Rule Book which I introduced and periodically revised. It attempted to make clear inter alia the standards accepted. The formal policy was reinforced and repeated at whole staff meetings, at Heads of Department meetings and at Housemasters' meetings. Every member of staff was expected to maintain and reinforce discipline and good conduct.
53. Discipline is best maintained through the respect pupils have for a teacher and a trust and belief in his or her fairness. Pupils will always try it on with a new teacher. Heads of Department, therefore, were to assist the teacher but ultimately teachers must off their own bat gain the confidence and respect of pupils.
54. Senior pupils had responsibility for ensuring the smooth day to day running within the school and the boarding house. As with a teacher they were expected to exercise authority by example and personality and to try and prevent crises. Importantly, they were to bring to attention to a member of staff by whatever means, informal or formal, anything which could damage any individual or the school in general. House Prefects reported to the Housemaster and Senior Prefects reported to the Housemaster plus the Head.
55. All pupils at end of Lower Sixth (SS) year spent four weeks as acting prefects, under the supervision of the Housemaster. They were then assessed as potential prefects and suitability for which age group house. All this was decided in a formal meeting between Head and Housemasters. The Head decided on the Captain and Vice-Captain of school. This was decided on personal qualities, leadership qualities, integrity, respect and care for the school and for others and being able to communicate personality and views.

#### **Day to day running of the school**

56. As Headmaster I was involved in the day to day running of the school. The day to day practice of this detailed above.

## **Concerns about the school**

### *External*

57. In 2013 I gave a statement to the police in the course of their Operation Yewtree Inquiry and following a complaint against James Rainy Brown received from a former pupil. The complaint concerned improper behaviour of showering and swimming naked with pupils. The school responded openly and all relevant files were seen or taken by the police. I was subsequently told that despite extensive 'trawling' by the police and considerable press coverage no one else made any complaint or accusation against James Rainy Brown or anyone else and the police regarded this as exceptional. Parents were informed by my successor of the police investigation.

### *Internal*

58. I was concerned separately, and at separate times, about the conduct of two members of the teaching staff. This concerned a potential indecent exposure and the possession of pornographic or child pornography material. Following, in one case, complaints from pupils both indirect and direct and, in the other case, a complaint from an outside source, I investigated both cases, interviewed individuals and consulted with the Chairman of Governors as per procedures detailed earlier. Both teachers left our employ. I do not wish to name the members of staff. They left Merchiston voluntarily and reference to them in the public domain could raise issues of wrongful dismissal or defamation. The files at Merchiston relating to these two teachers were examined by the police in the course of Operation Yewtree. It is my understanding that further investigations revealed nothing untoward.
59. The police have subsequently checked on the two individuals in their present employment and I was informed that no further concerns were expressed. In these cases parents were not informed as neither case, at that time, could be deemed suitable for prosecution and the school could have faced charges of wrongful

dismissal. These two individuals do not feature on names provided to me by the Inquiry.

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

60. The procedures were laid down in the Rule Book I introduced and sent with the joining papers to every new pupil. In effect, formal complaints generally came directly to me from pupil, parent, a member of staff, Governor, general public or anonymously. I operated an open door policy.
61. Informal complaints came mainly from boys usually via social evenings or anonymously, for example using the pupils' notice board
62. As explained above, a clear complaints procedure was laid down enabling any pupil, parent, member of staff to make a complaint formally and there were also many informal routes. I discussed all with the Chairman of Governors. As to be expected there were a number of formal complaints on a wide range of matters and there were also a number of informal complaints on a wide range of matters. All complaints were recorded in my file on the relevant teacher or boy. Serious complaints were reported to the full Board of Governors.

