

## **Scottish Child Abuse Inquiry**

Witness Statement of

**Gordon CRUDEN**

Support person/others present: No

1. My name is Gordon Peter Cruden. My date of birth is [REDACTED] 1953. My contact details are known to the Inquiry.

### **Background**

2. I was educated at John Watson's School in Edinburgh, which is now the art gallery at Belford. I studied French and English at Edinburgh University. I went on to do a teaching diploma in English at Moray House in English. I was then registered with the General Teaching Council for Scotland. Thereafter, I had every intention of teaching in the state sector. I didn't really know what the private sector was all about. Jobs were very scarce at that time, the mid-seventies. I just couldn't get a job in an Edinburgh state school. I went for a number of interviews but without success.
3. My mother found an advert in the Scotsman newspaper for a job at Merchiston Castle School. I told her that it was a boarding school and that I had no experience of boarding schools. She pointed out that it was essential to have an interest in sport, especially cricket and rugby. The more I looked at it, the more I thought that it might be the sort of thing that I might quite enjoy. I played cricket and rugby in school teams and I swam for Scotland when I was in my late teens. I was in the international squad for several years and swam for Warrender Swimming Club. Around the time that I took the job at Merchiston, I also became head coach at Warrender for several years. I was learning to teach and learning to coach at the same time.

4. When I attended for interview at Merchiston, I was surprised when they didn't seem to be too interested in my qualifications. I was qualified as an English teacher, although my degree had been in French and English. Merchiston were seeking a French teacher with an interest in sport. The fact that I wanted to be involved in sport seemed very much to be the priority. I wanted to tell them that I had my teaching qualification from Moray House, but I got the impression that wasn't really relevant. As long as you were interested in sport, you could get on with it. I was interviewed by the headmaster, Donald Forbes, along with the head of French, Doug Brook. I think Ken Houston, the housemaster of Rogerson East, was present as well. They asked more about my interests than my education.

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

5. I was taken on as a teacher of French and resident assistant housemaster, which meant that I had lodgings in the school. Those were the positions I held until I left the school. I was in Rogerson East house. There was a separate house called Pringle for younger boys of prep school age. After that, there were two main houses, Chalmers and Rogerson. Each house was split into east and west. Boys moved from one house to the next every year because it was done by age group. They started at Chalmers West, then moved onto Chalmers East, then Rogerson East, then Rogerson West. Rogerson East, to which I was allocated, held about forty to fifty boys around fifteen, sixteen years old. I preferred the system at Bloxham School, where I went on to teach when I left Merchiston. Children at Bloxham stayed in the same house throughout their time at the school.
6. I worked at Merchiston from 1976 until 1985. It was fully boarding and only boys. It was a bit of a culture shock, having been at John Watson's, which was a small, co-educational school. My teaching practice had been at Edinburgh state schools. Merchiston Castle was completely different. I'm not aware of there being any probationary period. It took me a day or two to adjust. It was a very male, macho atmosphere. At first I wondered whether I'd gone somewhere that I wasn't going to enjoy, but it didn't take me long to find my feet. The sport helped a great deal because I went straight into being involved with cricket and rugby teams.

7. The housemaster lived adjacent to the building in a little cottage. His name was Ken Houston. I didn't do a lot of duty nights. I was there mainly in the event of something happening in the middle of the night. The housemaster would get his diary out and ask me to cover where needed. Sometimes, a couple of weeks would pass without him needing me to be on duty at all, other than to be there overnight. If he was going out to the theatre or a concert or whatever he would ask me to cover an evening for him. That would mean covering from the boys supper onwards, around 7:00 pm until bedtime.

#### *Policy*

8. I had no formal responsibility for the policy in relation to the residential care of the children. No guidelines were really put in place, not like nowadays when it's very clear when you need to refer matters further. There was nothing like that at all. There was no policy at all in relation to child protection, at least I don't recall anything.

#### *Strategic planning*

9. I didn't have any involvement in the strategic planning for the school. There was nothing like that, as far as I recall. I don't remember it ever being alluded to. When David Spawforth became headmaster, his remit seemed to be that he was there to "clear out the dead wood and revamp the school". I'm not sure whether that was an official remit, but it was talked about in the staff common room. Pupil numbers at the school had gone down. When I joined, they had been quite small, around three hundred. I think that went down to 265, 270 and the governors were quite concerned. Something had to be done to revamp the school and David Spawforth was recruited.

#### *Other staff*

10. I never managed other staff at the school. The staff were all male when I joined. I can't recall a female. During my time there, one or two part-time female teachers were introduced, much to the displeasure of some of the traditional male teachers. It also struck me that the staff were almost all English. Just about all of them had obtained their degrees at English universities. I assume that was policy and that I was lucky to

be accepted, having obtained my degree from Edinburgh University. The degree didn't seem to matter as much as the enthusiasm, which appealed to me. I think that was one reason why I had been keen to take the job.

