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Friday, 15 October 2021

(10.00 am)

LADY SMITH: Good morning. As Mr Brown said last night, we
have two witnesses giving evidence in person today and
I understand our first witness is ready and waiting.

MR BROWN: The first witness, my Lady, is Simon Reid.

LADY SMITH: Thank you.

Simon Reid (affirmed)

LADY SMITH: How would you like me to address you? I'm
happy to use Mr Reid or Simon; whichever you're
comfortable with.

A. Simon is good, thank you.

LADY SMITH: Thank you very much for that. I see you're
ready with your hands on the red file. It has your
statement in it and you'll probably be referred to that.
Your statement will also come up on the screen --

A. Good.

LADY SMITH: -- when we're looking at it so use either, or
neither, if that suits you best.

If you have any questions at any time, please don't
hesitate to ask me. It's very important that you're as
comfortable as you can be giving your evidence, so let
me know if there's any problem at all.

If you want a break at any time, that's fine as
well.

1 A. Good.

2 LADY SMITH: So just say, don't hold back.

3 A. Thank you.

4 LADY SMITH: I'll hand over to Mr Brown now, if that's all

5 right with you, and he'll explain what happens next.

6 A. No problem.

7 LADY SMITH: Mr Brown?

8 Questions from Mr Brown

9 MR BROWN: My Lady, thank you.

10 Simon, good morning.

11 A. Good morning.

12 Q. You've already had your hands on the red folder

13 containing your statement.

14 A. Yes.

15 Q. Could we just look at that briefly and for form's sake

16 I'll read the reference, which is WIT-1-000000558. This

17 is a statement that you obviously produced for the

18 Inquiry, for which thanks. If we go to the last page,

19 23, we see that you signed it on 6 September 2020.

20 A. Yes.

21 Q. And under reference to paragraph 90, you have no

22 objection to it being published as part of the evidence

23 to the Inquiry and you believe the facts stated in this

24 witness statement are true, and obviously you produced

25 the statement and I think you were sent drafts to ensure

1 that you were happy with it and finally you signed it to
2 confirm that you were?

3 A. Correct.

4 Q. Thank you. As I think you understand, the statement is
5 in evidence so we don't have to touch on everything
6 you've talked about because it can be taken on board
7 again, for which thanks.

8 By way of background, however, you are someone who
9 comes originally from South Africa, but obviously came
10 to the UK, and as we see, having graduated in South
11 Africa, employment has always been in the UK, it would
12 appear, as a teacher?

13 A. Correct.

14 Q. In terms of your background in South Africa, we've
15 obviously been discussing and you confirmed that you
16 went, at least for part of your education, to a boarding
17 school there.

18 A. That's right.

19 Q. And, thinking back, it was a civilised place, the school
20 you went to?

21 A. Yes, it was. Yes, it was. I wasn't a boarder for most
22 of my schooling up to the age of about 14, I was at
23 a day school in Johannesburg and then chose -- I think
24 I was the person who chose, my parents agreed to send me
25 to a boarding school in what was then Natal, what is

1 currently KwaZulu-Natal. It was a civilised place.
2 I've touched on the headteacher there. I think he was
3 ahead of his time. I think that there are lots of views
4 about South African boys' schools, which this bucked the
5 trend on, and the head, I think in many respects, was
6 ahead of his time, and looking back, it was a happy time
7 and I don't remember any difficulties. You know,
8 I don't remember any bullying, I wasn't bullied. That
9 isn't to say there wasn't, but it wasn't an issue for us
10 and I sensed that there was a fabric network which would
11 catch us if there was any of that sort of difficulty.
12 Q. All right. And that's going back, presumably, to the
13 '70s?
14 A. Yes. I finished school in 1980.
15 Q. In terms of describing South African schools as having
16 a reputation, was that a reputation perhaps for
17 considerable focus on rugby, toughness?
18 A. Yes. I mean, a lot of the schools, if they were boys
19 only, there was a lot of rugby and that permeated the
20 culture to some extent. That isn't to say that every
21 school was uniformly macho, but that sort of atmosphere
22 is certainly something which one recognises being
23 a characteristic of them.
24 Q. But your school, because of the leadership of the
25 headmaster, the tone was more than that?

1 A. Correct, I think that's right.

2 Q. There presumably was some rugby and some toughness?

3 A. Yeah.

4 Q. But on top what was there?

5 A. I think back in the boarding houses, and perhaps

6 I should only speak about mine, as much as I can

7 remember, it was run by an enormously civilised family

8 man who cared about us and had a light touch way of

9 making sure that our behaviour was sensible. But it was

10 led by a head who had very clear ideas about how people

11 should behave and respond to each other and that

12 permeated down.

13 Q. Were rules clear?

14 A. Very.

15 Q. Were there published rules, do you remember?

16 A. Gosh, I'm not sure I remember. I just remember being

17 aware of them.

18 Q. It was understood?

19 A. It was understood.

20 Q. And presumably for transgressions, they were dealt with

21 effectively?

22 A. Yes.

23 Q. Did that experience -- you may think this is a very

24 stupid question -- guide you in the way you approached

25 your career?

1 A. I think it must have had an impact on that, but
2 I wouldn't diminish the importance of my own upbringing,
3 my own parents and the upbringing they gave me. But the
4 school influenced, I think, the way in which I viewed
5 teachers, and teaching was influenced by two people.

6 One was a houseparent and the other was the
7 headteacher, although it was probably more vicarious,
8 the influence from the head, because he was more
9 distant.

10 Q. Indeed. But you'd seen how a school could work well and
11 presumably in schools you then went into as a teacher
12 and in due course as a leader, you would have been
13 affected by that and would want to replicate what you
14 knew worked?

15 A. And what I knew didn't work. You know, this is not
16 uniform brilliance from that school and there are lots
17 of things that have changed since the 1980s even at that
18 school, I know.

19 Q. Of course, times do change, and what may have been
20 acceptable 20 years ago is now perhaps understood -- and
21 we can come onto this.

22 A. Corporal punishment was one.

23 Q. Yes, absolutely.

24 You're currently the headteacher and CEO of Christ's
25 Hospital, which is a boarding school, I think, of about

1 900 in the south of England?

2 A. That's right.

3 Q. And you'd worked previously there between -- sorry --

4 A. 1993 to 2004.

5 Q. So it's a school you knew. You then progressed to

6 Workshop College, where you were deputy headmaster from

7 2004 to 2011, and then obviously in the interim, between

8 2011 and 2017, you were the principal of Gordonstoun.

9 A. Correct.

10 Q. Just to be clear, were all the schools you worked in

11 boarding schools?

12 A. Brentwood, there was a boarding element but it was quite

13 a small part of the school. It was a day school

14 largely. Stowe was pretty much all boarding.

15 Christ's Hospital is almost entirely boarding. So with

16 the exception of Brentwood, yes.

17 Q. As well as being a teacher and a manager increasingly,

18 you have experience as a housemaster?

19 A. I do, at Christ's Hospital, for six years.

20 Q. For six years. Out of interest, for Christ's Hospital,

21 going back to the 1990s, did you receive training in

22 that, do you remember, or was it just assumed that you

23 would be able to do it?

24 A. I'm not conscious of there being any formal training.

25 Did I know how it should operate? Yes, because I had

1 a lot of experience of being an underhouseparent in
2 houses, but in terms of -- no, formal training, I don't
3 recall there being any, although I went on various HMC
4 courses, having become a houseparent.

5 Q. Thank you. That's headmaster's conference?

6 A. Correct, headmasters and mistresses conference.

7 Q. Yes, move from the 1980s, perhaps.

8 You then were headhunted, I think, as you reveal,
9 for Gordonstoun, who were obviously looking for
10 a successor to Mark Pyper. What did you know of
11 Gordonstoun before you got the job?

12 A. Well, interestingly, in my Higher Diploma in Education
13 in South Africa we covered some of the educational
14 theories of Kurt Hahn, so I understood it from that
15 perspective rather than from some of its illustrious
16 alumni, so I was already interested in what that was
17 saying. It was quite a dim memory, I have to say, when
18 I look back at it, but then in considering it more
19 seriously, was interested to know more and there was
20 nothing in knowing more about it that put me off, so on
21 the basis of that theoretical ethos-based education,
22 I was interested in what I might be able to offer there.

23 Q. And, having been at Gordonstoun for six years, have you
24 taken things from Gordonstoun to your present school?

25 A. Very much so.

1 Q. Such as?

2 A. Gordonstoun has something which, perfectly
3 understandably, almost no other school has, which is
4 a capacity and a history and a culture of committing
5 itself to expeditionary education. That's enormously
6 difficult in terms of resourcing and staffing. The two
7 things are the same thing, I suppose. And it's trying
8 to get that to emerge in any other school, which,
9 because of those reasons, makes it very, very difficult.
10 But it is already there, and that expeditionary
11 education, I think, will in the end, if governments find
12 the resources, be something which is replicated, I dare
13 say, time and time over, one day.

14 Q. And the benefit for children is what?

15 A. The crucible for learning out in the open is very well
16 documented, documented both poetically, and I'm thinking
17 specifically of the romantics, and specifically
18 Wordsworth, and the idea of their being placed in
19 contexts which are 95 per cent safe, but as far as
20 they're concerned probably far less than that, in other
21 words they feel the risk and need to learn risk
22 management. That educational context, what I call the
23 kind of crucible for learning, is -- I think are almost
24 unparalleled. And if you ask children at any stage
25 what are the skills which they need in education,

1 they're not, to be honest with you, going to be talking
2 about French, chemistry, physics, Latin and biology,
3 they will talk about probably having something like
4 a capacity to think well, and I can't think of any
5 context -- well, there are some, but I can't think of
6 many contexts in which teaching children how to think
7 well is more accentuated than by being out in the
8 mountains or the hills.

9 Q. Does that have a beneficial effect, do you think, in
10 relation to the sort of issues that we have been
11 interested in, which is children either not behaving
12 well to each other or being mistreated by adults?

13 A. I think that there are particular risks of that in
14 a school that puts so much emphasis on being isolated or
15 being away from others, but I did mention a moment ago
16 that quite a lot of what Gordonstoun does is to create
17 a fabric of apparent risk, when in fact risk assessment
18 and risk management has already been done, to make sure
19 that they aren't exposed. So, properly done, this is
20 not wildness, this is not looking for danger, this is
21 not exposing children to unnecessary risk; it's managed
22 context in which risk is brought to them in a way which
23 means that they will benefit from it, I think, for
24 a lifetime.

25 Q. And presumably that outdoor risk management and control

1 is something that would mirror what should be in place
2 within the school?

3 A. Yes. I think it's worth my saying that there's a lot of
4 talk about or there's a lot of writing, and some of it
5 loose, about Gordonstoun's being a place in which
6 there's real sort of physical hardship, and I've just
7 explained the ways in which so-called physical hardship
8 can be beneficial. But let's understand this really
9 well, in the way in which I think that this has
10 philosophical and educational power, is that when you're
11 out in the mountains -- on the mountains or it could be
12 something far less grand than out in the mountains, it
13 may simply be going for a run, there are benefits there
14 of making sure you stick at it. Resilience, endurance
15 and so on. I won't bore everybody with going through
16 all of that, those benefits of that sort of education.
17 But when you get back to the house, when you get back to
18 where you are at home, albeit a home from home, that
19 needs to be soft, it needs to be sensitive, and all the
20 qualities of kindness need to be brought to bear in that
21 environment.

22 Q. When you arrived at Gordonstoun in 2011, was that the
23 culture you found?

24 A. It was, largely, yes.

25 Q. But did you understand that your predecessor had taken

1 over a school 20-plus years before which was perhaps not
2 as kind and as soft as the ideal you would desire?

3 A. I wasn't aware of it, actually. I perhaps should have
4 done my homework better. Because what I inherited was
5 not even the remnants of that. I think it was a school
6 which was -- there were things that we may want to
7 discuss, and I've touched on already, but there were
8 things that I wanted to look at and change, but on the
9 whole, in terms of child being at the centre of the
10 education, I thought that Gordonstoun was already in
11 pretty good shape in 2011.

12 Q. And that idea of the child being the centre of things,
13 was that something that stemmed from South Africa or is
14 it something that you built up over your years of
15 experience as a teacher and assistant head and so forth?

16 A. Probably a bit of all of those things, but I'm not
17 quite -- I'm not sure how education can operate without
18 that, to be honest with you. I'm not sure what
19 education isn't if the child isn't the centre of it.

20 Q. Okay. We will come onto these particular aspects
21 because I think, putting it in summary, because of
22 publications in the press and also the publication of
23 Stiff Upper Lip by Alex Renton, you discovered, I think,
24 because you were contacted by former pupils, that
25 Gordonstoun of the past, perhaps '70s, '80s, '60s even,

1 had been anything but the soft, kind home that you
2 espouse. Is that fair?

3 A. It is.

4 Q. And you had to spend quite a lot of time trying to deal
5 with people who were clearly very harmed?

6 A. Absolutely. I mean, the person who was appointed to
7 really work with me and admissions in managing what is
8 always an interest and a concern at Gordonstoun, making
9 sure that the place was full, the person appointed to
10 that was in post for I think it was three months or not
11 even, maybe one month, and her whole job became
12 management of this and the school's response to the
13 needs of people who were reporting, disclosing things.

14 Q. And again, reading matters short because we have
15 obviously copies of the various letters that you were
16 sending out to the entire Old Gordonstounian world were
17 alerting them to the fact that things were being said,
18 people were being prosecuted, and asking them to make
19 contact with you if they wanted to?

20 A. I think our response was characterised by, I dare say,
21 complete openness. If there is evidence of our not
22 having been open, then I regret it and apologise to
23 anybody who felt that perhaps we had not been open. But
24 our intention and our hope was to be as open as
25 possible, combined with making sure that there was

1 a process which they could use for not appealing to the
2 school but going to the police and others for -- to just
3 take the matter forward, and also, as much as we were
4 able, a process whereby we could support them more
5 directly.

6 Q. Again --

7 A. Three parts.

8 Q. -- we'll turn to that. But thinking back to 2011,
9 you've said that the school you inherited was in
10 essentially good shape, but there were some things you
11 wanted to change. Do you remember what you felt
12 required to be changed in terms of thinking perhaps of
13 pastoral child protection?

14 A. Yes. I perhaps was -- overemphasised the importance at
15 the time of some things were characteristics which
16 I think put the children in a position where they may
17 have left the school with a strong reliance on or
18 a reliance on alcohol. You know, it's possible to
19 isolate that and feel that alcohol is unlinked to care
20 for children while -- I mean, obviously it isn't, it is
21 quite close to that, so without being sanctimonious or
22 judgemental, you know, I think every head that takes
23 over from his or her predecessor is going to face things
24 that need to be changed and the alcohol access that
25 children had at the school, I with others, I wasn't the

1 only one, changed. Not beyond recognition, but we just
2 managed much more carefully.