### **Trusted adult/confidante**

63. As well as the routes declared earlier, namely via teacher, Housemaster and myself, House matrons, particularly in junior house, and female members of staff were clear sources to take your troubles to. In the case of chaplain or medical staff, total confidence applied unless the problem presented a danger to any other individual or the school. This was clearly understood and was the route chosen by the boys with worries about home and school. I had meetings twice a week with medical staff and also with the chaplain. It was also made clear to all pupils, parents, and staff that

they could raise any complaint or concern directly with the board of governors. This happened on occasions but none concerned any form of abuse.

### **“Abuse”**

64. Abuse was defined as physical, mental or sexual. Physical was bullying, inflicting punishment with pain and destroying or harming prizes possessions. Mental was causing great anxiety or fear, major loss of confidence, destroying or belittling personality or causing unwarranted feelings of guilt. Sexual was sexual approach to or act with pupil both actual or inferred. The definition was communicated during whole staff, Housemaster and Head of Department meetings. My impression was that these definitions were generally understood pre 1981 and subsequently reinforced by me.

### **Child protection arrangements**

65. All staff were aware of school policies regarding the care and welfare of children. Immediate actions files were displayed in the staff room regarding fire, bomb and accident. The expected conduct of staff was made clear at appointment and during their probationary term. No specific guidelines were given regarding abuse except to require staff to report any disquiet or concern by whatever reporting route they wished, formal, or informal if more comfortable. Virtually any situation is open to misinterpretation but I found staff would react if really concerned.
66. New staff were vetted and there was appraisal and observation of all staff. The key factor was the known formal and informal reporting system. In my time the appointment of a Child Protection Officer was not common. The systems in place, detailed earlier, worked during my time in at least five cases of physical, mental or sexual abuse. These related to the two teachers previously mentioned, the two cases of mental abuse previously mentioned and a case where one pupil attempted

suicide in his room at school following the breakup of his parents' marriage of which he had been informed just prior to being brought back to school after leave out.

### **External monitoring**

67. The school had HMI inspections carried out in respect of the whole school, selective academic departments and welfare. The inspectors spoke with children both individually and in groups. Staff were generally not present when this occurred unless in classroom issues. The inspectors spoke to me and gave me feedback.

### **Record-keeping**

68. Detailed records were kept. The Housemasters kept a file on every boy. This was comprehensive and included home details, academic information, including four weekly report cards, interests, achievements, health issues, disciplinary matters and dealings with parents etcetera. Heads of Department and staff within departments kept records of performance, results and pupil confidence etcetera.
69. The Head kept a file on each pupil from entry to end of school career. This included end of term reports, involvement and dealings with parents, any confidential matter, any complaint or concern, achievements, serious disciplinary issues, CV and applications to University etcetera. The Head also kept a file on each teacher. I did not have any official handover from my predecessor.
70. Both sets of files were kept intact, on departure of boy or teacher, for a minimum of five years and stored so that reference could be made on any point mainly to provide references. The staff and boys' files were generally comprehensive. After five years the files were reduced to key details and stored.

### **Investigations into abuse – personal involvement**

71. Two instances of physical and mental abuse by a parent at home came to light. In one case the boy concerned confided in the chaplain and in the second case an elder brother hinted to me informally. Unfortunately both boys committed suicide at home.
72. There was an instance of a teacher being cruel to a pupil. He was constantly belittling the boy in front of the class. This came to light as the result of a report to me by the Head of Department. For this and other reasons the teacher left our employ. I do not wish to name the teacher concerned, for the reasons previously stated.
73. There were two instances of mental abuse on pupils in the school by outside bodies. Surprisingly the abuse came from the legal departments of public bodies, in one case acquiescing in falsified evidence and a potential major miscarriage of justice. But for the informal intervention of another outside body it would be of no exaggeration to say that the boy concerned would have suffered mental torment for the rest of his life. In these cases the systems deployed worked. The details of this case are sensitive and I am only prepared to give details verbally and in total confidence.