11. Doug Brook was my line manager on the teaching side and Ken Houston would have been my line manager on the pastoral side, if there were any boarding house issues. Both Ken Houston and Doug Brook had been at the school for a long time before I arrived, but I don't know how long. I had a good relationship with both throughout my time at Merchiston.
12. Donald Forbes was the headmaster when I arrived. He was excellent and I really liked him. I think Donald Forbes overlapped with me for three years, maximum. He was replaced by a headmaster with whom I had a deteriorating relationship, David Spawforth. I think he must have arrived in 1979 or 1980. I found him very difficult to get along with. He had a phrase that we often quoted in the common room, "Well, if you don't like it, you can leave." I don't think he ever said that to me, despite the fact we had one or two confrontations, but that was the phrase which was attributed to him. A lot of people did leave. In a period of three or four years, there was a huge turnover in staff. There were people who got fed up and left or people who David Spawforth got rid of.

#### *Recruitment of staff*

13. I wasn't involved in the recruitment of staff. I don't really have any knowledge of the recruitment policy or practices. That whole area was very vague when Donald Forbes was the head. I'm not sure what he was looking for in terms of the staff he recruited. When David Spawforth came to the school, it would be unfair of me to say that there was any change. I'm not sure if there was. I suspect he would have been more inclined to stipulate that there were certain requirements to the job.

#### *Training of staff*

14. There was no training or anything of that nature at all. I don't recall the head of French ever sitting in on any of my classes, even though it was my first teaching post. I always

got on very well with the head of department, Doug Brook. He was always very keen to advise. I must've asked him lots of questions. He was easy to talk to and always gave me good advice. I wasn't involved in training other staff. I don't recall any training being introduced when David Spawforth took over.

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

15. I don't think there was any such thing as staff appraisal or evaluation. I wasn't appraised throughout my time there. I don't think there was a policy for evaluation of staff. If there was such a policy, I wasn't aware of it. It was totally different at Bloxham School in Oxfordshire. There were regular appraisals right from the time that I started there. They were quite rigorous too.

#### *Living arrangements*

16. The boarding house I was allocated to had a ground, first and second floor. The ground floor was where the housemaster had his study and facilities. The first floor had a dormitory for Rogerson East dormitory and a dormitory for Rogerson West. The [REDACTED] had his accommodation in the middle of those dormitories. The second floor held another Rogerson East dormitory at one end and a Rogerson West dormitory at the other. In the middle of the dormitories were my living quarters, which were adjacent to the two rooms for the assistant housemaster for Rogerson West. I had a study and an ensuite bedroom, so it was two rooms. Between the two dormitories there was a washing area, which was split into Rogerson East and Rogerson West areas. Right in the middle, between the two, were the washing facilities for the two assistant housemasters. I didn't share facilities with the boys.
17. The housemaster for Rogerson East lived in a bungalow adjacent to the boarding house. That was basically the principle, but the housemaster for Rogerson West was also the senior master, Brian Thompson. He actually lived down the back lane next on the way out of the school. He had an odd existence in the sense that he actually spent most of his time in his accommodation within the boarding house. I think he went home for lunch, but he pretty much lived in the school the whole time.

18. The housemaster and myself had access to the residential area for Rogerson East. It was a fairly open staircase, so any member of staff could come up if they needed to see me or whatever. Really, it was just myself and the assistant housemaster for Rogerson West who occupied that area. There was also a matron called Miss McLennan, who was the matron for Rogerson East and West. She lived in a little room to the back of the boarding house. I never had cause to be in her room.

*Culture within Merchiston*

19. The culture within Merchiston was a bit of a shock to me upon arrival. It was austere, authoritarian and there was a real feeling of "us and them" between the masters and the boys. It was totally different from what I'd experienced whilst on teaching practice. The staff were totally male. I got on with some and just didn't get on with others for various reasons.
20. I felt that the staff fell into three categories. There were one or two that I found standoffish. There were one or two that were aloof and didn't take kindly to a new young teacher. They were keen to point out that it was their views that counted and not mine. There were quite a number that I made very good friends with, including the housemaster and the head of my department.
21. I felt that the culture must have been very difficult for a boy who didn't fit in amongst a house of forty or fifty boys. I always felt that it was a fault in the system. In other schools, you could go to another boarding house and find some people your own age. When I taught at Bloxham, there were five houses. If a child didn't get on with people their own age in the house that they lived in, they could find friends in a different house. It was not the case at Merchiston. I always felt that there were one or two who did look very helpless because they didn't fit in with the group.
22. It was a very competitive culture, engendered by the sport. The competitive culture between forty or fifty boys the same age was sometimes quite awesome. It was a system that I didn't really like. Because boys were moving on to a different house every year, there was a real limit to how much you could influence them as an adult. At Bloxham, in my capacity as house tutor, I was involved with the same children for five



years, from little kids up to seniors. I felt that I could make a difference and in some cases a big difference. That was not the case at Merchiston Castle. In some cases, the boys knew that and exploited it.