3 Q. We've heard already from Diana Monteith about
4 restricting the amount of alcohol that was available and
5 we've heard that that met with perhaps inevitable
6 resistance from the student body.

7 A. Mm.

8 Q. But did you see that bearing fruit in terms of conduct?

9 A. Yes, I did. I mean, I -- apart from the feeling from
10 staff and pupils that it was more cared for, albeit
11 perhaps uncomfortable for some of the people who were
12 just behind those who had enjoyed lots and then didn't
13 have much, I think that the atmosphere in the school was
14 more managed and the staff felt more comfortable with
15 what was going on in terms of the children's -- how the
16 children -- what state the children returned to house
17 in, and I think that that was helpful for the school.

18 Q. I think it's fair to say from much of the documentation
19 alcohol seems to have played a part at Gordonstoun in
20 a way that it may not have played in other schools,
21 other boarding schools -- or am I wrong about that?

22 A. I think -- I think every school up and down the land has
23 this issue of dealing with the young people managing
24 their introduction to or how they develop in terms of
25 alcohol. I don't think it's exclusively Gordonstoun.

1 I really don't. It's certainly not the only school that
2 had a sixth form -- a sixth form having formal access to
3 alcohol. There are many that are still there now and
4 I dare say that part of our educational responsibility
5 is to bring them into a culture which nationally is very
6 accepting of alcohol. I don't make any judgement of
7 that, but that's part of our educational purpose.

8 Q. One of the things you touched on is in a school,
9 obviously, as children progress up the school they have
10 seen what their seniors can and can't do and there is
11 an expectation that in due course they will be able to
12 do it. We've heard obviously in terms of discipline
13 going back well before your time that harsh discipline
14 by seniors on juniors, those juniors in due course
15 expected to be able to use the same powers. That was
16 something that was changed, I think in many ways by your
17 predecessor in terms of discipline and sanction, but in
18 terms of changing the culture of alcohol, how long did
19 that take from change being decided upon by management
20 and being given effect to?

21 A. I think one -- I was there for a year, so I arrived
22 in April 2011 and we -- I can't remember whether we
23 changed it in for September 2011 or whether it
24 was September 2012, but from decision to implementation
25 was one academic year. It was one -- you know, we did

1 it for one academic year and all the things we put in
2 place and the areas where we thought this was important,
3 it was changed relatively quickly.

4 Q. And in terms of acceptance by the school body? How long
5 did the resistance last?

6 A. Ah, it was more vocal than lengthy. It was noisy, you
7 know. And perhaps I'm impressed by the noisiness of it
8 [REDACTED], so it was an interesting
9 moment, [REDACTED] professionally.

10 Q. Yes, you were getting it from all directions?

11 A. Absolutely.

12 Q. But it's just presumably there was discussion and open
13 discussion with the student body, an explanation as to
14 why you were doing it?

15 A. Yes.

16 Q. Rather than simple enforcement?

17 A. Absolutely. I think it's important -- I mean, dare
18 I say we're spending quite a lot of time on alcohol and
19 it is just one part of the school, but I think it was
20 important that the school understood that something like
21 that, where behaviour could be loosened, this -- that,
22 one, we weren't trying to clamp down on all individual
23 behaviour and idiosyncrasy, but two, that structures
24 were in place to make sure that even if children felt
25 that they had a right to something, they weren't

1 necessarily going to get it. I think that culturally
2 that was, one, really important, but also really
3 supportive for them. And I think the quieter ones, the
4 less vocal ones, perhaps the ones who didn't drink quite
5 so much, were aware of that, even if not consciously.

6 Q. Looking at the structures of the school more broadly,
7 obviously you talk about the governance, and governance,
8 I think in your period, changed in some degrees,
9 particularly in relation to child protection. Did you
10 feel that there had to be a specific governor
11 responsible for child protection?

12 A. I wasn't -- I wasn't contradicted on that, and to some
13 extent I suspect moving from England and also because it
14 was my first headship, I wasn't sure what the framework
15 should be at a sort of legislative level. And so I was
16 content with the argument that it was every governor's
17 responsibility and did as much -- I think I've said in
18 my statement, as much as you gave that responsibility to
19 one person, it might be that the others think it isn't
20 theirs and it was so central to what we were trying to
21 achieve and what we were doing that to do that would be
22 wrong. However, I think it was more emphatically the
23 case that there needed to be a governor by the time that
24 I had left, and so I think in the second- or third-last
25 year of my being at the school, there was one person who

1 was responsible for that, who took particular care with
2 that area and visited the school explicitly in order to
3 monitor, to govern that area of the school.

4 Q. And presumably was appointed because they had the
5 relevant expertise?

6 A. Yes, yes. I don't remember what the expertise was, but
7 there was -- that person, we believed, understood the
8 school, knew about -- in terms of her background,
9 I can't remember what it was, but knew about boarding
10 and how boarding particularly would need to have this
11 particular area focused upon. So I don't know whether
12 that was qualification, but certainly a significant
13 interest in and preparedness for it.

14 Q. Yes. But you were clearly concerned, is the risk of
15 assumption, if everyone's responsible for it, it's
16 assumed it will happen but there's no actual oversight
17 and you require someone to oversee specifically?

18 A. I think there's a thin line drawn between if you give it
19 to one person and the others don't think they're
20 responsible for it, and one person -- sorry, so one
21 person having it and then the others don't take the
22 responsibility, or having everybody take responsibility
23 and then it falls between stalls.

24 Q. Yes.

25 A. You know, that's a fine judgement.

1 Q. And the best way to resolve that fine judgement?

2 A. I think it is to have one person who is in charge.

3 Q. All right.

4 A. Largely practical, because you can't have all board

5 members -- or in my present current school, council

6 members -- come to the school on a regular basis to

7 visit houses. So to have one person perform those

8 fairly functional things, but nevertheless it's really

9 important, it makes sense.

10 LADY SMITH: So is it then the responsibility of that

11 governor to ensure that other governors are informed

12 about child protection matters, are educated about child

13 protection matters?

14 A. Yes.

15 LADY SMITH: And to work out a way of doing that

16 effectively, whether through committees or at full board

17 meetings or both or some other way?

18 A. It's definitely the case that everybody has

19 a responsibility for this area, even if the name is

20 given to one person and their responsibility is quite

21 clearly to make sure that the board is fully up to date

22 with that, so the relationship between the person in

23 charge of child protection at the school and the

24 chairman of the board is really important, and that

25 connection is vital. And I suspect if it doesn't

1 operate well, then that's a problem.

2 LADY SMITH: Mr Brown.

3 MR BROWN: Thank you.

4 What about board appraisal? Teacher appraisal is
5 a growing or something that has grown over, presumably,
6 your career, it's become much more serious and involved.
7 Have you seen the same at board level?

8 A. I know that the school passed on to the chairman of the
9 board of governors various courses which there were --
10 various conferences which there were to deal with
11 governance and I know that some governors went on those
12 and it was certainly something that would have been on
13 the agenda in meetings, if not formally, certainly
14 informally, to discuss who had done what most recently.

15 So I think that to say that it was -- the training
16 was a formal part of what happened, becoming a governor
17 at Gordonstoun, I wasn't aware of it, but there was
18 quite a lot of that passing things on and making sure
19 that some went on the various courses throughout my
20 time.

21 Q. Is that something you've seen replicated in your current
22 school?

23 A. Yes.

24 Q. That is now the norm?

25 A. It is, it is, absolutely. I mean, there is a -- I think

1 the induction of governors to schools is arguably even
2 more important than the training which takes place
3 afterwards, because the realisation, one, that they are
4 trustees, and, secondly, that whilst their time is given
5 voluntarily and that is their charitable aim, actually
6 the responsibilities on an ongoing basis are such that
7 they really need to understand that at the induction
8 time. I have to say, I'm a governor at a school in
9 England and I took it on with great hesitation because
10 of that -- not the trusteeship side of it, not the legal
11 side of it so much as just the time commitment and also
12 the training side.

13 So I think it's a rather long way of answering your
14 question, which is to say it is far more the case now,
15 but then in fairness to the governors at Gordonstoun,
16 I wasn't a governor there, I was the headteacher, so it
17 may have been happening more than I know.

18 Q. But what you can say perhaps, forgetting Gordonstoun as
19 an individual school, is governance has changed
20 radically --

21 A. It has.

22 Q. -- over your career from perhaps the cosy governance
23 where actually what was involved was occasional meetings
24 and perhaps greater sociability and connection as an old
25 boy of the school to something which is actually more

1 professional and serious?

2 A. I think that the state sector has a great deal to offer
3 the independent sector on that front. Perhaps less so
4 now, but certainly when I was a governor at a primary
5 school in England when I was at Christ's Hospital first,
6 I was -- the statutory requirements for governance there
7 were far more in your face than they ever have been,
8 even now, where I'm a governor at a fairly major
9 independent school in London.

10 Q. So is there more to do?

11 A. Yes.

12 Q. And just to be explicit, what would you change then?

13 A. I've mentioned about the induction process, which as it
14 happens in the school where I'm a governor is quite
15 strong, but I think it was interesting, and that's
16 always the reason why you become a governor, or part of
17 the reason, is you learn from other schools, is that the
18 induction process for governance at my current school is
19 being built as we speak and it's not there as it should
20 be, so we will have that. And nobody's arguing with it,
21 we've just got to do it.

22 LADY SMITH: Just going back to the idea of appraisal of
23 governors, I think we rather quickly moved into courses,
24 induction, which are important topics, do you see there
25 being any value in annual appraisal of governors? And

1 if so, how is it best done?

2 A. So the answer is yes, I do think it's important. At
3 governance level, I think the crucial person here is the
4 chairman of the board of governors and I don't think
5 it's dissimilar to the way in which you would manage
6 your senior appraisals, to be honest with you, of staff
7 members. And, you know, call it 360 if you will, it
8 needs to be quite clear that at the end of the day if
9 somebody is losing interest or shows signs of it or
10 isn't fully aware of what the responsibilities are as
11 governors, then things need to change. And if somebody
12 has come in who sees that their role is peripheral as
13 a governor or largely that they're doing it out of the
14 generosity of their hearts, and you need a bit of that
15 too, rather than understanding fully what is involved in
16 that governorship, then it might be, given that they are
17 peripheral, that it has to change and move and they are
18 no longer governors.

19 So yes, appraisal does need to be there. I'm not
20 convinced, I don't know what Gordonstoun is like now,
21 but I'm not convinced in my own school that appraisal is
22 what it should be, and at the moment it's changing. So
23 along with the induction, the whole appraisal process at
24 my current school is something which we're looking at
25 very carefully.

1 LADY SMITH: Thank you.

2 MR BROWN: I was coming onto appraisal of teachers and was
3 then going to look back to governors to see whether what
4 is in place for teachers actually would work for
5 governors. You've touched on that in terms of the
6 senior management types of appraisal, but more broadly,
7 if we look at paragraph 22 and page 7 of your statement,
8 you talk about the change in the appraisal system that
9 took place when you were at Gordonstoun. There was
10 greater oversight, essentially, by you as principal.

11 A. There was. And in this respect, and it's quite
12 specific, and again, you know, the changes in terms of
13 my suggesting that they are far more rigorous and far
14 better and structurally far more reasoned, that may
15 sound a little presumptuous. I think that really in
16 a specific sense it changed and that was in any
17 interview that I conducted or any process which we
18 managed in terms of appraisal, it was with somebody from
19 HR or somebody else managing it alongside me so that it
20 was more three-dimensional, if not completely so. So
21 that specific change is something which I think
22 carries -- it also concluded with me having an interview
23 with everybody. I think I've mentioned in my statement
24 that -- not the -- some of the support staff, and that
25 was taken care of by the finance director, deputed to

1 him, but the -- it wasn't him, by the way, so that's why
2 I say that. That process involved my concluding every
3 appraisal with that person, which was both
4 an opportunity to encourage development at the same time
5 as make sure that the job -- making sure that the job
6 was done.

7 Q. And that's perhaps a very interesting point. It's not
8 just assessment that things are okay, it's to progress
9 things as well?

10 A. For them, too.

11 Q. It's growth?

12 A. Absolutely.

13 Q. And I think we've talked in previous hearings about
14 a growth mindset. Is that what you're --

15 A. Yes, I mean --

16 Q. -- seeking?

17 A. Yes, I mean, call it a growth mindset, it's quite
18 a formal way of saying what is fairly -- what I regard
19 as being absolutely natural, which is if you have
20 a whole group of people, they're not going to be very
21 different from me in that respect, is that there needs
22 to be professional development. But it's not just
23 professional development and getting ahead and promotion
24 and so on. It's also about making sure that there's
25 an opportunity for me to say where I think there are

1 deficiencies or in taking them on in their career,
2 saying I think that this gap needs to be filled if you
3 want to be getting jobs elsewhere or indeed promoting
4 within the school.

5 Q. But looking at the last three lines of paragraph 22 and
6 thinking of our purposes:

7 "In the course of the appraisal, the questions
8 raised at appraisal there was an opportunity to assess
9 an individuals' commitment to and understanding of
10 safeguarding practices and culture."

11 Is that something that has grown massively over your
12 time, the focus on that in terms of appraisal?

13 A. I think that the ways in which it's developed have
14 changed and become more efficient. There are fewer ways
15 in which you may get round it. I wouldn't say that it
16 has been accentuated any more than when I was there in
17 2011 through to 2017 and certainly not now. I think the
18 machinery of managing safeguarding has always been
19 strong, actually, and perhaps we're going to get onto
20 this and I don't want to move on too quickly, but the --
21 you know, GIRFEC and SHANARRI, that created a really
22 helpful framework for us. I'm sure it has all sorts of
23 faults, I can't immediately think of them, because time
24 and time again one felt that that was a structural --
25 that was a framework which we could use for absolutely

1 insisting upon certain standards in terms of training,
2 in terms of conduct for staff and for pupils.

3 Q. But before we leave appraisal, just to be clear, the
4 sort of things you're talking about in terms of
5 safeguarding practices and culture, that presumably
6 would be a benefit at board level as well as teachers?

7 A. Yes, I agree with that.

8 Q. Thank you. You introduced the structures introduced by
9 the state, GIRFEC. You said -- and I'm sorry, I'm going
10 to be unhelpful, you said, "I'm sure there are
11 criticisms but I can't think of any".