### **Reports of abuse and civil claims**

74. I was involved in the case of James Rainy Brown which was investigated by the police in the course of Operation Yewtree. The findings of Operation Yewtree in relation to James Rainy Brown and in relation to the two teachers mentioned earlier were reviewed by the police under Operation Yewtree. These, surprisingly, do not feature in section 24. These investigations indicated that the school had handled all three cases responsibly and with the welfare of children clearly in mind.

75. What is interesting is the fact that Operation Yewtree in 2012/2013 and the subsequent suicide of James Rainy Brown, which attracted significant coverage in the media, did not elicit at that time any further complaints of historic abuse at Merchiston. In fact, as has been explained, there was only one complaint against James Rainy Brown and of improper behaviour. There was no accusation of sexual activity. It is surprising that allegations against a number of staff should surface now in 2019/2020.

#### **Police investigations/ criminal proceedings**

76. I became aware of a police investigation as a result of Operation Yewtree. I provided a statement to the police. I have never given evidence at a trial.

#### **Convicted abusers**

77. I do not know of any person who worked at the school who was convicted of the abuse of a child at the school.

#### **Specific alleged abusers**

78. I have amplified responses to specific questions with a general review of each individual which I hope will be helpful. As no indication is given of the nature of the alleged abuse or an approximate date I find it difficult to be more specific in some of my answers. Furthermore I wish to underline the fact that two of the accused are now dead, one in the course of Operation Yewtree, one of the accused is no longer resident in the UK and one of the accused, to the best of my recollection, was not a member of the teaching, pastoral or medical staff at Merchiston during my time and I am unaware if he was there in another capacity.

*James Rainy Brown*

79. He was on the staff when I arrived, as Housemaster of a very small junior house with pupils aged eight to twelve. He also taught junior science, namely Chemistry and Physics. He worked at Merchiston full time until 1997 and part time until circa 2007. I was told by the boys that he disciplined by sharp words, making them stand outside his study and await detention or by making them forego activities.
80. For educational and other purposes I quickly revised this age group to ages eleven and twelve as I did not feel that Merchiston was equipped to meet the needs of eight to ten year olds. Entry was therefore revised to eleven and twelve years old, fitting in with the Scottish and English systems.
81. In light of the changes in perception of boarding schools by parents with mothers, not fathers, deciding the school for their child, whilst recognising the clear talents of the three bachelor Housemasters, with younger boys, I felt it important for a more family regime to be introduced with more female staff mothers, with Accident and Emergency experience as nursing staff in the medical centre.
82. QZA [REDACTED] and John Gray readily embraced this change but James Rainy Brown, initially, less so. A reluctant convert to the new system, it has to be remembered that James Rainy Brown had been a pupil at Merchiston in the 1960s. Brought up in the old tradition he initially resented female involvement to ultimately accepting and welcoming females providing he approved of them. He rated highly his Housematron, Mrs Skinner, and the boys loved her too. Then Mrs Pat Wearmouth, the mother of four boys who had been at Merchiston, and my wife, Yvonne. James Rainy Brown was highly rated by all the mothers.
83. My concerns about James Rainy Brown were on the lines of a 'muscular Christianity' and Boys Own paper style. He encouraged adventurous activities and challenges with limited adult supervision and consequent risks. These would have been accepted and revered historically but were now seen as risky and hazardous. He felt

that life was challenging and you should be prepared to rise to a challenge. It will be seen from his file that issues on which he was taken to task, reprimanded or formally warned came into this category.