23. I think there was a culture of fagging. The word was certainly used, but I can't think of specific occasions. I suppose it was less likely to prevail because it would have meant boys going to another younger house to satisfy their needs. Kids in the same house were around the same age. I don't think there were prefects in the house. I don't recall there being a house prefect or a senior boy or anything like that in the house. I can't remember there being a prefect system at all.

#### *Discipline and punishment*

24. In terms of discipline and punishment, the school did have a very strict policy. I'm not sure whether it was written down. There were many rules, overwhelmingly enforced by sanctions. When I first went to Merchiston that was something that I was rather surprised by. I think I learned the rules by observing others, copying and asking questions as I went along.
25. Teaching practice in the state sector was very different. I remember a French teacher at Trinity High School getting a rioting class under control without batting an eyelid. He looked at his watch and wrote, "Ten seconds," on the board, then looked at his watch again and wrote, "Twenty". There was still all this noise going on behind him and he wrote, "Thirty." By the time he wrote, "Forty," children were starting to shush each other and by the time he wrote, "Fifty," there was absolute silence. He said, "Brilliant, well done. Ten seconds faster than yesterday." That was a model that I would have loved to have followed at Merchiston, but it didn't fit the statute sheet. I used that type of approach at Bloxham School. Merchiston was very much a school that was driven by dos and don'ts.
26. I did make a mistake with academic punishments, which were written on blue sheets of A4 paper. Academic punishments were given out for anything that the teacher felt merited punishment. It could be a repeat of homework or something that hadn't been done properly. It wasn't simply writing lines, it was slightly more educational. The

housemaster had to issue the blue paper to the boy. It worked for me at the start as a way of establishing myself as a new teacher. I took no nonsense over the work and would ask boys to repeat work on blue paper.

27. I got myself a reputation for issuing too many. I now know that I could have handled these situations differently. The way I handled things at Bloxham School was completely different. It wasn't a question of punishment there, it was a question of encouraging the boy. Something that has always stuck with me was that after a year or two at Merchiston, a member of staff that I got on well with said something along the lines of, "Ditch the punishments, you don't need them, you've made your mark. If you carry on like this the boys will find a way of getting back at you." Looking at the overall picture and how things ended for me, I suspect that may have had something to do with it.
28. I was conscious of what my colleague had said and I did make some changes, but I didn't ditch the punishments. I ought to have completely adopted a new way of dealing with problems. The colleague who spoke to me worked in the English department. Presumably, he must have become aware of what was happening through the children that he was teaching as he wasn't a housemaster or an assistant housemaster. At no time did any of the housemasters or assistant housemasters speak to me and say I'd given out an extraordinary number of blue papers to the children in their houses. There was no control like that and, with the benefit of hindsight, that might have been useful.
29. If somebody was disobedient in class and it was something that I couldn't control with the academic punishment, then I would have spoken to the housemaster. In actual fact, I can't recall cases where my authority was ever challenged in the classroom. That may have been because I was so strict with the academic punishments, but I don't have any memories of that. I think that anything that couldn't be controlled by the academic punishment would be a matter for the housemaster.
30. If I found a boy smoking, I would have been expected to tell the housemaster. I didn't always follow that advice. My attitude to the disciplining and the rules and regulations were that I liked to play it by ear, rather than a tick-box exercise. I preferred to look at



offences on merit rather than in black and white. Sometimes, I could see that a lad had been pushed into it by his mates and that it was a first offence.

31. It was very much up to the masters to administer punishments. I can't recall a situation where pupils gave out punishments and I think I'm correct in saying that there wasn't a prefect system. I'm not sure whether the children would have been aware of any formal policy when it came to discipline. They were aware that certain offences were more serious than others. I'd hear tittle tattle about misdemeanours, such as, "You'll get four for that," "You'll get six for that," "You Might be lucky and get away with three for that." I took it from what they were saying that the boys were referring to strikes of the cane. To that extent, the boys were aware what punishment they would receive for specific offences.
32. Beating with the cane was a regular thing for certain offences. One of them was repeat smoking. Ken Houston was absent for a period of time, either through illness or on sabbatical. For several weeks, I was in charge of the house. A boy of fifteen, sixteen, had been caught on a repeated smoking offence. I can't remember his name. I was told by the second master, who was the housemaster of Rogerson West, that I'd have to take the appropriate action. I remember saying to him that I didn't want to do it and he told me that I had no option.
33. I gave the boy several strikes of the cane on the backside over his trousers. There was a stipulated number of times, depending on the offence. I can't remember what the number was. I think it might have been five or six. I really hated it. It wasn't in my nature. I had to go through with it and say I'd done it and record it. Beatings were recorded. I don't think the more routine kind of written punishments were recorded. I do remember signing something to say that I'd dispensed the punishment. That was the only time I used the cane. I never did it again. Caning would normally be carried out by the housemaster. It was one aspect of life at Merchiston that I didn't enjoy.
34. I can't recall ever having seen a formal policy for caning. I suspect there was an unwritten or maybe even a written rule on it, but I certainly didn't see that. I do have a vague recollection of a punishment book, which was kept by the housemaster. I definitely signed something when I caned the boy and recorded the number of strikes.