12 A. I mean, I -- at the end of the day you can have the best
13 structure in the world. If you haven't got the people
14 with the will to get on with it or indeed that you are
15 still exposed to the very fine line judgements which you
16 make about what needs to be disclosed and what doesn't,
17 and it's -- so I would suggest possibly that it's in
18 those two areas. One is the will to do something, even
19 if the systems are really good, and the other is trying
20 to make the right judgement about whether something
21 should be reported or whether it warrants this or that
22 response, and those two areas would probably mean --
23 lead to saying: are we getting our teeth into those
24 areas enough at a structural level, in other words
25 a legislative level? But that's more an observation

1 about applying what GIRFEC and SHANARRI, which emerges
2 from it, are trying to do than from the actual system
3 itself.

4 Q. All right.

5 A. It was very, very helpful, I have to say. You know,
6 it -- you know, other nations could pick up this one
7 very happily.

8 LADY SMITH: What essentially was helpful about it? It
9 can't simply have been a matter of coming up with some
10 clever acronyms. What was it?

11 A. No, but the acronyms -- you know, sitting behind the
12 acronyms were words, which have to do with happiness and
13 exercise and resilience and respectability and respect.
14 So, you know, I'm not an acronym person either, frankly,
15 I think that acronyms are -- what sits behind them is
16 much more important. So what about SHANARRI wheels and
17 GIRFEC? The point about this is that I think
18 98 per cent of people, teachers, are civilised. There
19 needs to be something, there needs to be a net which
20 catches the 1 or 2 per cent, and that wasn't there, and
21 I've been dealing with this in my current school, so
22 I went from Gordonstoun to my current school and
23 Gordonstoun isn't by itself in dealing with non-recent
24 abuse by any means. And what you need is a structural
25 barrier to stop the bad 'uns, the 1 or 2 per cent,

1 getting through, which I think old systems didn't have,
2 and GIRFEC and SHANARRI wheel, fancy acronyms, but what
3 that does is to create a structure, a hurdle, which
4 a determined person -- what I've rather loosely called
5 a bad 'un -- getting through to the children.

6 LADY SMITH: Mr Brown.

7 MR BROWN: My Lady.

8 You talked about the two concerns. One is the will
9 to make it work. Presumably that will be the will in
10 a given school, the leadership, the management
11 structure, how policy is implemented, so are we back to
12 the necessity of having proper oversight from a board
13 and, to continue your good 'un/bad 'un, good 'uns at the
14 top to ensure that it works or are there other things
15 that one can do?

16 A. You know, it does come down to will, but GIRFEC and
17 those structures are not the only ones, there's also
18 an inspectorate. So if things are not right in
19 a school, it will show, and there are the implements of
20 inspectorate evidence, so speaking to teachers, most
21 importantly speaking to pupils, that would come out in
22 an inspection, and I think an inspection is a very, very
23 powerful and useful tool. It isn't absolutely
24 everything, but it certainly does a very good job of
25 making sure that the will has to be there, and I think

1 that that is also one of the instruments which are in
2 place in Scotland, and they are in England as well.

3 Q. One of the senses that we may have had, including your
4 predecessor yesterday, is an enthusiasm for inspection
5 at times because the inspectors see other schools, can
6 see how your school is not performing as well as others,
7 sharing openly information, but candour from the school
8 that's being inspected to say, "We may not be getting
9 things right". I take it you would agree with that?

10 A. Yes.

11 Q. Have you seen the flipside of that, though, where the
12 importance of getting good results to share with the
13 parents can perhaps be given undue importance? What
14 matters is the result rather than perhaps the lessons to
15 be learned?

16 A. I think given the fact that the inspectorate in
17 Scotland -- I think in Scotland still, it was then --
18 being focused so much on pupil evidence, you know, that
19 is going to snarl up the works of a school that is not
20 right. And so there won't be the headline grabber for
21 parents if that isn't in place. So I'm reasonably
22 confident, actually, that -- so you've asked the
23 question: can you think of an example, have you
24 experience where a school seems to be more interested in
25 the headline, the parental grabber, the headline

1 grabber? No, I don't think I have. But my gosh, it's
2 important that your parents know that you're looking
3 after their children. So if there is evidence that you
4 are rather well then I wouldn't stop proclaiming that,
5 whatever school I was in.

6 Q. Okay. You've talked positively about GIRFEC and
7 SHANARRI as being good ideas. Just as a comparator,
8 because I'll ask you to look at other comparators, the
9 current system in England, is that --

10 A. It's very similar. I don't think it has anything quite
11 as -- well, it doesn't, as quite as resident as those
12 acronyms, and perhaps that's the purpose of an acronym,
13 but we are managed and governed happily by very similar
14 interests in putting the child first.

15 Q. The second concern you had, though, was about reporting
16 and how one does it, when one does it. Is that what you
17 were talking about?

18 A. Yes. Just the fine line that there is always about
19 whether you are going to take what you are dealing with
20 in front of you and report it on, and there were some
21 things which are obvious in the realm of child
22 protection and it's not -- doesn't -- there's no
23 difficulty there. But there are some things which
24 you're dealing with and there are hundreds of
25 disciplinary matters, some of which I know that you've

1 seen, where you are trying to make a decision about
2 whether this warrants taking on to somebody outside the
3 school. I think if there's anything where, if I were
4 asked and I probably will be, you know, looking back at
5 things, would -- how would you have dealt with all the
6 things that you dealt with, I suspect if there was any
7 doubt, I would report it. Whereas I think I allowed my
8 judgement about these things to intrude sometimes where
9 actually there was probably a more hard and fast rule:
10 if in doubt, report it. You know, I can see that that's
11 something which I've grown in as a headteacher.

12 Q. When has that growth taken place? Post Gordonstoun,
13 during Gordonstoun?

14 A. Both.

15 Q. It's a constant --

16 A. Very much so.

17 Q. -- growth presumably?

18 A. I mean I think -- we're talking about growth of
19 children, growth -- you know, headteachers grow too and
20 you learn, and you become more refined in your
21 judgements and sometimes less refined because what you
22 do is if you're in doubt, refer it.

23 Q. There's two sides, of course, to referral. One, you
24 have to decide whether you do, and I think you're clear
25 that if there's any doubt, you should report. There's

1 then the practical difficulty of perhaps to whom you
2 report, and we've heard evidence of that in a number of
3 areas. Practically thinking back to the Gordonstoun
4 period, an obvious point of reporting would be the
5 police, as necessary.

6 A. (Witness nods).

7 Q. And presumably in your time at Gordonstoun initially, it
8 was pretty straightforward because you would report to
9 the local police, I would understand, with whom you had
10 contact.

11 A. (Witness nods).

12 Q. Just as you would have had contact with the Local
13 Authority?

14 A. (Witness nods).

15 Q. Did that become more difficult as time went on because
16 the police were centralised?

17 A. I wasn't aware of the centralisation of the police being
18 an influence. It may have been what sat behind the fact
19 that there was one point where we had a liaison with
20 somebody who then moved on or wasn't there anymore, and
21 so the advisory element of it -- this is not just
22 a person to whom you reported things, but also from whom
23 you could gain advice, that facility I think was less
24 notable in the last couple of years than in the first.
25 I mean, I'm literally talking about somebody who moved

1 on, who was promoted, a very, very impressive person who
2 we could gain advice from. This wasn't to kind of
3 soften them up and make a cosy relationship. I don't
4 think this person would ever have allowed us to do that.
5 But it was a way of gaining advice about issues so that
6 we could refine our judgements in terms of reporting.

7 But there were some cases, I can't remember exactly
8 what it was, but there was a case where we talked to
9 this person and they basically said, "Report it", so we
10 reported it. It was pretty cut and dried. So if there
11 was something which was more obvious than we thought it
12 was, we had somebody who could say so. It was very
13 useful.

14 Q. From the head's point of view, it was useful to have
15 a sounding board?

16 A. It was. I mean, I think that that's something I've been
17 struck by even going back 25 years to being
18 a houseparent and even maybe before, is why isn't there
19 a facility for testing out -- gaining advice, basically.
20 I can't really put it any more usefully than that.
21 Gaining advice from somebody who is removed from the
22 school, who is a third party who is independent.
23 I think that that's a very helpful arrangement.

24 Q. And did you ever have that in Scotland?

25 A. Well, as I say, with this -- I can't remember his

1 position entirely, but he was part of the police force,
2 he was a kind of liaison person, so yes for a period.
3 But that person then moved on and the relationship then
4 was not repeated or not reproduced.

5 LADY SMITH: Where was he based?

6 A. I think he was in Lossiemouth.

7 LADY SMITH: So that wasn't far away from you?

8 A. No, no, it was helpful.

9 MR BROWN: But it was someone, a local police officer?

10 A. It was.

11 Q. Who perhaps understood where you were, what you were
12 dealing with?

13 A. But I understand as a downside of that, of course, is
14 that it becomes too cosy, and part of the business of
15 having third-party independent judgement is that it is
16 precisely that, and if the person is -- you know, there
17 was criticism, I think, at the time when we appointed
18 a counsellor at Gordonstoun and a question came through,
19 I can't remember in what context, but it was certainly
20 at the point at which we had the -- in which we were
21 dealing with non-recent abuse: "We can't go the
22 counsellor, they're paid by you". Well, yes, but that's
23 who we had for the children, so if you'd like to make
24 use of that person -- and they are entirely -- I never
25 saw a note from the counsellor. She was entirely

1 separate from the school in that respect.

2 Q. Tensions about the perception of closeness as between
3 the counsellor and the school, just to confirm, because
4 we heard this from Diana Monteith, the counsellor was
5 entirely confidential?

6 A. Yes, had to be.

7 Q. What pupils shared with the counsellor stayed with the
8 counsellor, wouldn't go back to the school and wouldn't
9 go back to the parents?

10 A. Absolutely. I mean, she was bound to do that
11 professionally. I think there were times when it really
12 became quite tense, that, because there were some things
13 that we felt that we needed to know and could not, and
14 I think that put her under a lot of pressure, which was
15 probably unfair of me, but, you know, you're making
16 judgements about what is appropriate for what you need
17 to know, and that is almost invariably going to mean
18 that somebody in her position is in conflict with you.
19 But it was a very understanding conflict, I have to say.
20 It was one in which we -- we appointed her to that
21 position knowing that that conflict may emerge, but it
22 was really useful to have her.

23 LADY SMITH: Well, the conflict, of course, may be between
24 you wanting to know but the pupil not wanting anyone
25 other than the counsellor to know.

1 A. Absolutely.

2 LADY SMITH: Which then takes you back, does it not, to the

3 professionalism of the counsellor to talk to the young

4 person about giving their consent for restrictive

5 disclosure if the counsellor believes that's the right

6 thing for the child?

7 A. (Witness nods).

8 LADY SMITH: But always going with what the child wants --

9 A. Back to the child.

10 LADY SMITH: -- and if you don't have the child's consent,

11 you don't tell, other than in protecting serious harm,

12 from serious harm or protecting life.

13 A. Yes. But having somebody who -- I come back to this

14 point. You know, I don't think it's -- I'm not sure

15 it's useful for me to mention the Local Authority

16 Designated Officer, the LADO.

17 MR BROWN: I was just about to come to that.

18 LADY SMITH: I think I'd find it very useful because we've

19 heard something about that.

20 A. I was going to say -- okay, so we have that in England

21 and we're using that the whole time at Christ's

22 Hospital. It does make a difference, but there are

23 still questions being asked, both on the ground and

24 academically, about the independence of those people and

25 the extent to which you're relying on the LADO to make

1 a judgement pre-report. That is still controversial,
2 and I kind of get that and that depends on the quality
3 of the LADO. It is very helpful.

4 MR BROWN: Have you had experience of LADOs beyond Christ's
5 Hospital?

6 A. Yes, at Worksop College.

7 Q. It's just that there is reliance on who you're dealing
8 with. Presumably you may have a very, very sound,
9 strong LADO, or you may have one who is less so. Have
10 you seen that in operation?

11 A. Yes, I have, and at Worksop College the LADO was quite
12 determined that the slightly less formal advisory role
13 was not hers. And that was unhelpful.

14 Q. Yes, you want someone who can give --

15 A. Just to start with at the end of the day there needs to
16 be trust. This is not a school that's going to corner
17 the LADO with selective information so that something
18 can be hushed up. That's not the purpose of it. It's
19 just to get an idea of the sort of terrain you're
20 occupying with this issue in relation not just to her
21 experience of what's happening at your school but what
22 he or she knows is going on right across the board in
23 all sorts of other schools, including state schools, and
24 that's really, really valuable, that's gold dust.

25 Q. So it's the ability to be open and to share information

1 and to learn?

2 A. Absolutely.

3 Q. LADO is obviously a concept that does not exist in

4 Scotland.

5 A. It's interesting because, of course, I did describe the

6 liaison with the police liaison officer at Lossiemouth

7 and that is exactly what he was doing.

8 Q. Exactly, but that was more informal and it relied upon

9 the individual being there and a relationship having

10 built up.

11 A. It did. I don't remember what the origin of that

12 relationship was because I inherited it, but it was

13 jolly useful in the first couple of years.

14 LADY SMITH: I suspect it would have been Grampian Police in

15 those days?

16 A. It was.

17 LADY SMITH: Which doesn't exist any more.

18 A. No, I know. I suspect -- I just don't know what the

19 origin of it was. Did my predecessor set that up? Was

20 that set up by Diana Monteith's predecessor? I just

21 don't know.

22 MR BROWN: I think we have the impression that in the past

23 schools would have a relationship with the local police,

24 though we may have heard that that proves more difficult

25 with a centralised force. LADO is obviously Local

1 Authority, and just to be clear, since you're dealing,
2 you say, a lot with the LADO, what sort of things are
3 you speaking to the LADO about? I mean, it's not
4 a police officer, obviously.

5 A. Do you mean at Christ's Hospital as illustrational?

6 Q. Yes, what sort of matters are you raising with the LADO
7 and what is the expertise you perceive the LADO has to
8 give you advice?

9 A. Allegations of sexual abuse, where we want the advice of
10 somebody who is dealing with it across the county, West
11 Sussex, is one. The most recent one is managing a 12-
12 or 13-year-old who is declaring that she is
13 transitioning and that she wants to change her name and
14 requires the school to acknowledge that formally in its
15 database without the parents knowing. And so to go to
16 the LADO and ask questions about how that works across
17 the county is very, very helpful indeed, because that's
18 really difficult territory.