84. In some ways he was set in what he saw as a golden age, the fifties and the sixties, and wished to give those in his charge the benefits of that experience. He was a Mr Chips in many respects, an eccentric perhaps. He wished to protect the boys in a time capsule and give them challenges and a spirit of camaraderie and also develop self-reliance and independence. The following, now regarded as peculiar or deviant were, as I recollect myself at that time, not odd at all.
85. Swimming naked in a pool or lake used to be regarded as quite normal as in the novel by E M Forster- a Room with a View; not wearing underpants for sport or a jockstrap for those aged under sixteen. I did, however, have concerns that he could place himself in a situation very much open to misinterpretation. He normally wore a bow tie which was fashionable at the time but is now seen as affected.
86. He was always tempted to sail his own ship, following his own charts, and independent of the course or orders of the fleet. The admiral needed to signal him back into line. All this might make him sound like a Kurt Hahn (Gordonstoun) figure. In contrast and much less in the public eye he would be very understanding about boys' problems like homesickness, problems at school and problems at home. Undoubtedly he helped many boys through difficult periods of their lives.
87. As a classroom teacher he was not outstanding in junior sets. His great value and contribution lay outside the classroom as a Housemaster, rugby and athletics coaching, and camping. He pushed himself very hard, physically and mentally for what he considered important for the boys in his house, in the school as a whole and for Merchiston itself, setting himself high standards of dedication for the job.
88. At no time did I have concerns about the potential sexual abuse of children in the care of James Rainy Brown. In no case was there a hint of lewd comment, conduct or behaviour. Remember the constant consultation and vetting procedures and

information routes operating at the time and not least that my wife and I were seeing junior house boys on a very regular basis and in relaxed situation. Indeed the frequent mention of his name at such times did not elicit a glance, a moment of hesitation or a snigger.

89. I was anxious that his one man approach presented risks in the case of activities, camping and expeditions. I required him, via admonishment and formal letter, to have a second adult in tow. In fact, as numbers in the Junior House increased he came to realise that he could not do it all himself and he welcomed assistance and support.
90. If James Rainy Brown was a closet homosexual I am confident he made no sexual advances to any pupil and in this respect did not pose a risk to any child. Had I or the Governors thought otherwise then we would not have hesitated to remove him from the school.
91. At the start of the police inquiry James Rainy Brown took his own life and this featured prominently in the media. Despite this, no further allegations, other than the one case of improper behaviour, was forthcoming something the police themselves regarded as 'most surprising'. I find it odd, therefore, that some four to five years afterwards some fresh allegation has been made when the opportunity was so open in 2012.
92. It is my belief that James Rainy Brown took his own life believing he had brought discredit upon the school he loved.
93. I was not consulted about how he would be treated by the school following his death and it is my understanding that there were a few strongly worded requests to the school that there should not be a memorial service. I know that a considerable number of former pupils expressed their wish for a service. I myself would have attended a service.

QZA

94. QZA was on the staff when I became Head. His employment coincided with the whole of my time at Merchiston. I saw him discipline twice and had feedback from the boys. He disciplined using daily report card, extra house duties, forego privileges or activities and detention.
95. He was a valued teacher and which had an age group of thirteen plus. This composed of, in the main, entrants from prep schools plus members of the junior school moving up into the main school. His was, therefore, a very important role and he enjoyed a very good rating inside and outside the school from parents and feeder schools.
96. I cannot recall exactly when he retired as a but he remained on the staff teaching and in a senior post under my successor until his full retirement. He was a traditionalist at heart but adaptable and was forward thinking in how a boarding house should operate, welcoming reforms introduced and recognising the need, where a bachelor Housemaster was involved, of having female and motherly figures actively involved in the life of the House.
97. He always came across as calm and collected and it has to be said that I never saw him lose his temper. He was firm in matters of discipline but not heavy handed with just the right amount of free rein for this particular age group and, in my experience, always scrupulously fair. Boys and parents were happy under his regime.
98. I had virtually no complaints from any source, save in relation to minor matters such as a parent complaining that leave had been cancelled as a punishment, no adverse feedback, hints or worries and I had every confidence in him. I am, therefore, very surprised to see his name mentioned in connection with the Inquiry.