I think it may have been a punishment book. That was the only time I ever saw it, so my memory of it is fairly hazy.

*Day to day running of the school*

35. The only responsibility I can remember having in the day to day running of the school was the duty master slot in the dining hall. The four assistant housemasters had a duty rota system. I think I would be on duty about once a week. Pringle House's activities were separate. When you were duty master in the dining hall, you had to face the potential mob. You had to get to the dining hall first and hear the school pupils mustering outside the doors. When the cacophony was loud enough, you deemed that everyone was there and opened the doors.
36. The boys sat according to their houses on long tables. They used to fight for the best cutlery. They would swap things round so there would be this awful noise of cutlery rattling. The duty master had to say grace whilst everybody stood at their tables. A colleague of mine, who was a bit self-important, famously said, "I'm not going to say grace until all that rattling of cutlery stops." Immediately, three hundred boys picked up their cutlery and started battering it on the table.
37. Grace was said and then the meal was served. I think the boys went table by table into a servery area to collect their food and brought it back to their tables. It certainly wasn't dished out to them at the table. At the end of the meal, the duty master had to deem that the meal was finished. You'd rap on the top table then everyone would stand up, fall silent and a prayer of thanksgiving would be said. The master would then dismiss the boys table by table. Boys who hadn't finished could stay later if they wanted to.

*Concerns about the school*

38. When I taught at Merchiston, to my knowledge the school was never the subject of a concern raised to an external agency or body. If there were any concerns about the way a child was being treated, I have no idea about the extent to which parents would have been made aware of those concerns. I would think that didn't happen or didn't

happen very often. It was in stark contrast to Bloxham School where parents were involved as much as possible. It was the complete opposite at Merchiston where you didn't expect the parents to be involved at all. I don't recall a reporting system in the academic sense or parents meetings at all. I don't recall a single parents meeting all the time that I was there. If anything, I would say it was more likely that parents were not welcome to get involved and it was up to the masters to educate the boys. The parents were paying the money and that was the way the deal worked.

*Reporting of complaints/concerns*

39. If a child or someone else wished to make a complaint or report a concern, I don't think there was any formal process. I was the subject of a couple of complaints, but I don't know how those complaints reached the headmaster. When I was the subject of complaints, there was certainly no mechanism for me to put my case forward.
40. I don't think anybody ever came to me with a grievance or complaint. I wasn't told where to record a complaint or who to speak to if someone did complain. It was a whole area of school life that is completely different nowadays. However, a matter of months later I was at Bloxham School where these things did matter. Looking back, I think it's fair to say that Bloxham School moved with the times whereas Merchiston Castle stood still. When I look back on it, there were a lot of traditionalists on the staff at Merchiston. The attitudes to teaching and the attitudes to the boys were very much outdated.
41. If a child had been abused or mistreated, I suspect it would only have come out some time after by rumour. I certainly didn't get the feeling that it was the sort of school where the boys themselves would have approached members of staff for guidance or help in that respect. I think it would have been kept quiet. I don't think the channels were there for that kind of help and support. I can only contrast it with my experience at Bloxham School where it was very clear where a boy or a girl should go in the event of something going wrong. At Merchiston, I can't remember what the channels were or if they even existed.

*Trusted adult/confidante*

42. I don't think there was anybody at the school or outside of it that a child could speak to about any worries they might have. In a normal situation, the chaplain or his representatives might have been a person children could approach. Certainly, that was the case at Bloxham. I don't think it worked in the same way at Merchiston. Amongst the boys, there was a very dog eat dog atmosphere. You had to get on with it to survive. The feeling I got was that if you couldn't make some friends in a year group of forty boys then the view was taken that there was something wrong with you. I'm not sure what happened to those who did have difficulties. I think they were isolated.
43. Not all boys moved through all the houses to the top house. I don't know what the number of drop offs was each year, but some left along the way. I don't know what reasons they might have had for dropping out. In my role as housemaster, I don't remember any boys who I thought were seriously isolated. There were certainly a few boys over the years who I felt slightly sorry for because they hadn't made the rugby team and that sort of thing. There was little I could really do. There were definitely a few boys who weren't very happy. The mechanism didn't exist for me to support them or raise my concerns with anybody else. That just wasn't part of the school culture.