19 Q. But the LADO you're dealing with is able to do that?

20 A. As it happens, she is, but it may not be, because that's
21 a particularly niche part of law at the moment and it's
22 in flux, one has to say, so that makes it even more
23 difficult, but at least what you've got is an outside
24 perspective on the safeguarding of that child in
25 relation to the parents' rights and the parents'

1 position vis-a-vis their child.

2 Q. You had the local officer in Lossiemouth, by the sounds
3 of it, though, a LADO might have been helpful when you
4 were in Gordonstoun?

5 A. I've said that that right from the very -- from the year
6 dot, as far as I was conscious of the need for advice
7 beyond the school, is something which I think is really
8 beneficial. But, I mean, this sounds as if, Andrew,
9 it's all about teachers and headteachers. What I'm
10 saying is I think it's better for children.

11 Q. That, of course, is always the focus. It has to be.

12 A. It's just we've been talking about what's good for me.
13 Actually, at the end of the day, what I'm interested in
14 is how that's ultimately going to pan out for children's
15 benefit, and it does.

16 Q. Again the obvious question: how does it benefit the
17 children?

18 A. Well, in the sense that ultimately what you're doing is
19 not having your own -- just the limitation of your own
20 school's perspective on an issue; that you've got the
21 perspective of others who have -- are likely to have had
22 experience of this and that whole range of
23 understandings informing the way in which you step
24 forward means that there are possibly things which
25 you've not considered which are going to benefit the

1 child further on. It doesn't mean to say you've lost
2 control of it, it's simply that the perspectives are
3 informed by it. I think headteachers, teachers,
4 education is all about making sure that you come out and
5 come further and further away from the issue in order to
6 understand it fully and really get the full perspective
7 before you come back down in and make the judgement
8 about what's right for the child.

9 Q. You've talked about the tension that you have felt
10 whether you should or shouldn't report, and over time
11 you've become firmer in the view that you should report.
12 Is that a fair summary?

13 A. Yes, it is.

14 Q. One of the things that we know you engaged with as part
15 of the fallout from reporting of historical abuse was
16 correspondence concerning an organisation called Mandate
17 Now, who again I think we'll deal with in due course
18 eventually separately. But Mandate Now pushes, I think,
19 for mandatory reporting, reporting every case. You
20 remember the correspondence you were engaged in?

21 A. Not in detail, but I did remember it in rough very well
22 indeed.

23 Q. Yes. And thinking back, albeit it's going back a number
24 of years, instinctively then, what would your position
25 have been and has it changed?

1 A. I think that the manner of its being -- the manner in
2 which the idea of mandatory reporting was presented to
3 us by Mandate Now was so strong, dare I say, aggressive,
4 combative, unaccepting of any debate/discussion: it's
5 this, and if you're not this, then you are not looking
6 after children.

7 I suspect it's the manner more than the principle of
8 it that we had problems with. It was extraordinarily
9 aggressive. And it was fuelled also by the press. So
10 that was a case where -- this is not LADOs, but you felt
11 that you needed to have somebody who was detached from
12 it and giving you perspective so that you didn't just go
13 in with that knee-jerk reaction which is: if you're not
14 reporting mandatorily, you are not helping children.

15 Actually, in principle, I think that mandatory
16 reporting is absolutely right. And have I changed my
17 view about that? I'm not sure, except that I think that
18 the -- perhaps it's a human response. If somebody comes
19 at you aggressively, you're considering more the
20 opposition to it, naturally, than why they may be right.
21 Perhaps that's a failure on my part, but that's the way
22 I felt, as if we were getting cornered on something
23 where I didn't want to be, I wanted to be out in the
24 room, so to speak, not in it's corner, trying to judge
25 what was appropriate there. At the end of the day,

1 I think if children need to be, are going to be looked
2 after, even where something is wrong, you've got to make
3 the report, and I've been tested twice on that front at
4 my current school and it's -- and both of them were not
5 right. So in a sense, and I still stick to it, I think
6 you've still got to report where a teacher has been
7 suspended and a very, very long career is pretty much
8 destroyed. I had experience of this two or three years
9 ago in my first year at Christ's Hospital. I suspended
10 him and it was then withdrawn or the police said it
11 didn't amount to enough, but his career was in tatters.
12 So that is a very strong inclination or rather drives
13 an inclination to say mandatory reporting is not right.
14 I think I still would go for mandatory reporting. At
15 the end of the day, the child's got to be right. It's
16 a tough one.

17 LADY SMITH: Simon, is the challenge in working out when it
18 is you have a set of facts before you that does amount
19 to something that needs to be reported? Are there not
20 situations where it doesn't immediately look obvious
21 that you've got a reportable set of facts in front of
22 you or a reportable set of -- whether they're
23 allegations or circumstances, whatever you want to call
24 them?

25 A. I'm not sure if I'm answering the question, you but

1 if -- I mean, my experience is that you never have a set
2 of facts which amounts to enough. You're going to have
3 a suspicion that it's enough, and it's the suspicion
4 that it's enough which makes you report, disclose it.

5 LADY SMITH: No, actually, that's a very good way of putting
6 it, if I may say. I see what you mean. It's realising
7 when you've got to that stage of suspicion as opposed to
8 all the other things that get thrown at a head during
9 the day.

10 A. (Witness nods).

11 LADY SMITH: Maybe, when one reflects, amounting to
12 something that could have been reported.

13 A. (Witness nods). You know, it sounds as if I -- you
14 know, you've just mentioned the head has a lot on his or
15 her plate. I don't think that has ever been
16 a consideration with these things because they tend,
17 when you get these things, you just sweep away -- and
18 you focus on that.

19 LADY SMITH: Mm.

20 A. And what I've -- and maybe this is something which I --
21 well, I had at Gordonstoun informally but I've
22 formalised it at Christ's Hospital, is somebody who, as
23 soon as I receive anything that looks like this in terms
24 of non-recent abuse or any allegation about a member of
25 staff, it goes straight through my inbox, metaphorically

1 and literally, to this person who considers it and they
2 are support staff, they're away from the kind of fray of
3 the school, and then they come back to me and say, "You
4 have got this, Simon, to deal with, and these are the
5 issues, and just so that you're aware" -- and I've asked
6 her to do this -- "I think this needs reporting today
7 and within hours".

8 And that immediate kind of straight out -- because
9 when you get an email, when you get some sort of
10 disclosure, it's really traumatising. I'll give you
11 an example. The person who I suspended at Christ's
12 Hospital when I was first there, he was my mentor. He
13 was the person who showed me what houseparenting was.
14 He's the most brilliant [REDACTED] teacher and children
15 love him, absolutely adore him. He's one of those kind
16 of legends. And it was enormously difficult to
17 contemplate the idea of suspending him because of the
18 sorts of allegation which were apparently quite loosely
19 being made, and actually it's transpired that they were
20 loosely made, but I had this thing, it came to me, it
21 went off to this person, and so if I were to be adding
22 anything, it's not my role to dictate anything or say
23 it, but I think that that detachment of a person who
24 deals with it away from you immediately, but within
25 hours of your receiving it, is an absolute Godsend.

1 LADY SMITH: Thank you.

2 MR BROWN: Two things from that. Just to be clear, you

3 require detachment.

4 A. Mm-hmm.

5 Q. Objectivity away from the subjective contact.

6 A. Mm.

7 Q. It would be quite wrong, for example, for a head of

8 department to deal with one of his own.

9 A. (Shakes head).

10 Q. Do you agree with that?

11 A. I do. In a sense, it's almost inappropriate for me to

12 have dealt with that person for the reason that I had

13 that close proximity to him.

14 Q. Yes.

15 A. And so that was a particularly poignant moment of

16 needing to have somebody whose objectivity and

17 detachment was assured.

18 Q. But just to understand, it came across your desk and

19 immediately went somewhere, elsewhere, where that

20 detachment and objectivity and advice were sent back to

21 you saying, "Act"?

22 A. Yes.

23 Q. Just to be clear, is that someone within the school?

24 A. Yes.

25 Q. It is?

1 A. Yes.

2 Q. What's their function? Do they have a --

3 A. She's a business manager, but her role has widened in

4 the school since I've been there and it incorporates

5 this simply because she's an extremely wise, slightly

6 excoriating judge of things.

7 Q. Right, so perhaps the label doesn't particularly matter

8 but there must be someone?

9 A. It doesn't help. It doesn't help. That's why I haven't

10 used the title because the title doesn't help here.

11 Q. Right. But there has to be someone who is detached and

12 objective?

13 A. Yeah, that's what I'm saying.

14 Q. That's the crux?

15 A. That's what I'm saying.

16 Q. Right.

17 A. And I'm not saying I didn't have that at Gordonstoun.

18 It was less formal. It wasn't somebody who I appointed.

19 So, for instance, Diana Monteith and I, when we were

20 dealing with things, we discussed a lot when stuff came

21 in. It wasn't to my desk and off to hers. It was,

22 okay, I've got it on my desk, Diana and other deputy

23 heads and other people, and indeed the person that

24 I appointed there, Sabine Richards, we talked a lot

25 about how we were going to manage stuff.

1 So it was there informally, but what I'm saying is
2 a structural position of detachment, which is
3 immediately dealt with within hours of the school
4 getting hit by it, needs -- I think is really helpful.

5 Q. Looking at that in a practical case from the past,
6 a couple of things which we can look at and then move on
7 to the other aspect that it raises, which is how you
8 recruit and recommend staff.

9 Could we look at a document which will appear in
10 front of you, which is GOR4445, and these are papers
11 that relate to a teacher at Gordonstoun, Andrew Keir,
12 who was a man you, again we would understand, dealt with
13 the fallout from in the sense that a prosecution was
14 raised while you were principal at Gordonstoun; is that
15 correct?

16 A. Yes.

17 Q. There's a number of elements to this. What you're
18 looking at is, as you can see, a memo from 6 February
19 1989 and that reveals that there are anxieties about
20 a member of staff -- it was Andrew Keir -- in terms of
21 swimming sessions and inviting boys to remove their
22 swimming trunks.

23 The lesson, I think, and your predecessor made this
24 plain yesterday, is the importance of having good
25 records, because he never saw this, because it went into

1 the pupil's file and not into the teacher's file, it
2 appears.

3 A. (Witness nods).

4 Q. But if we move on, please, to page 19 of the document,
5 this is a memo from your predecessor setting out that
6 he's had a conversation with another master,
7 an unofficial conversation about Andrew Keir, and
8 comments have been made about Keir's private life and
9 predilections which affect pupils. Again, going back to
10 what you've just been talking about, is that the sort of
11 suspicion scenario where you feel you have no other
12 option than to act and report? If you were hearing that
13 there were concerns about a teacher's private life and
14 predilections for pupils, that would be a red flag now,
15 I take it?

16 A. Yeah, it would.

17 Q. There would be no hesitation?

18 A. Not much.

19 Q. It's the scenario you've described with your former
20 mentor?

21 A. It is. The letter -- a looser form, a lazier form of
22 that letter disclosure, the first document we saw from
23 89, that was the sort of thing I dealt with, but it was
24 not right; this was right -- with that teacher I'm
25 talking about, the [REDACTED] teacher.

1 Q. It was the right thing to do to report it, but it wasn't
2 right because it was destructive of a career?

3 A. So, right, it turns out that, as it happens, there was
4 nothing to substantiate the allegation. That was in the
5 case of the [REDACTED] teacher that I dealt with at
6 Christ's Hospital.

7 Q. Yes.

8 A. It's similar in character to this, and so I'm answering
9 your question: yes, it would have triggered the same
10 response.

11 Q. Yes. The difference being in this case it was right as
12 well.

13 A. Absolutely.

14 Q. As opposed to --

15 A. Correct.

16 Q. -- the situation with your former mentor.

17 But this then leads on to the other aspect which I'd
18 like to discuss with you, and I think this is a problem
19 that you were aware of because clearly there were
20 briefings about how the school had previously handled
21 matters.

22 If we look at page 10, this is a briefing note which
23 was, I think, prepared while you were principal and
24 setting out the history from the files. The crux of it
25 is, even with the knowledge that wasn't acted upon, in

1 other words suspicion, if we move on to page 11, what
2 we're looking at is references by your predecessor for
3 this man. There's reference to how much the teacher
4 changed since marriage, looking at the middle paragraph:
5 "December 1993 application ..."
6 "January applied for four more schools ..."
7 Which are listed.
8 "January 1994 reference for Oundle proves that he
9 has chosen an academic rather than pastoral route.
10 Glowing reference."
11 Then, obviously, congratulations after a similar, no
12 doubt, reference to the school that he then gets a job
13 at.
14 A. Andrew, can I just ask, is this my note? Is this a note
15 I took? I'm sorry, I just --
16 Q. I think it's fair to say these are reports produced
17 within --
18 A. My time?
19 Q. -- within your time at Gordonstoun following contact
20 from the police in May 2015 when it became apparent that
21 there was a prosecution in the offing.
22 A. (Witness nods).
23 Q. The memos are not initialled --
24 A. No.
25 Q. -- or have any names attached, but I think, given your

1 role, you cannot but have been aware of them.

2 A. Mm.

3 Q. The wider point, though, is references were being made
4 for this teacher against a background of knowledge of
5 concern. Can you conceive of writing a reference for
6 a teacher against that background without mentioning the
7 concerns?

8 A. No, I can't. If I'd known all that we see here, no.

9 Q. What is your approach to writing references? If there's
10 been -- if, for example, thinking about the mentor that
11 you acted upon even though it was a lazy complaint which
12 was wrong, how would you then write a reference for that
13 individual now? Would you make reference to the lazy
14 complaint or not?

15 A. To the person who has been accused of something or that
16 there has been an allegation about which has been found
17 not to be correct -- or not to be substantial?

18 Q. Yes.

19 A. I would not mention it. But I would definitely go to my
20 HR department to find out about what legal
21 responsibility I have there. But my instinct, given the
22 fact that it is insubstantial or that it hasn't been
23 evidenced, it -- effectively, the allegation was not
24 right and I wouldn't want that to cloud the position of
25 that person going forward. The allegation is wrong, you

1 know. So if it is wrong. I've given you the example of
2 the [REDACTED] teacher. But he happens now not to be in
3 teaching at all and I don't know if this is relevant,
4 but he stopped teaching so I haven't written
5 a reference. But if I were to be writing a reference,
6 I don't know if that's your question --

7 Q. It is.

8 A. Would I be bound to refer to the fact there was this
9 allegation and that it was found not to be substantiated
10 or to be evidenced? That's where I would want to get
11 some legal advice about that so that there was that
12 perspective. My instinct would be to say no, because
13 I think that whatever -- however much the person reading
14 this is going to say, "Well, okay, it wasn't
15 substantiated", you are getting yourself involved in
16 an area which is so beyond what should be happening in
17 education, I suspect a headteacher wouldn't take them,
18 and that's why I would want the legal advice.