DRW

99. DRW, an DRW, applied to the school as a student, supported by Edinburgh University, seeking to gain experience prior to taking up teaching. I took him on as a student helper. This was a scheme common in HMC schools to accommodate university students from overseas. His role was to assist the Housemaster in the boarding house, particularly with activities, plus school based activities and sports. I selected the Junior House and James Rainy Brown given DRW keen involvement in the Scripture Union. His outlook coincided very much with James Rainy Brown.
100. When his time was completed DRW departed and returned some time later, maybe 1994, on a short term contract. He was in his twenties by this stage. I knew him quite well. He taught junior and assisted in coaching in and I did not witness him disciplining children as his role was limited to responsibilities but he may have withdrawn privileges. In my time no complaints nor hints of any form of abuse were received either directly or via feedback.

DXP

101. I have already indicated the importance and value of the pastoral care given to pupils I was fortunate to employ in my time. The DXP was known to us from both his time on the staff at in Edinburgh, our contacts in the as well as a popular
102. On the retirement of I approached DXP who was then in Aberdeenshire and to the Gordon Schools in Huntly He was also very much involved in in the region.

103. I can't recall when he joined Merchiston but he lived on campus with his family. His employment coincided with mine for a period for approximately six years and he was about fifty years old.
104. His wife was a senior nurse in Edinburgh [REDACTED] In addition to his pastoral role as [REDACTED] he took on the [REDACTED] very successfully and enjoyed coaching [REDACTED] He was a most caring, sympathetic, affable man who was a very good listener. With children he was very sympathetic, did not look for failings and was ready to excuse. At times absent minded, he was much loved by the boys and all the staff both teaching and ancillary and their families. He also had quite a following among parents who came to him with their joys and problems.
105. He continued in post after my retirement until he himself retired, dying very soon afterwards. At no time did I receive any complaint, formal or informal, no hint from any source of anything odd. I am therefore very surprised not least that after many years of silence one or more allegations of some form of abuse should have surfaced not least given the publicity surrounding the suicide of James Rainy Brown, his well-publicised death and funeral.

QZL [REDACTED]

106. I have no recollection of anyone of this name being on the teaching staff of Merchiston during my time nor do the published registers containing staff lists show his name during this period either. I cannot recollect the name.


### **Helping the Inquiry**

107. I have endeavoured, without being made aware of the number, source, or nature of these allegations of abuse, to give a full and open response to the questions posed by the Inquiry on the basis of my knowledge of child abuse. As I do not know what

the allegations made against the individuals are I cannot comment on how the alleged abuses could have been detected or prevented.

108. There is no fool proof system to detect if a child is being abused at home or at school at the time it occurs. All I can be confident about is that I together with my colleagues and Governors were very mindful indeed of all aspects of child protection including physical, mental, sexual abuse both through formal policies and procedures and informal procedures some of which I suspect would not be permitted today. I would also, without the candidate's permission, approach any contacts I had who had personal knowledge of the candidate, outwith the two referees. Questions posed included personal habits including drink and drugs, sexual orientation and temperament.
109. Specifically, in addition to formal vetting procedures together with more informal procedures and feedback from other sources for example police, press, even gut feeling or intuition and a suspicious nature through my experience of Jimmy Saville I believe, nonetheless, that no system or procedures can guarantee total safety.
110. However I would wish to add the following which I hope will be regarded as helpful. As I have already stated no system is fool proof and I believe this to apply to Child Protection too. Therefore in addition to established vetting procedures one has to rely on matters which cannot be legislated among which I would see as valuable such as keeping an ear to the ground in respect of pupils, all staff, parents and outside sources for information, warnings or hints. Operating an open door policy which would be one route for whistleblowers and to try and secure the confidence of staff, pupils and parents.
111. Have key personnel to whom people will voice concerns, without wishing in the presence of the Head to point a finger, such as the chaplain, medical staff and even my wife. In my time all these were privy to confidences.
112. Unfortunately, to have a suspicious mind and to be prepared to think the unthinkable.

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

Signed..........

Dated.....04 December 2020.....