*"Abuse"/Child Protection arrangements*

44. To my knowledge, the school didn't have a definition of abuse during my employment there. There was no guidance provided by the school about the way children in our care should be treated. No guidance or instruction was given to staff about how to handle or respond to reports of abuse or ill treatment of children. I don't recall the matter ever being raised. I'm not aware of any child protection arrangements that were in place to reduce the likelihood of abuse

### *External monitoring*

45. I can't recall any external inspections of the school. If there were inspections during my time at Merchiston, the inspectors didn't speak to me. I don't recall anybody like that speaking to the boys.

### *Record-keeping*

46. I don't know what happened to records that were kept of punishments. To my recollection, there was no record-keeping policy at the school. I kept meticulous records of the marks I was giving children in the classroom. I wasn't told to do that. Every boy would have a whole string of marks over the course of the term. I would work out top to bottom in the class. In those days, they wanted to know who had come first or second. When I moved to Bloxham, I immediately found much more subtle ways of saying who had done well and who hadn't. There was a system of stars being awarded for work, not just for the quality of the work but the effort of the pupil. The stars were recorded by the tutor and enabled the tutor to have oversight of each child's progress. The system also allowed for communication between the tutor and the subject teacher about individual pupils. At Merchiston, they wanted to see the batting order. The head of department would look at it, but I think it was just out of interest. I don't think there was any formal record kept by the head of department.
47. There must have been some kind of end of year report card, but I can't even recall what it looked like. It may have been a grade and a comment by the teacher. I don't know whether there was any follow-up to that and whether parents would be invited to come and discuss the report cards. I don't ever recall seeing parents on the school premises.

### *Investigations into abuse – personal involvement*

48. I wasn't involved in any investigations into abuse on behalf of the school. I wasn't involved in the handling of any civil claims by former pupils concerning alleged historical abuse at the school. I wasn't involved in any police investigations into alleged abuse at the school until comparatively recently. There was nothing like that during

the time I was there, but in 2015 the police investigated allegations about me which resulted in proceedings at Edinburgh Sheriff Court.

### **Convicted abusers**

49. I don't know whether anybody who worked at the school has been convicted of abuse.

### **Specific alleged abusers**

#### *James Rainy Brown*

50. I remember James Rainy Brown well. I would guess that he was about forty years old when I arrived at Merchiston. He was at the school the entire time that I taught there and had been there before me. He seemed definitely aloof. It was as if he had his own world. He was in charge of Pringle House. He also taught physics or chemistry.
51. I didn't know James Rainy Brown particularly well. It was a strange kind of common room at Merchiston. You never really got to know other members of staff unless you were particularly friendly with them. There were half a dozen or so that I got on with really well and we would go out for a drink together. Otherwise, I got the impression that people were really in their own compartments and didn't really want to get involved in a personal sense. I never really knew Mr Rainy Brown personally.
52. When I first arrived at the school, James Rainy Brown was one of the teachers who made me feel like a bit of a minor. It was very much as if you couldn't say or do anything that would affect his kids or the way that he ran his house. I do remember one or two occasions when I had a disagreement with one of the boys in his house. I dealt with it in what I thought was a suitable way, with a blue paper or whatever. There would always be some kind of come back from James Rainy Brown about why I should have handled it differently. He always seemed to have some kind of riposte. That tended to happen in my early days, but I do think our relationship improved over time. He was a



sports man himself so he appreciated the work I was doing with the rugby teams and the cricket teams.

53. By the time boys reached Rogerson East, they had been out of Pringle House for three years. They would say things like, "At least we're not in Pringle anymore. We get treated like adults." I never went into that sort of stuff with them, but they clearly felt like they were treated like little kids in Pringle. The boys called him, "JRB," like it was a little clique and they were part of his clique. They seemed to resent that a bit as they got older.
54. I did see James Rainy Brown with the children around the school. I would describe him as being avuncular. He wasn't like the rest of the staff there, who were much more black and white, "I'm the teacher, you're the pupil." He was like an overgrown school kid at times. If the boys were climbing trees, he'd be climbing trees with them and that kind of thing. I never saw him disciplining the boys.
55. I never saw James Rainy Brown abusing children. I would say that I never heard about him abusing children, but there were innuendos. They would say things like, "Mr Rainy Brown follows us up trees, he follows us here and there." At the time, I never took any interest in those kind of comments at all. It's only looking back that I remember these kind of things being said. I certainly never witnessed anything.

QZA

56. I think QZA arrived at the same time as me. I seem to recall going to a social event with some other teachers. They were explaining things to him, as if he was new to the school. I think he was there for the whole time that I was there. He wasn't much older than me, in his mid-twenties. He taught [REDACTED] and later became the [REDACTED]. The [REDACTED] when I arrived was Doug Brook, who was also the head of the French department. I think Doug Brook stood down from [REDACTED] and QZA [REDACTED]
57. I found QZA to be a very agreeable man. I got along with him, although never particularly in a personal sense. I would say that I didn't really know him, but I found

him to be pleasant enough. I didn't really see him with the boys. I don't think I saw him disciplining the children, but I got the impression that he was one of a number of masters who did it strictly by the book. I do recall that he was a disciplinarian. I didn't see or hear of [redacted] abusing children.