19 LADY SMITH: I can understand what you're saying there,
20 Simon. In this particular case, I think I'm right in
21 saying it wasn't that the concerns had been shown to be
22 insubstantial and not substantiated; they just hadn't
23 been followed through, they were left hanging, including
24 one about a child being found in the man's bedroom at
25 midnight when it's just the two of them present.

1 A. Mm. I did make a distinction, my Lady, between --
2 LADY SMITH: Yes.
3 A. -- the case where somebody has found there not to be
4 evidence. I'm not trying to attach that to my response
5 to this.
6 LADY SMITH: But what do you do in this set of
7 circumstances?
8 A. You refer it.
9 LADY SMITH: You?
10 A. Refer it. You make a disclosure. Your reference is not
11 going to -- I mean, for a school now not to have in its
12 questionnaire, in its application process, if not asking
13 once, twice, if not twice, three times, whether it's
14 appropriate for this person to be working with children,
15 I'm not sure whether that's a statutory requirement, but
16 a school would be foolish not to do that and so it would
17 come out at that point and then you would be having to
18 give further information and you would, because most of
19 them -- and Gordonstoun's did this, and ours does that
20 now -- is to say, "If the answer to this question is not
21 what it should be, then please provide detail", and so
22 it's disclosed.
23 MR BROWN: There's two sides to that. You as a potential
24 employer want to know answers to very specific
25 questions.

1 A. Absolutely.

2 Q. But equally would you accept there's a duty of candour
3 which obviously there are different matters to consider.
4 If something's left hanging, you're saying you would
5 make it plain?

6 A. Yes.

7 Q. If there has been enquiry and it's been established that
8 there was no basis for a previous complaint, you
9 wouldn't?

10 A. No, I think I've said I would want to get advice. I'd
11 go to HR to find out.

12 Q. Yes, your instinct would be not, but you'd get advice?

13 A. But my instinct would be to not, instinct not, because,
14 yeah, you are making sure that you don't end up with
15 a situation where somebody has not only had their career
16 completely ruined by their current situation, but that
17 possibly is going to move forward. But if there was, on
18 balance, a legal -- or if there was on balance
19 a requirement to do that, I would do it, and I can see
20 why it's needed. But I just know that it doesn't matter
21 how much -- how good the will is in this world, the
22 headteacher -- and I speak for myself -- picking up
23 something where there's anything which tarnishes that in
24 that respect, I'm not sure I'd employ them. It's
25 a really difficult one.

1 Q. There might be a temptation to say that if there's
2 absolute openness, that would be a benefit.

3 A. Sure. There's a risk for the person you're writing the
4 reference for, though, particularly if it is
5 insubstantial. You know, that's tough.

6 Q. Yes.

7 LADY SMITH: Or it could be looked at as a way of producing
8 an outcome whereby the person ceases working with
9 children.

10 A. Altogether.

11 LADY SMITH: Because they can't get a job otherwise if they
12 don't change career.

13 A. If somebody has done something which is -- the sorts of
14 thing which we have described there, I'm not sure --
15 well, I'm pretty sure they should not ever be in
16 education again.

17 LADY SMITH: And in fact, as we know from this man's
18 convictions in England, it would mean that somebody who
19 had an appetite for looking at child pornography, for
20 distributing it, for making it, would have been
21 prevented from working with children.

22 A. I realise that.

23 LADY SMITH: Mr Brown.

24 MR BROWN: My Lady, despite my usual optimism that I would
25 be more efficient than I have been, it may be that this

1 What is of perhaps interest in this -- this is
2 a pupil, I think if we go to the third page, where this
3 is a letter from you to the parents, and obviously what
4 you're discussing is a violent incident involving
5 a pupil:
6 " ... a five-minute period of remarkable
7 stupidity ..."
8 And details are then set out. You say, third
9 paragraph:
10 "With these facts in mind I regret to inform you
11 that [their child] can have no further role to play in
12 the school and I must ask you to withdraw him from it
13 with immediate effect."
14 It's the approach of asking a child to be withdrawn
15 as opposed to simply progressing to expulsion that
16 I would like to ask you to begin with, why that
17 approach?
18 A. To protect the person who has made a mistake from having
19 that on any record. And it may seem a rather futile
20 attempt because any head who hears that somebody's been
21 withdrawn is going to ask, "Can you just fill that out
22 a bit, please?" and then it would have to be disclosed
23 what the reasons were for what's going on. But it's
24 just a way in which to soften at least if not actually
25 make a difference to the record for that child going

1 forward. Even if it has no formal impact, just the
2 reflection for the child of an expulsion or
3 an exclusion, I'm interested in providing a way for
4 parents to protect them from.

5 Q. I think, as we can see from the full paragraph at the
6 bottom of the screen:

7 "It is my plan not to hurt his career any more than
8 his actions have necessitated. With this in mind may
9 I ask you to write to me by email and confirm you are
10 withdrawing him from the school. The alternative [and
11 then the stick comes out] is that I expel him and this
12 will sit in his records."

13 So there is obviously a very clear message and
14 encouragement. But then you go on to say:

15 "Needless to say, I shall provide any reference that
16 [he] needs for future applications and, whilst I shall
17 have to be honest in any such reference, they will be at
18 positive about [the child] as possible."

19 It's simply the tension between, say, the teacher
20 whose career is jeopardised, children are obviously
21 being treated very distinctly.

22 A. Yes.

23 Q. And you don't find that in any sense there's a jar
24 between the two?

25 A. I think -- I think that I've always made it quite clear

1 that we will write references which are as honest -- are
2 honest, but at the same time remaining positive as
3 possible. I'm not sure that answers your question
4 because you're asking about the distinction between the
5 pupil and the adult.

6 I think my instinct, and I think society protects
7 children from their own mistakes and they're not held to
8 account in the same way as adults are and I think in
9 that sense there is a value in trying, as far as
10 possible, to protect the child from the slip-ups which
11 they make. You might say that, well, that should be
12 a standard which you use for adults. I don't think so.
13 I think that experience and time has given them the
14 opportunity to manage that even though the mistakes will
15 come in.

16 LADY SMITH: Sorry, could we just go back up the page
17 a little, please, on this letter? Right, if we just
18 stop there. It seems that what had happened here,
19 Simon, is that the boy who you were asking to be
20 withdrawn had punched other boys; is that right?

21 A. I can't remember.

22 LADY SMITH: Well, I'm looking at the paragraph beginning,
23 "I hope".

24 A. Sure. Yes.

25 LADY SMITH: Yes. He'd punched one of -- maybe more than

1 one boy in a group. So he had physically harmed another
2 child. Let me ask you this: if a teacher had physically
3 harmed another child, would your reaction be to try and
4 prevent anything going on his record to the effect, for
5 example, that he was found guilty of gross misconduct
6 and dismissed, as might well be the consequence of
7 a teacher doing that?

8 A. I don't think that there is any sense in which it would
9 be -- it's an unequivocal answer. I would make sure
10 that that had an impact on -- there was no chance of
11 that person coming into contact, as far as I was
12 powerful to do so, which is limited, but I would
13 certainly report it on, with an understanding that that
14 could be the end of that person's career.

15 LADY SMITH: Because, on the face of it, it would look as
16 though there's a distinct possibility that that person
17 might harm another child?

18 A. Correct.

19 LADY SMITH: Why is it different in a case where one child
20 has punched another child and in the next school --

21 A. Could do the same.

22 LADY SMITH: -- that child might behave in exactly the same
23 way again?

24 A. I think probably with people who are over 16 or over 18,
25 depending on what subject you're dealing with, I think

1 there's a capacity for people to alter and ameliorate
2 and for there to be remedial impact. They could change.
3 I think when you're dealing with children, there needs
4 to be consideration of an educational process, which is
5 probably never going to be as emphatic as when they are
6 between the age of 12 and 18, and whilst they are --
7 they have caused others to be victims of their action,
8 in some respects they are -- they are also victims
9 because they have come to a point where they have used
10 physicality to resolve a problem.

11 I suppose I'm not impatient with the view that you
12 only get the behaviour that the society emphasises or
13 makes most noise about.

14 If you look at that in a less potent way, in other
15 words not where you're dealing with physical violence,
16 if a child is misbehaving, what we have traditionally
17 called misbehaviour, poor behaviour, poor behaviour is
18 communication. Poor behaviour is a child communicating.
19 And although this is extreme, and you are talking about
20 what I've described as "premeditated assault" and they
21 must leave for that and that must affect their lives to
22 that extent and their careers, to manage that in the
23 same way as -- I mean, the law protects children
24 differently from adults, and in that context I want not
25 to have been involved in completely removing from

1 a child the possibility of future amelioration, of
2 future remedial behaviour. There is potential in the
3 child for development.

4 LADY SMITH: In a case like this, Simon, the law does not
5 protect a child from being prosecuted. I'm sure
6 Mr Brown would agree. And the law might say where one
7 child in a premeditated attack on another child punches
8 another child -- these would be teenagers, at
9 Gordonstoun -- and there is clear evidence of what
10 happened, there's no doubt but what they need to be
11 dealt with potentially in the criminal courts or, at the
12 very least, before the Children's Hearings.

13 Do you see where I'm going? And I do understand the
14 difficulties inherent here.

15 A. I absolutely understand where this is going.

16 LADY SMITH: And many of the children who -- they are
17 children, or just into adulthood, who appear in the
18 courts on offences of having lost control and physically
19 attacked somebody else can be described as having
20 exactly the same type of back story as you've been
21 talking about here and themselves having difficulties
22 and themselves potentially being able to be seen as
23 victims, but it does not prevent steps being taken,
24 partly because society needs other people to be
25 protected from them, to prosecute.

1 A. Sure. This was not covering up, though.

2 LADY SMITH: No.

3 A. You know, so I think what I've tried to do there is to

4 strike a balance between the need for this person to

5 be -- for society to be protected from him at the same

6 time as acknowledge that he is nevertheless a child, and

7 I -- you know, I'm not going to die on a hillside about

8 this because I can see that the emphasis maybe that

9 I've put, my Lady, on trying to ease it for him

10 afterwards, maybe the emphasis was too strong there.

11 But there is an instinct, I have an instinct, I have

12 a -- I don't know what you want to call it. I suppose

13 experience has taught me that at the point at which

14 a child in a school's education concludes in your

15 school, that isn't a moment for complete vanquishment of

16 their lives, and I want to try and protect what I can

17 whilst remaining honest and making sure that whatever

18 needs to be is disclosed further on.

19 LADY SMITH: I have one associated question for you. It

20 takes us back to reporting. In a case like this, or

21 indeed in that case, would it cross your mind or would

22 it have crossed your mind to report what happened?

23 A. I don't remember whether we did in this case, but yes is

24 the answer, absolutely, of course. I mean, anything

25 where you're dealing with something which might, in

1 a court of law, be challengeable and criminal, yes.

2 LADY SMITH: And might, depending on the view taken, be

3 handed over to the Children's Hearing system where it

4 would be dealt with.

5 A. Yes.

6 LADY SMITH: But it would be dealt with and the message

7 would be brought home to the child.

8 A. (Witness nods).

9 LADY SMITH: Mr Brown.

10 MR BROWN: My Lady, I think, just to give the full picture,

11 if we go to page 1, which is the continuation of the

12 example, and if we can go down to the bottom half of the

13 page, please, we see your response, but what you were

14 responding to was this letter, "Which Boarding School",

15 an organisation trying to place children who have left

16 other schools; is that correct?

17 A. Yes. I don't remember the organisation, but there are

18 such.

19 Q. There are such organisations. The letter recognises

20 that you -- looking at the second paragraph:

21 "I have seen a copy of your letter to his parents

22 and appreciate the seriousness of the offence which

23 caused this situation. However, I also note that you

24 say you will be able to include positive comments in any

25 future reference. This is extremely important as it

1 will give me a fighting chance of finding a school which
2 will allow him to finish his A-levels. You will know as
3 well as I that [the pupil] has reached a crucial stage
4 in his education (with university applications pending
5 too) and it is imperative I find a school as quickly as
6 possible."

7 And your response, going back up the page, is that
8 you will, of course, do all you can to support the
9 transition. And then:

10 "As I have done with a few others who are in
11 [a similar] position, I am happy to speak personally to
12 the headteacher of any school to which he wishes to gain
13 admission, as I have indicated to his parent, I shall do
14 so positively. Needless to say, I will have to explain
15 the reasons for [his] departure but this will be managed
16 sensitively. [He] has made a grave error, but he needs
17 to move on from it and I will speak strongly his
18 favour."

19 So you're trying to walk a tightrope essentially --

20 A. Yes.

21 Q. -- between recognising what he's done but not damaging
22 his future potentially, given the reference to exams?

23 A. Correct. It is a tightrope walk.

24 Q. Presumably, though, there may be situations dependent on
25 the nature of what you're dealing with that you might

1 take a different view?

2 A. Yes. I think that's fair to say. There are some
3 circumstances in which that wouldn't be extended.

4 I can't remember enough of the detail of this case to
5 know what it might have been that lent me towards trying
6 to protect something, the remnants of his career as far
7 as A-level was concerned, but there would be cases where
8 something may have happened where it was less
9 emphatically or less emphasised.

10 Q. Could we look then at one other case in a similar vein,
11 which is GOR4435, and go to page 2, please. Again we're
12 in the same situation where you've asked parents to
13 withdraw and that has been confirmed. This is
14 sexualised behaviour, as we see from paragraph 2.

15 A. Yes.

16 Q. And as you see from paragraph 3:

17 "The decision I have made has also been influenced
18 by [his] history of behaviour which we have had to
19 question and about which we have written to you on
20 several occasions."

21 Do you remember this case?

22 A. Yes, in a rudimentary way I do, yes.

23 Q. I don't think we need to go into the detail, but it's
24 suffice to say there was quite a lengthy history of
25 behaviour which had caused the school concern which the

1 school had tried to address but it came to the point
2 that enough was enough. What is interesting in that
3 case we see as well as saying, third paragraph:

4 "His conduct cannot be accepted here at
5 Gordonstoun."

6 "With regard to our reference to Moray Social
7 Services, we will continue to be in touch with them so
8 they can advise us about how best to move forward with
9 the concerns that they have about [the pupil] and
10 others' behaviour here."

11 So in that case her Ladyship was talking about
12 potential reference to the police, but in this case
13 there would appear to be references to Social Services?

14 A. (Witness nods).

15 Q. Is that the sort of example where it is not simply
16 a matter of leaving the matter to the next school,
17 whatever you tell them?