CDR [redacted]

58. CDR [redacted] was [redacted] of the school. He also taught [redacted]. He was in his mid-thirties. CDR [redacted] was at the school when I arrived. I think he was there until about 1980, 1981. As I recall, he left fairly suddenly and people weren't talking about him leaving next term or whatever. I think he left hastily, but I have no idea what the reason for that was. Our roles didn't cross, but I did see a lot of him. I lived on the top floor of the boarding house. On floor below, the [redacted] luxurious apartment separated the dorms for East and West. Because he was in the same building as me, I was bound to bump into him so I came into contact with him quite a bit.
59. I felt very uncomfortable in his presence, although he was one of the staff who made me feel quite welcome at the start. It was a bit odd because on the face of it he was charming, but there was something that made me feel uneasy. Within a fairly short space of time, I felt that he wasn't someone I'd want to socialise with. I thought he was two-faced. It dawned on me that the charm wasn't what it seemed. He never crossed my path or did or said anything to me that I could take personally, he just wasn't an individual that I took to.
60. CDR [redacted] did a lot of beating, or so it seemed to me. I think he was renowned for it. On one occasion, it was a really bad night and there was almost a riot in the senior boarding house, Rogerson West. I remember being in discussion with him about punishing boys and he made an extraordinary statement. It's forever implanted in my mind, crystal clear. He said that it was his duty as [redacted] to let boys see the cruel side of life which they would experience after leaving school. I didn't know what to say. I've never forgotten it.
61. When he made that comment, I'd been at the school for about two years. Initially, I had found him to be quite supportive. He had been happy to help me out and give me

advice. I got on with him well in a kind of superficial way in the early stages. After he said that, I looked at him in a different way. In a way, I think I knew CDR [REDACTED] better than James Rainy Brown or QZA [REDACTED]. When you take exception to something someone has said or done, you look more closely at the person you're dealing with.

62. I did see CDR [REDACTED] with the boys. I would say that he was patronising. He would use his charm to try and get them round to his way of thinking. There may have been boys that he got on with very well. I'm not suggesting that any time he was getting on with a boy he was been patronising, but I did feel that was part of his style. I didn't see CDR [REDACTED] disciplining the boys. I never actually witnessed what happened when he did, but I would assume that he used the cane. I never saw or heard of him abusing any boys.

BRW [REDACTED]

63. BRW [REDACTED] was at Merchiston when I arrived. He was probably about fifty, maybe not quite as old as that. I think he taught [REDACTED] but I can't remember what other responsibilities he might have had. I had no personal links to BRW [REDACTED] at all. All I can do is describe, as a newcomer, how he came over to me. By the time I arrived at Merchiston, BRW [REDACTED] was already losing his voice. I don't know what illness it was that he had.

64. Because he couldn't talk to a class, BRW [REDACTED] held his classes in his private rooms. That seemed a bit odd to me. My point of view was that I wouldn't have had my class in my private rooms, but he did so on a regular basis. Because he was clearly ill, I didn't want to pass judgment on him. I never knew him at all as a person. I don't think we ever even exchanged any words. I don't remember anything else about him. I didn't see or hear of him abusing any boys. He left about four years into my time at Merchiston, I think due to the illness.



65. OZK was at Merchiston when I arrived and left a couple of years into my time there. He was quite young, maybe in his early thirties. He was an [REDACTED] teacher and the assistant housemaster of Chalmers West. Our roles didn't cross. Merchiston was a bit of culture shock for me. I couldn't believe the sight of OZK as he would walk up and down the main drive. He would wear a frock coat and a big black-rimmed hat and looked like something from bygone ages.
66. In my first term, OZK invited me to an uncomfortable one-to-one social in his flat. It was odd because he wasn't involved in sport and we weren't involved in teaching [REDACTED]. In a sense, we didn't have anything in common. There were a few occasions that stuck in my mind when I moved on from Merchiston and my experience with OZK was one of them. I remember thinking that I never wanted to be in a situation where I'm with people like that again.
67. I think his flat was on the top floor of the Chalmers building. When I went to his flat, he plied me with alcohol. He started talking about things to do with the boys in the school that were not my idea of a social at all. I can't remember everything that he said, but one comment always stuck in my head. He said, "Do you see enough of the boys?" I recall looking at him and asking him what he meant. I can't remember what he said in response, but I thought it was a very strange question. I can't really say anything more than that, other than that I was very uncomfortable in his presence.
68. After that evening, I made a conscious effort to avoid OZK. I never really examined it at the time. Perhaps it wasn't a conscious effort and it was just my reaction, but I never really came into contact with him again. I don't think I ever saw him with the boys. I didn't hear of him abusing boys, but there were rumours from time to time. One would hear something or become conscious that there was talk. I think the talk might have been in the pub down the back drive out of the school. I would go there with Doug Brook and one or two others after a match. We tended to let off steam and talk over a pint of two.

### **Specific allegations of abuse made against me**

69. I have been the subject of a complaint about alleged abuse at Merchiston. I do feel that the school might have handled things differently on my behalf when the complaints were made. On the occasion of the first complaint, I was called into Mr Spawforth's study. I don't remember the date, but it has been noted by the Inquiry that it was in 1982, which accords with my recollection. There was someone else sitting in his study to witness what happened, but I can't remember who that person was and he wasn't a representative of mine.
70. Mr Spawforth said something along the lines of, "I expect you know why you're here?" I hadn't a clue what he was talking about. He described the alleged flashing event. Mr Spawforth didn't put it as an allegation. He mentioned some shocking things. He asked me whether I masturbated and whether I always wore underwear. I couldn't believe what I was hearing and I was rooted to the spot. I must've sounded feeble in response because I didn't know what to say.
71. I was absolutely shocked and speechless. I had no idea what Mr Spawforth was talking about. I said very little because I didn't know what to say. I could see him getting very irritated. Looking back on it, I can see that he wanted me to confess and resign but I didn't have a clue what he was meaning. I had all sorts of different emotions. I was part shocked, part angry. I did ask the headmaster who had made the allegations against me but he wouldn't tell me. The meeting ended with him reprimanding me. It was something along the lines of being careful how I dressed and that we'd say nothing more about it. There was certainly nothing given to me in writing as a follow up.
72. I remember going back to my flat and digging out a pair of trousers. He was right. There was a slit in the crotch. I had been wearing an indecent pair of trousers, but it was nothing like what the headmaster had been suggesting to me in the interview. I wish at that time that there had been somebody there supporting me. I don't know what they could have said or done, but I needed somebody to turn to.
73. I told the housemaster that I wanted to go home that night. I went back to my parents' house on [REDACTED] Road. I discussed the matter with my parents. It was really

embarrassing. My parents took completely different views. My father was furious that I'd been accused of a crime. He said that the best thing to do would be to contest it. My mother took the view that I'd clearly been negligent and that I couldn't deny that. She felt that I shouldn't stir up more trouble in a school where I was really enjoying myself. After thinking about it for a day or two I decided that my mother's advice was the best. I didn't do anything more about it and that was that.

74. Some years later, there was a second complaint. Allegedly, the exact same thing had happened again. The second complaint occurred not long after I'd had a significant row with Mr Spawforth. I had been editor of the school magazine for a few years. Mr Spawforth's attitude wasn't to all the staff's liking. He had been discussing the sale of a portion of land at the east end of the school estate with the governors. It would knock out a couple of pitches. It was well known that there were discussions about selling land to builders and the teachers were up in arms about it. One of the great things about Merchiston Castle School is what it looks like. Unadvisedly, I referred to this in my editorial, albeit very discreetly in half a line.
75. When the headmaster received his copy of the magazine, he was absolutely furious. I was hauled into his study. Mr Spawforth lectured me about failure to stick to school protocol and being disloyal. I suppose that in a sense I let my frustration about his style and attitude get the better of me. I had a really blazing row with him. At one point, I was on my feet, telling him what I thought of him. There was no bad language but I was very angry. I said something along the lines of, "If you seriously think that I can continue as editor with this sort of pressure on me then I resign." What he said in response is one of those moments that is crystal clear in my mind. He said, "Resign from the school?" I was startled. I could see from the look in his eyes that he just wanted rid of me. Because I didn't reply, he followed it up and said something along the lines of me needing to consider furthering my career at another school.
76. I never really got along with Mr Spawforth and, in his view, I had made a horrendous mistake. It was just a matter of time. I had been at Merchiston Castle for eight or nine years and I started to think that it probably was time to make a move. I thought maybe I had been there too long and that was why I was getting into that frame of mind and that I needed a change. I started thinking about what life would be like outside of



Merchiston Castle. From my personal point of view, I did feel that I paid the price for not getting along with the head. Even if there hadn't been a repeat of the hole in the crotch incident, I feel my days would have been numbered anyway.