18 A. I think it is, yes. I have attached more importance to
19 what's happened here than in the other case. Correctly
20 or incorrectly. You know, I recognise the possibility
21 that in making these decisions emphasis is given to one
22 thing as being more important than another, maybe even
23 subconsciously because they are separated by time. And
24 with the hindsight and clarity and black and white of
25 these things being presented here, I can see that there

1 may be ways in which actually trying to make
2 a distinction between a violent action and a sexual one
3 or a violent action and where they are combined, I can
4 see that I may have got that wrong.

5 Q. But each case, presumably, is fact-specific?

6 A. It is.

7 Q. These are examples of a number of examples where you
8 were having to take steps because of issues with
9 children's behaviour to other children. I think, as we
10 acknowledged at the outset, during your tenure -- and if
11 we could go to paragraph 83 on page 21 of your
12 statement, you say:

13 "In the period 2013 to 2015, numerous rumours and
14 allegations of historic or non-recent incidents of abuse
15 at Gordonstoun were picked up. Deputed by the governors
16 to do so, I led the school's response to these
17 allegations. There was no internal opposition to the
18 approach taken as far as I'm aware. The school's
19 response was to make the police aware of the
20 allegations, communicate, if possible, with the alleged
21 victims or survivors to advise them to engage with the
22 police, and when appropriate, to offer counselling
23 support and reassurance that the modern school was very
24 different from the one they experienced, one that put
25 child protection at the centre of all it did. In this

1 period, considerable resources were channelled into
2 managing the school's response to historic abuse
3 allegations. The police and the school will have
4 records of this."

5 And I think you've touched upon the volume of
6 business of the person tasked with --

7 A. Yes.

8 Q. -- responding.

9 Simply to give a flavour of the sort of things that
10 you were responding to, could we look, please, at
11 GOR4454, and if we could go, please, to page 7. This is
12 an email received by you on 15 April and it's someone
13 picking up from The Observer article and saying:

14 "I was sexually abused at school in around 1986.
15 However, unlike [REDACTED] [the subject of the article], my
16 abusers were fellow pupils, two years older than me."

17 But goes on to say that her reflections on life at
18 Gordonstoun are generally positive.

19 "Rather I share this with you so that the school is
20 aware that such incidents occurred. I do not wish to
21 report the allegations to the police. I think however
22 it's important I finally have closure. In this regard
23 I would be happy to make a statutory declaration
24 statement to the school and any other authority or
25 commissioner of inquiry that is collecting information

1 on sexual abuse for non-prosecutorial purposes."

2 And then last paragraph:

3 "Separately, I am pleased to read in your message
4 below that the school has taken such important steps in
5 improving the protection and welfare of children in its
6 care."

7 So someone clearly not wanting to report to the
8 police. In that situation, did you report to the police
9 or would you ...

10 A. Yes, I think I would. I can't remember whether we did,
11 but I think I would. Yes, I would.

12 Q. I think in fairness to you, and sorry it's not trying to
13 ambush you, if we go back to page 5 and go down to the
14 bottom, you're responding:

15 "Thank you for your letter, which I read with great
16 sadness. I am so sorry that you should have had such
17 an experience at school here, and that the school
18 culture did not help you to report this at the time.

19 I completely understand your wish for closure ..."

20 Then you make various suggestions.

21 "As I wrote in my letter, our school policy on cases
22 of historic abuse is to report any allegation directly
23 to the police. However, given that you have made clear
24 in your email to us that you do not wish to report
25 allegations to the police, we have not done so."

1 So there is a degree of discretion. The broad
2 policy was you were going to report, but as here, where
3 someone says specifically, "I don't want to", you
4 obtemper their wishes?

5 A. I've gone with their wishes. In retrospect, I think
6 probably what I would have done is to seek -- and
7 perhaps I did, I don't know -- legal advice about how to
8 manage that because at the end of the day, if what
9 this -- this disclosure does is to produce a result
10 which protects somebody else or indeed leads to somebody
11 else's possible improvement, if they have been equally
12 affected, then I -- that person who's disclosed this and
13 I have, in a sense, colluded to make sure that
14 information isn't more widely known. And I regret that.
15 But I suppose with something quite as clearly stating
16 that they don't wish to take it further, I went with
17 that. I made that decision.

18 Q. But whatever else, the desire that it be recorded has
19 now been met by this Inquiry and by Gordonstoun sharing
20 with the Inquiry.

21 A. Yes. Yes, I mean it -- there is a -- yes. I mean, what
22 I was going to say is that the elaboration of an inquiry
23 to deal with something as possibly fundamental as this
24 is -- there's a sadness in that too. But there's
25 a sadness in all of this.

1 Q. Yes. That was someone who welcomed your response.
2 Obviously that wasn't universal, is it fair to say, the
3 offers of help? The terms of your letters did not
4 always meet with approval?

5 A. No.

6 Q. I think, just to see another side of that fence, if we
7 could go to GOR4449, and go to page 4, and if we start
8 at the bottom. Go down to the bottom, please. This is
9 a copy of the letter that you sent in April 2015 in
10 response to The Observer article.

11 A. (Witness nods). Mm-hmm.

12 Q. And it goes on, on page 5, to stress, at the top:

13 "If any former student of either Gordonstoun or
14 Aberlour House feels they were a victim of abuse we
15 would be very concerned for them and we would advise
16 them to go to the police. We will continue to provide
17 the police with our full support in any investigation."

18 You then go on to talk about what is now the
19 position, or what the position in 2015 was, but
20 stressing towards the bottom:

21 "Please do not hesitate to contact me if you have
22 any concerns about this."

23 If we go back to the top of page 4, the response
24 from this correspondent was:

25 "This is the most absurd response I have ever heard.

1 Gordonstoun was famous for its unimaginable brutality to
2 kids. Whilst I was at the school I saw kids in Altyre
3 House beaten, nipple twists done with pliers to kids by
4 senior boys and when junior masters found out all that
5 would happen was suspensions. There were unimaginable
6 abuses to kids that were conveniently ignored with no
7 help given to any of the kids."

8 And then it goes on to set out particular abuse and
9 continues:

10 "The school conveniently rests on the laurels of
11 ties to the Royal Family and now I'm grown up with three
12 kids of our own, I think back in absolute horror at the
13 events I witnessed."

14 What was the split, can you remember? I appreciate
15 it's a very broad question, but you were getting
16 presumably a fair amount of correspondence, as between
17 people saying, like the first one, "This happened to me
18 and thank you", and then someone saying, "Your response
19 is absurd"?

20 A. I think it was probably equally split, but it didn't --
21 that didn't cover all of them, and I think that there
22 were a lot of people who -- I think there's possibly
23 a silent majority of people who neither accepted nor
24 didn't accept it and continued to suffer, and didn't
25 have the courage to be involved or to engage because

1 actually engaging means they have to go through some of
2 what they experienced by writing it down. This person
3 here is pitifully having to retrace the steps which they
4 traced then, and that's part of what inspires that sort
5 of language. But I think a lot of people who just don't
6 want to get anywhere near having to revisit, relive, and
7 so they're completely silent. And arguably those are
8 the ones that we don't hear about are the most pitiable.

9 Q. What positive steps were you keen to take in the light
10 of the letters, the responses, over and above letters of
11 sympathy and encouragement?

12 A. The seed forms of really trying to provide a platform
13 for those who were hurt at the school were sown in my
14 time. I don't know, but we're talking here about work
15 with the University of Strathclyde.

16 Having said that, I did come down to Edinburgh at
17 some stage in my last couple of years where we discussed
18 with some -- a survivor, I can't remember, and others,
19 and we discussed how best we might be able to manage
20 this so that there was another platform besides the
21 police or writing to the school where somebody -- it
22 could be led by somebody completely independent, who
23 could really try and absorb, hear, provide a platform
24 for the fears and the hurts which were experienced at
25 the school.

1 I don't really mind if it was or wasn't my idea,
2 that, but that was a step that we were taking to try and
3 really try from a completely detached perspective --
4 gosh, I've used "detached" and "perspective" quite a lot
5 today -- there was that platform and it was created and
6 it has -- I think the word "flourished" is probably not
7 right, but it's worked.

8 Q. Was the crux of it being independent something that in
9 part at least you'd learnt because of the experience of
10 the counsellor, there was a perception that the
11 counsellor wasn't independent because they were employed
12 by the school?

13 A. No, I don't think so. It may have influenced it a bit,
14 but when I think of the counsellor, I think really much
15 more about the impact of the counsellor on the pupils.
16 But there were, I think, a few people, maybe as few as
17 two or three, who did contact the counsellor, and they
18 did so not hindered by that sense of detachment, but
19 there were others who criticised the fact that the
20 counsellor was appointed by the school and paid for by
21 the school and so to that extent was in our "camp".

22 Q. You obviously moved south again in 2017, two years after
23 the events we're talking about. Is that something that
24 you have continued to follow in terms of the fallout
25 from these disclosures and events --

1 A. At Gordonstoun?

2 Q. -- at Gordonstoun.

3 A. No, not really.

4 Q. Your focus, obviously, is on another school?

5 A. It's got quite enough of its own comparable problems.

6 Q. That's what I was going to ask. Have you moved from

7 a school with the problems we've been looking at to

8 another school -- are problems just part and parcel

9 nowadays of historical abuses being reported? Is it

10 something you see at your current school?

11 A. There's a similar period of time to this one here, to

12 Gordonstoun, where things were very difficult.

13 Q. And just to be clear, that period is?

14 A. Well, probably '80s, '90s, but I know it goes back to

15 '50s, '60s as well, so it's wider-ranging in time span.

16 Probably the same number of cases.

17 Q. And in terms of steps taken by other schools you know,

18 have they been any different or better to Gordonstoun's?

19 A. I'm going to exclude Christ's Hospital from that in

20 answering, if that's okay. I think Gordonstoun -- you

21 know, is this an area where a school does well? Or

22 badly? I think it's been very sensitive from the

23 outset.

24 Q. It's just you've been recognising that you might have

25 done things differently, is there anything that you

1 would do differently now, looking back, from what you
2 did in 2015 and 2016?

3 A. I think I may find a way in which to try and communicate
4 the empathy, the sympathy, more effectively. That may,
5 ironically, be not offering it at all verbally but doing
6 things. And so the instinct to go for a completely
7 removed framework -- and I'm talking about going to
8 a university, for instance, to establish a platform for
9 voices to be heard -- may have done that quicker. And
10 I may have -- if anybody asks me, "What do you do in
11 this situation?" if a school came to me and said, "What
12 do you do in this situation?", I think just set up
13 something completely removed from the school and give
14 your alumni a platform really quickly, really quickly,
15 and appoint somebody who is not going to be against the
16 school, but not -- is detached, who's going to be
17 balanced, there's going to be an objectivity in the way
18 in which they manage it, to run that, to manage it. And
19 if you have to pay for that, do it.

20 But, you know, it's probably a good question. I do
21 think that Gordonstoun, from the outset, with those
22 three key things, didn't do badly, but this is not
23 something to blow trumpets about, it's a very bad
24 situation to be in for a start, and you start off with
25 the recognition and acknowledgement that people got

1 hurt, that's really important.

2 Of course you have to manage it well, but as it
3 happens, I think Gordonstoun looked after its people,
4 you know, really quite well. I don't think many of them
5 would say that, though, because they'd just say, "It's
6 not for you to judge that, friend. We are hurt and
7 you're the cause of it". So I completely understand how
8 any comment about the quality of Gordonstoun's response
9 is actually flawed from the outset.

10 MR BROWN: Thank you very much indeed for your insights. Is
11 there anything else (a) that you would wish to say and
12 (b) that you think we should know in terms of looking
13 ahead to improving and protecting children?

14 A. I think the first thing which I would say is that
15 I think that this Inquiry is fabulous -- is fabulous the
16 right word? I don't know. I think I have been nervous,
17 I have found this -- you know, it's quite a big old
18 setup here, I haven't been in court much, but I was
19 quite clear from the beginning that this was the right
20 thing to do because I think that what you're trying to
21 achieve is, first of all, no repetition for children
22 being abused in this way, but also that there is
23 a really structured way forward for how you avoid it.

24 The second thing I would say is -- you know, it must
25 be on record, I've done this before and the only reason

1 why I'm hesitating is because I think people may have
2 got bored of a voice like mine, a headteacher saying
3 this stuff, but I am enormously saddened and apologetic
4 like -- let's keep it simple. I am sorry that people
5 were hurt in a school that I had responsibility for, and
6 that -- being involved in an Inquiry like this is part
7 whipping, frankly, for a period which we cannot -- none
8 of us can really detach ourselves from completely and
9 say it was nothing to do with us. And in our picking up
10 the pieces afterwards, we have responsibilities.

11 So I suppose I'm -- I didn't do this stuff, but
12 I feel so keenly what victims, what survivors have felt.
13 So that's the -- that.

14 And, you know, just one thing which I hope may come
15 of the Inquiry is this point about barriers.
16 95 per cent, 99, maybe, maybe 98 per cent of teachers,
17 people, are probably when they end up in a school really
18 rather good. They're probably not bad. But there must
19 be really clear barriers, hurdles, so that if a kid --
20 if there's somebody who manages to get around the
21 barriers, there's just another one and there's another
22 barrier which you get around, so there's almost no
23 possibility that a child is going to be subject to the
24 whims of the most devious characters, of which I think
25 there are very few in our world, I think, really devious

1 in this way that we've looked at.

2 So I hope what might emerge even more than the
3 business -- maybe part of it going to the England LADO,
4 is just making absolutely sure that those barriers are
5 rock solid and multiple, so if you get round one,
6 there's another one, you get round one and there's
7 another one. There we go.

8 MR BROWN: Simon, thank you very much indeed. I have no
9 further questions.

10 LADY SMITH: Are there any outstanding applications for
11 questions?

12 Simon, that does complete all the questions we have
13 for you. Thank you so much for engaging with us as
14 willingly and helpfully as you have done, both in
15 writing, in your statement, which is of tremendous
16 assistance to me, but in coming here today and rising to
17 the challenge -- and maybe I use that word advisedly --
18 of dealing with the questions that have been put to you,
19 both by Mr Brown and by me.

20 I'm grateful for the gracious and responsible way in
21 which you've done that. Thank you.

22 A. Thank you.

23 LADY SMITH: I'm now delighted to be able to let you go and
24 hopefully have a restful Friday, what's left of it.

25 A. Thanks very much.

1 (The witness withdrew)

2 LADY SMITH: Mr Brown.

3 MR BROWN: My Lady, we have one remaining witness,

4 Lisa Kerr, the current principal. We'll have to

5 clean --

6 LADY SMITH: Of course we do.

7 MR BROWN: So with if we could adjourn very briefly.

8 I should say that albeit I was over-optimistic about my

9 timescale for Simon because he had so much to say,

10 I think in fairness to Lisa Kerr, she's said a great

11 deal in her first appearance as distinct from, for

12 example, Loretto where a lot of further information had

13 to be considered.

14 LADY SMITH: Of course.

15 MR BROWN: Hearing her again may actually be fairly

16 efficient, so if we could start in five minutes.

17 LADY SMITH: Start in five minutes and then are we expecting

18 to finish her evidence by the lunch break?

19 MR BROWN: By lunch break or perhaps just a few minutes

20 after.

21 LADY SMITH: Very well. Thank you.

22 (12.26 pm)

23 (A short break)

24 (12.40 pm)

25 LADY SMITH: Mr Brown.

1 MR BROWN: My Lady, the final witness is Lisa Kerr.

2 LADY SMITH: Thank you.

3 Lisa Kerr (affirmed)

4 LADY SMITH: Lisa, welcome back.

5 A. Thank you.

6 LADY SMITH: Can I just assure you that because you know the

7 ropes doesn't mean, I assume, that you won't have any

8 questions, you won't want a break or it won't be just as

9 difficult for you as other people to sit in the witness

10 box and give evidence at a public inquiry, so let me

11 know if there's anything I can do to make it easier for

12 you.

13 A. Thank you, my Lady.

14 LADY SMITH: If you're ready I'll hand you over to Mr Brown.

15 Questions from Mr Brown

16 MR BROWN: Lisa, hello again. Obviously you gave evidence

17 for quite a long time back in March and we don't need to

18 rehash any of the ground that we covered then. This

19 session is more about what you have been listening to

20 for the previous five days of evidence and also just

21 a few pick-ups from your first hearing.

22 I should say that it's been apparent that you have

23 been sitting throughout all the evidence.

24 A. I have.

25 Q. And you have been sitting, I understand, with the

1 current chair of the board of Gordonstoun, David White?

2 A. Yes, David's been here throughout and I've been
3 accompanied by a number of members of our research and
4 alumni support team, and today our previous chair of
5 governors, Dr Eve Poole, is also with us.

6 Q. Following your appearance you went away with, I think,
7 a list of requests that you could update us about, and
8 if we could look briefly at GOR4487, which is a letter
9 you wrote to the chair on 5 May 2021. You were pleased
10 to provide information regarding the Local Authority
11 Designated Officer scheme, which we've been hearing
12 about this morning, and I think you had sought further
13 contact or information to be sent to the Inquiry from
14 the horse's mouth, as it were, about the LADO scheme, so
15 thank you for that.

16 A. (Witness nods).

17 Q. Further details, because this was a matter which
18 provoked much interest, the well-being information
19 system.

20 A. Yes.

21 Q. And again that's been very helpful to have, setting out
22 how it has grown over the years since it started in
23 2012. Ongoing policy and practice documents, details of
24 the child protection online training that's now given,
25 the survivor support and comments on the merits of

1 introducing a requirement for schools to hold a single
2 central register, all of which we have taken account of
3 or will take account of because the documents are there
4 to read.

5 You then go on to make the point that I raised with
6 you, the issue of Aberlour House. I don't wish to go
7 back into that, it's obviously been ventilated both
8 in March and we have been hearing evidence, difficult
9 evidence about what went on at Aberlour.

10 You go on to say:

11 "We agree that the schools were linked, sometimes
12 closely. However, regardless of the legal or even moral
13 position, we understand the focus must be on getting the
14 information the Inquiry needs in order to ensure
15 a response for applicants. Therefore, we are now
16 actively seeking to identify living individuals who were
17 responsible for the running of Aberlour House pre-1999
18 and who may accordingly be able to assist the Inquiry
19 and will forward these details in due course."

20 I'm not really aware that there were that many
21 forthcoming but what we did receive was some
22 documentation which was discovered, no doubt in very
23 dusty boxes?

24 A. Yes.

25 Q. Regardless of the legal or moral connections, what you

1 have provided, however, is a letter from Professor Bryan
2 Williams.

3 A. Mm.

4 Q. If we could look, please, at document GOR4682. This is
5 a letter received three weeks ago, broadly, from
6 Professor Williams, who acted as the chair and as he
7 sets out, and I think it's fair to read this into the
8 record:

9 "My name is Bryan Williams and I was chairman of
10 Governors at Aberlour House School from 1994-1999 and
11 the chairman of its council from 1999-2001.
12 I subsequently became chairman at Gordonstoun School
13 (1994-2015) [REDACTED]
14 [REDACTED]. I am Emeritus Professor of Social Work
15 at the University of Dundee, having retired from
16 full-time academic employment in 2009. Among my
17 previous responsibilities was ultimate oversight of the
18 Scottish Government's national child protection training
19 programme.

20 As someone whose professional life has been
21 concerned with understanding and researching the nature,
22 causation and effective intervention in cases of the
23 abuse of children and young people and helping others to
24 acquire essential skills in recognition and prevention,
25 it has been a great sadness to learn of the past events

1 now being investigated by the Inquiry. Together, we
2 must commit ourselves wholeheartedly to ensuring that
3 such examples of unkindness, cruelty and the abuse of
4 adult power and privilege can never reoccur in this way.
5 Modern forms of pastoral care, proper governance, and
6 professional accountability can go far towards this end
7 but it remains everyone's duty to be alert to possible
8 signs, symptoms and indicators that all may not be well
9 in a young person's life.

10 Whilst we cannot change the past, we can and must
11 acknowledge the lifetime hurt to which such experiences
12 in early life have given rise and accept collective
13 responsibility for ensuring that everything is done to
14 prevent their recurrence. As such, and on behalf of the
15 whole school community, I wish to place on record my
16 profound regret that any abuse occurred at Aberlour
17 House in the past and to issue a heartfelt apology to
18 any person who suffered harm whilst resident there."

19 One practical question for you, because thinking of
20 the aims and the many steps that have been taken, and
21 you told us about the last time you were here, we have
22 tremendous records for Gordonstoun, but from your
23 perspective as principal, thinking of your tenure from
24 2018?

25 A. 2017.

1 Q. 2017 till now, Professor Williams was talking about
2 trying to prevent such things happening again. With the
3 systems in place and thinking of the barriers that
4 Simon Reid was talking about, over the four years of
5 your tenure, can you say whether the sort of things that
6 we have been hearing about in terms of abuse -- I don't
7 imagine there's any teacher/pupil abuse, but say
8 peer-on-peer abuse, is that diminishing at Gordonstoun?

9 A. I think to give a sort of -- a measurable quantifiable
10 is difficult in terms of incidents that might occur.
11 I think what is changing and is continually changing is
12 the extent to which staff are alive to and have the
13 tools to support pupils positively in their behaviour.

14 I think it is helpful to draw the distinction
15 between past positive pastoral care and behaviour
16 management, which is what I want to talk about in
17 a minute, and also spotting predators, which I suspect
18 we may need to touch on -- and I think those are
19 distinct things.

20 In relation to pastoral care, peer-on-peer
21 behaviour, a really critical development is moving
22 towards more restorative practices in behaviour
23 management. I think when we look to the past, what we
24 see is transgression: punishment. I'm being very kind
25 of black and white about that, but that's the

1 traditional behaviour management. By moving towards
2 more restorative approaches, which for me have three key
3 strands, one of which is an educative strand:
4 understanding what has gone wrong and why it has gone
5 wrong and working with the pupil to understand what has
6 gone wrong; apology and restoration, and for us that
7 means putting things back as they were. So that might
8 simply be an apology, "I'm really sorry I said something
9 that was unkind, misogynist", whatever, or it might be,
10 "I'm going to clean the graffiti that I did", or, "I'm
11 going to do an hour of tray clearing in the refectory
12 because my behaviour in the refectory wasn't
13 acceptable", that's a restorative thing. And then there
14 may be a removal of privilege or what one might call
15 traditional punishment.

16 Our sense is that, rather than saying: is there bad
17 behaviour? There is just with young people a spectrum
18 of behaviour, and what we are trying to do all the time
19 is to intervene really early in that, and actually
20 before it even occurs.

21 So if we take something like Everyone's Invited,
22 there's a lot of talk about rape culture.

23 Our job as educators isn't just to be in position to
24 respond when a young person gets it wrong and to report
25 it to the police, to report it to Social Services; it's

1 actually -- and it's not even just to educate about, you
2 know, "Don't assault each other"; it's to start right at
3 the beginning at the point where adolescence is emerging
4 and there's a growing awareness of our sexuality as
5 a human being, to embed respect into the educative
6 programmes.

7 I think, for me, rather than working out: do we have
8 more or fewer kids thumping each other, it's are we
9 alive to this spectrum of behaviour and is our proactive
10 and reactive intervention genuinely changing behaviours?

11 Q. A word that has been used, certainly yesterday and
12 I think was implied, if it wasn't spoken this morning,
13 is trying to make -- or two words, trying to make
14 schools kinder and more civilised.

15 A. Mm-hmm.

16 Q. Forgetting numbers, how would you assess Gordonstoun to
17 be on those scales?

18 A. I think we are a very civilised and kind school, but
19 I think there is occasional unkindness and uncivilised
20 behaviour.

21 Q. It's just whether or not there's progress.

22 A. Yes, I do. I think there's progress.

23 Q. Because we seem to have a picture, as a pre-judging, of
24 a period, as you conceded back in March, that the '60s,
25 '70s and '80s were anything but kind.

1 A. And I --

2 Q. Were anything but civilised. But we've been hearing,
3 obviously, of the efforts of your two predecessors to
4 change that.

5 A. Yes, absolutely. And it is -- it has been deeply
6 painful not just over the last six days or even the last
7 six months of active engagement with the Inquiry, or
8 even however many years it has been since we have been
9 engaged with the Inquiry in producing parts A, B, C and
10 D, but actually from the very first report of non-recent
11 abuse to the school. I can say this because I was on
12 the board of governors and I was one of the first people
13 who got a phone call when that first report came
14 through.

15 It has been devastating for people who spend their
16 time today in every aspect of our school working to keep
17 children safe and happy to face up to the behaviours,
18 the abuse of the past, which is so alien to that
19 culture, and because we, I hope, have -- and I hope, as
20 we have said, we have communicated to you, because we
21 have tried to take that so seriously, and, like Simon,
22 I don't pretend we've got it all right at every time,
23 but because we have really tried to get this right, it
24 has been difficult, but crucial, to face up to it with
25 real honesty.

1 And actually, I think every school should do what
2 we've done, because institutional memory won't tell you
3 everything you need to know about the history of your
4 school, and really feeling, as I have done and as my
5 colleagues have done over the last few days, what pupils
6 at Gordonstoun experienced in the past in the way of
7 abuse, really feeling that strengthens our resolve to do
8 everything we can to make sure it doesn't happen again.

9 Q. Obviously we heard witnesses or applicants talking about
10 specific things, but looking ahead, asking for things
11 that would help, they think, to make the world or their
12 world better, and these have been a number of levels,
13 one is practical from a witness -- applicant, rather,
14 who obviously had experience of the world of reporting
15 and was very anxious that there be scope for a single
16 point of contact. I think obviously that reflects
17 perhaps the discussions about LADO and the difficulties
18 that are sometimes faced by your school and others in
19 knowing who to contact and when to contact and where to
20 get advice from. I take it you have no cavil with the
21 suggestion of a single point of contact to make things
22 simpler?

23 A. I think anything which makes it simpler to report is
24 a good thing. I suppose the only question I would
25 have -- it depends what we're talking about. Are we

1 talking about somewhere for schools to report? Are we
2 talking somewhere for children to report?

3 Q. Schools to report.

4 A. In terms of schools reporting, simple streamlined
5 processes are really important. But it's not just about
6 the reporting process, it's what happens after you
7 report, and you will know that we believe very strongly
8 in mandatory reporting. But mandatory reporting -- and
9 I apologise, my Lady, if I'm repeating something I said
10 in March but perhaps it bears repeating. Mandatory
11 reporting only works if the rest of the system is set up
12 for it, because mandatory reporting means you will
13 report things that are not true, and whether for
14 children or for staff -- and children are the most
15 important things here, I have seen children's lives
16 really tarnished by reporting that has gone wrong, and
17 so I think I really believe in mandatory reporting. We
18 have it in our staff contracts, it's gross misconduct,
19 but I don't always feel the rest of the world is set up
20 to support us in that.

21 Q. Is that something you are talking with others about?

22 A. Yes.

23 Q. To whom are you talking?

24 A. Talking to SCIS about it. We've taken some steps really
25 over the last 18 months proactively to build I suppose

1 some of the sort of networks that Simon Reid was talking
2 about that existed in the old days of Grampian Police.
3 Moray's a small place and you don't need to talk to too
4 many people before you discover that the person you're
5 chatting to at the mountain bike race is a very senior
6 police officer and you can have a conversation about
7 what's working and what's not working and you kind of
8 get together and work things out.

9 So we've just built our own system over the last
10 year or so where we proactively meet with our local
11 police force and our local social work team just to chew
12 the fat, talk about current issues that are facing young
13 people. They alert us to things, we alert them to
14 things. We are really dialled in, for example, and this
15 is on a formal basis, to the local child protection
16 committee. I heard one witness earlier in the week
17 talking about the fact that schools aren't connected
18 into those local child protection teams. In my
19 experience they are and it's incredibly valuable.

20 So I think schools are sort of doing this stuff for
21 themselves, but I think it would be really great if it
22 was through a formal recognition of the benefits of
23 mandatory reporting.

24 Q. But to be clear, this seems to be working perhaps in
25 part because of living in Moray where life is a little

1 more straightforward to find the appropriate people as
2 distinct perhaps from the Central Belt, but you are
3 sharing these thoughts presumably with SCIS?

4 A. Mm-hmm.

5 Q. So they can then be shared across the board?

6 A. Yeah. And I think it is a hope of mine that this is
7 something positive that will come out of this Inquiry,
8 but obviously we're not waiting for that before we try
9 to make things better for children now.

10 LADY SMITH: How did you go about setting up this system of
11 regular engagement with the police so that -- it sounds
12 to me as though you've got to know each other.

13 A. Yes.

14 LADY SMITH: How did you do it?

15 A. I spoke with the local chief inspector, and he and I had
16 an initial meeting and we've had a number of planning
17 meetings to discuss how we should work, and then we've,
18 as a result of that, designed a system actually using
19 a model that they use with the RAF locally, covering
20 different topics, but --

21 LADY SMITH: Yes.

22 A. And then in terms of social work, it does depend a lot
23 on personalities. We've got to know senior social
24 workers. You handle a tricky case. We had a very
25 tricky case where we had to deal with something that was

1 actually way beyond the experience of even our local
2 social work team and in a way, I suppose, that built
3 their trust in us, that we'd taken their advice, police,
4 legal advice, and they then realised that actually this
5 is a team of professionals who have really got children
6 at the centre of decision-making and we can work with
7 them, and so the relationship develops.

8 Of course the worry, inevitably people move on, but
9 we just try to keep these things going. It's
10 investment. It's time well invested.

11 MR BROWN: But might benefit from formalisation so everyone
12 can enjoy it.

13 A. Yes.

14 Q. The other thing the same witness talked about was having
15 an advocate for pupils independent of the school.

16 A. Mm.

17 Q. What's your comment on that?

18 A. So one of the biggest challenges that we have, I think,
19 in schools and in society is creating a telling culture
20 amongst young people. I think there is great danger in
21 saying, "This is the person to whom you should report."
22 If I put that in a school setting, there was an era
23 where it was, "If you have a problem, you talk to your
24 housemaster or mistress" as it was then, "that's the
25 person you talk to."

1 What we've done as part of a process of what
2 I really describe as 30 years of sustained systematic
3 continual improvement is to recognise that what you need
4 to do is to make young people have a network of people
5 around them to whom they can report. Because we're
6 dealing with people here, and, you know, a child might
7 just not have that super close relationship and might
8 not find it easy to find a houseparent, just like they
9 might not find it easy to talk to their mum. So
10 houseparent, assistant houseparent, matron, key stage
11 lead, chaplain, healthcare centre, tutor, teacher,
12 assistant head well-being, assistant head boarding,
13 deputy head pastoral, these are people -- from that huge
14 array -- I think Diana Monteith said she doesn't believe
15 there's a child in the school that doesn't have someone
16 to whom they can connect, and I would agree with that.
17 I know it's a bold statement to make, but I would agree
18 with that.

19 That doesn't mean that having the opportunity for
20 other reporting isn't important, and I think Childline
21 is really important, but I think we need to consider
22 carefully whether by introducing third parties we create
23 complexity that actually doesn't help. I think I would
24 look first at what we've got already and ask: is there
25 a failure? Are we meeting an actual need that is not

1 being met elsewhere?

2 I actually think in boarding schools, because of the
3 particular responsibility we have, there is a greater
4 network of trusted adults to whom children can report.
5 Almost counterintuitively. And because we have a need
6 for greater support structures, we have greater support
7 structures. So I think there is -- those networks do
8 exist.

9 Q. Except, of course, the applicant, albeit speaking from
10 decades before you, felt she couldn't speak.

11 A. And I would argue that that is decades before me, and at
12 a point when the importance of creating a telling
13 culture and building very actively those networks didn't
14 exist.

15 The other key thing that has changed is the
16 structured use of children supporting each other.
17 I think Mark Pyper talked, or maybe it was Diana, about
18 peer mentors. We've now moved to something called
19 well-being watchers, and well-being watchers are older
20 students who undergo days of training in listening
21 skills and supporting skills and being available for
22 each other. Using the W words, for example. I can give
23 you all sorts of examples of how this works. But the
24 whole school being a telling culture is, for me, the
25 absolutely critical thing. And young people knowing why

1 information is shared as well.

2 So I've heard discussions about the importance of
3 the confidentiality of counselling and I absolutely
4 agree with that. But I also thought, my Lady, your
5 point about encouraging young people to understand the
6 benefit of sharing information between professionals is
7 critical, and that's a very significant change we've
8 made. So we've moved from a clinical psychologist to
9 two counsellors who don't just offer one-to-one
10 counselling services, but they will go out into boarding
11 houses proactively and almost train young people in how
12 to talk about their challenges. They'll offer drop-in
13 sessions and they will say, "I'd really like it if we
14 could share some things from this session with your
15 houseparent, in a really careful way, controlled way,
16 through the well-being system, because that will help us
17 support you better", and all of this helps to create
18 a telling culture. It's not careless telling, it's
19 thoughtful sharing of information that supports young
20 people.

21 Sorry to be long-winded.

22 LADY SMITH: What about teaching young people who are
23 trained to listen and encourage telling, but about
24 training them to maintain confidences?

25 A. Yes, that's part of their training.

1 LADY SMITH: It's not easy to learn that when you're young.

2 A. No.

3 LADY SMITH: How do you go about that?

4 A. So we're very clear throughout school that

5 confidentiality stops at the point where someone's

6 safety is jeopardised, and that's something that our

7 well-being watchers are trained in. So they know that

8 that's one of -- and they also -- it's not their role to

9 solve the problems of their fellow pupils. It's to hear

10 them and to help them report it on, and they know they

11 have an obligation that if safety is at risk, they need

12 to report it on. Just as staff will always -- so we

13 always say so children, "Please come and talk to me, I'm

14 really sorry I can't promise you absolute

15 confidentiality if your safety is at risk", and I think

16 as adults we have to recognise that that will sometimes

17 stop young people reporting, but that's why we have to

18 build this trust.

19 LADY SMITH: Mr Brown?

20 MR BROWN: Thank you.

21 The other theme, I think, and this is something that

22 you will be no doubt discussing when you have a meeting

23 with John Findlay, who gave evidence and spoke of coming

24 to speak to you, but it was a common theme from him and

25 other witnesses that there was a desire to have a trust

1 fund set up which would fund the treatment which might
2 otherwise be lacking.

3 A. Mm-hmm.

4 Q. I don't wish to pre-empt your discussions with
5 John Findlay, but can you say anything in response to
6 that particular question?

7 A. I think, speaking more generally, I do know that every
8 survivor has their own perspective on what help should
9 look like, and different people are helped by different
10 things. That's actually why we commissioned the work
11 from CELCIS, to which Simon Reid referred, which was
12 an objective piece of work done with a group of
13 survivors to identify a whole range of areas in which
14 the school could support them.

15 I think we've given quite extensive detail of that
16 to the Inquiry.

17 Q. There's much detail of CELCIS. I think the one thing on
18 which clarification would be useful: how much uptake has
19 there been?

20 A. So in terms of the -- the recommendations that CELCIS
21 helped us to put in place, there's a whole range of
22 areas where we seek to support survivors, one of which
23 is simply listening, and there has been a considerable
24 uptake of that. We have a trained team of
25 administrators in the school who are trained on

1 a regular basis in hearing survivor testimony.

2 We've also put in place an arrangement with the
3 Barnardo's Making Connections service to provide
4 independent counselling and survivor support. That was
5 as a result of CELCIS. Unfortunately, Barnado's had to
6 postpone that service during Covid, so I can't give you
7 a recent update because the service hasn't been
8 available. But we are assured it will be coming back
9 into place, back into service, and that will allow
10 survivors to take it up.

11 Q. When?

12 A. I can't say when at the moment, but we're -- it's not
13 just service for Gordonstoun, it's a service that
14 Barnado's offer for a number of organisations.

15 In terms of the particular idea that John Findlay
16 made, I will discuss that with him. Obviously, and I'll
17 say this to him, there are a range of complexities that
18 mean the idea is not necessarily as apparently simple as
19 it first appears, not least of fiduciary duties of
20 trustees, the objects of the charity and so on. But
21 I don't pre-judge anything. And since hearing John's
22 testimony we have actually opened dialogue with our
23 insurers about what might be possible, so we're really
24 listening to what survivors have said in their evidence
25 to the Inquiry and acting on it.

1 Q. I take the point about Covid impacting independent
2 resource, but in terms of the listeners you describe --
3 I'm not talking exact numbers, but you say there has
4 been uptake. Roughly what sort of numbers are you
5 speaking about? Tens? Hundreds?

6 A. Fewer than ten, I would say, actually.

7 Q. Fewer than ten.

8 A. In the last sort of 12 months.

9 Q. And before?

10 A. Probably about that number a year?

11 Q. Okay.

12 A. Relatively small numbers, but not a small impact on
13 either the individual or the listener.

14 Q. In terms of impact, obviously you've been listening to
15 the evidence of former pupils of both Aberlour and
16 Gordonstoun who suffered and continue to suffer the
17 impact of their experiences. Is there anything you
18 would wish to say, having listened to those testimonies?

19 A. Yes. I think the first thing I would want to say is
20 that they have been heard. We really have listened to
21 everything they've said incredibly attentively, and have
22 been -- I think I used the word "devastated" earlier --
23 I think devastated to see the impact that their abuse at
24 Gordonstoun has had on them. If it's been hard for me
25 to hear it once, I just can't imagine how awful it must

1 be for them to live with these experiences every day and
2 I am deeply sorry and apologise to them unreservedly for
3 what they experienced and for the fact that they were
4 failed by Gordonstoun and by those charged with their
5 care.

6 I think the other thing is that with all due respect
7 to this Inquiry, we won't wait until the outcome of what
8 you report to continue to seek to do everything we can
9 to improve how we support them, but also our commitment
10 to continual improvement in the way we look after
11 children today.

12 Q. In that regard, just as in March, if there are
13 improvements that you make, it would be helpful to know
14 of them, as they may add to the Inquiry's thinking.

15 A. Yes. May I offer one theme of thought?

16 Q. Please.

17 A. Which is that we have talked a lot about continual
18 improvement and I might just write to you with a couple
19 of sides of A4 of bullet points of just a few things
20 that we've done recently, but I think one theme is
21 single points of expertise and single points of -- let
22 me take a step back. Some of the improvements that
23 we've talked about have been as a result of the
24 recognised need for new expertise. We talked through
25 the '90s and the naughties about child protection

1 experts. I believe that the next natural iteration is
2 to move away from single points of expertise and
3 therefore of failure, and instead to embed that
4 expertise as part of core practice across
5 an organisation, so that rather than having a Child
6 Protection Co-ordinator, you have someone who is your
7 child protection lead and they are responsible for
8 making sure that the school is completely connected with
9 SCIS, with Scottish government, with Local Authority and
10 so on, but you actually embed child protection
11 responsibility within all your key carers.

12 In a non-pastoral sense, an example would be of
13 recruitment. Recruitment and selection used to be done
14 in schools by one person, the HR manager. What we now
15 seek to do is to embed excellent recruitment practices
16 within in every senior management so you're not reliant
17 on one person who might get it right or get it wrong,
18 but you embed those really key things across the
19 organisation -- if they matter, then everybody has the
20 responsibility for it. It doesn't mean that you then
21 have the risk that if everyone's doing it, then no one's
22 doing it. It's actually the reverse because then you
23 get continual improvement from all perspectives, not
24 just from one perspective.

25 Q. And where is Gordonstoun on that journey?

1 A. I would say for me it's been part of the change that
2 I've led within my team. So we are embedding -- we
3 really are embedding that child protection
4 responsibility everywhere. And the structure that Diana
5 was talking about where she had a deputy head pastoral
6 and the child protection officer and it was the two of
7 them, you know, you have a child protection lead in the
8 junior school and the senior school, but actually you're
9 training a much greater number of people at child
10 protection level 4, maybe between six and ten across the
11 school, so that you're really upskilling in these core
12 areas which are central to good running of the school
13 and of the care of children.

14 Q. So the essence of what you're talking about is training
15 everyone rather than just a few?

16 A. Yeah, yeah, and making these things central to the work
17 that we're all doing every day.

18 Q. If you wish to put a couple of sides of A4, that would
19 be useful.

20 A. Mm.

21 Q. Anything else you wish to say?

22 A. I suppose if I was just to sort of draw themes together,
23 it would be to underline how impacted everybody who has
24 worked at Gordonstoun has been by everything that we
25 have heard. And as I say, if it's impacted us from

1 being involved in the Inquiry, it's really helped us to
2 understand more deeply the impact of abuse and the lack
3 of care that children received in the past.

4 And I am, I suppose -- I feel a great sense of
5 regret, of sadness that I am principal of a school where
6 those things happened. But I do also feel a great sense
7 of pride in leading a team today that works so hard for
8 children, and when other heads phone me and say, "We've
9 had a really tricky child protection incident, Education
10 Scotland say I should talk to you because we can learn
11 from what you do", I think it would be wrong for me not
12 to acknowledge here the great work that our team does,
13 and they do it because they have this incredible
14 commitment to young people 24/7, and they will do
15 everything they can to make sure that what we've heard
16 is about the non-recent abuse of children, because
17 having heard the impact of getting it wrong, we know the
18 importance of getting it right.

19 MR BROWN: Thank you very much. Unless there's anything
20 else you wish to add, I'm content to leave it there.

21 A. (Shakes head).

22 LADY SMITH: Are there any outstanding applications for
23 questions?

24 Lisa, that completes the questions we have for you.
25 Thank you for offering to write, that would be useful.

1 A. Happily.

2 LADY SMITH: I would be glad to see it. And thank you for
3 the follow-up you provided after you were here in the
4 spring, which in so many ways seems like only yesterday,
5 but I think we're in not just the next season but two
6 seasons further on now.

7 I'm grateful to you for being here today but not
8 just today but for committing yourself to listening to
9 all the evidence that you've listened to, and I'm not
10 surprised that you articulate as you do how difficult
11 that's been. It is difficult. But the work we're doing
12 here is important.

13 A. It should be difficult.

14 LADY SMITH: And perhaps I should assure you that we do
15 regularly see signs of just the fact of the work we're
16 doing at the moment already having an impact, and
17 an impact in the way that it is bringing about change in
18 various areas. So I'm pleased to hear you thinking that
19 way.

20 I'm now able to let you go.

21 A. Thank you, my Lady.

22 (The witness withdrew)

23 LADY SMITH: So, Mr Brown, we've now completed the
24 Gordonstoun evidence.

25 MR BROWN: Yes.

1 LADY SMITH: And so let me invite you to tell everyone
2 what's happening next week.

3 MR BROWN: Next week we will move on to Queen Victoria
4 School, starting on Tuesday and running, all being well,
5 until the Wednesday of the following week, broadly
6 following the same pattern: listening to applicant
7 evidence and then closing with previous and current
8 senior management.

9 The one thing I would say for a variety of reasons,
10 partly because of distance, partly because of Covid
11 concerns, there will be more read-ins than there have
12 been, but I'm afraid that is just the way it is with
13 QVS. Once that is done, we will be moving on to
14 Keil School.

15 LADY SMITH: Thank you very much indeed. I'll rise now
16 until Tuesday next week, we won't be sitting on Monday,
17 Tuesday next week at 10 o'clock.

18 (1.21 pm)

19 (The Inquiry adjourned until 10.00 am
20 on Tuesday, 19 October 2021)

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