77. The second complaint emerged within a year of my argument with Mr Spawforth. I knew that was it. On the second occasion, the boy concerned accused me at the time. His surname was GLZ and I think his first name was GLZ or GLZ. The boy was one of two or three boys that I had a lot of difficulty with. I had difficulty with very few and got on with the vast majority of boys. He was what I would call a bit of an upstart. He was very good at sport, but he wouldn't listen and always knew better than the coach. In the classroom, he was the sort of boy who liked a bit of banter as long as it wasn't at his expense.
78. I think it happened the day after the end of term or at half term. The boy came up to hand me some late work or a blue paper. I was just sitting there. He handed me the work. Within a few seconds, he was accusing me. I looked down at my trousers and thought, "Oh, Christ. Not again." The boy left my study in a shot. I couldn't call him back or anything. I suspect he went straight to the headmaster and banged on his door. I thought I should go and see the headmaster without waiting to be summoned. I crossed the quad to his study and when I got there, he was just getting off the phone. Mr Spawforth put the phone down and said that he thought I might be over. He had already phoned the boy's father. I got to the head in a couple of minutes but he already knew about it.
79. I told him that lightening doesn't strike twice but that it just had and that I couldn't believe it. I said I could see that I had no option other than to voluntarily resign. It was at that point that he said he'd make sure that I'd get good references because I'd been a stalwart at the school for so many years. He told me to keep quiet about what had happened. He didn't want me to disclose the reason for my departure with future employers because it might raise questions about what was happening at Merchiston Castle. He said that it was in my interests that he didn't tell them my part in it. I was a bit surprised, but in a sense I was glad that he was taking that point of view.

80. I don't want to complain about the headmaster of Merchiston, but I felt that I was a bit helpless. The headmaster at Bloxham would have handled a similar thing in a totally different way. I think he would have been supportive. Even though I might have been in the wrong, he would have found a way of presenting it to me in a less humiliating manner.

### **Leaving the school**

81. That second complaint about me at Merchiston was in 1985. Mr Spawforth suggested that I offer my resignation. He said that if I did so, I could be rest assured that the reason for my resignation would never be mentioned outside of these four walls and that he'd help me in future job applications. All of that got me into further trouble. I went for an interview at Bishop's Stortford College. It was a terrific interview. They liked me and I liked them. They then received a report from Spawforth, which completely contradicted what he'd said to me in private. He had referred directly to the events which occurred.
82. I got a letter from Bishop's Stortford after the interview saying that there was something I'd failed to discuss with them, namely the reason for my departure from Merchiston Castle. I wrote back to them to apologise and explained that I'd been given strict instructions by the head of Merchiston not to talk about what had happened there. It had been his idea, therefore I had kept quiet about it. I no longer have any of the correspondence relating to my application for employment at Bishop's Stortford.
83. In subsequent job applications I made sure that I was up front right from the start. I didn't want there to be any suggestion of deception. I was interviewed at Bloxham School before they obtained references from Mr Spawforth. I told them why I had resigned from Merchiston straight away. The headmaster at Bloxham was understanding.

## **Criminal proceedings at Edinburgh Sheriff Court**

84. I was at Bloxham School when things started to resurface. It was May 2015 when I became aware the police were investigating Merchiston Castle. I was working as the exams officer at Bloxham, which I really enjoyed. I'd just started off a GCSE exam in the sports hall. I was making my way back to my classroom when a colleague informed me that the headmaster wanted to see me. I went to the headmaster's study and there were two gentlemen there from Police Scotland. They asked me whether I was aware that James Rainy Brown had committed suicide. I told them that I was aware of that through the grape vine. They said they wanted to speak to me about certain things that happened whilst I was at Merchiston Castle.
85. Within a short space of time, my head was spinning. I realised that they were talking about me, they weren't talking about James Rainy Brown. I was arrested and taken to Banbury Police Station. They provided me with a solicitor. I told the solicitor what had happened at Merchiston, but it was the first time I'd had to recall it after thirty years. The solicitor advised me to make no comment to every single question that I was asked. The police asked me all sorts of questions and I responded by making no comment throughout.
86. There was enough evidence for a prosecution so the case went to court, but it wasn't the boys who hadn't raised the complaint. As far as I understand it, the matter was driven by Police Scotland. Upon investigating James Rainy Brown's suicide, they had looked through the school's files. They came across historic complaints and then obtained statements from the former pupils. My lawyer said the police wanted brownie points for as many prosecutions as they could get. That's my understanding of how it all came back out into the open again.
87. I remember four former pupils giving evidence in my trial at Edinburgh Sheriff Court. Two of them had it in for me and, to be frank, I didn't like them as kids. Their names were **DZL** and **GLZ** and they really dug the knife in. When they gave their evidence in the court, my mind just went back 35 years. They seemed to be exactly the same as they had been back in the classroom. They had exactly the same tone

and venom. The Sheriff obviously saw something in their testimony that was important to him.

88. One of the other former pupils who gave evidence said that he didn't want to be there. He said he'd been forced to come and give evidence. He was asked all sorts of questions and provided negative responses to them all. He said that he had nothing against me and that I'd been a fantastic teacher at Merchiston Castle School. He wasn't happy that I'd been brought into it. The fourth former pupil to give evidence was so vague that he didn't make it to the final round, as it were.
89. The offence changed its name several times during the trial. It started off as sexual abuse and indecent exposure, but that charge was withdrawn and replaced by charges of public indecency. I think that reflected the degree of severity being reduced.
90. The outcome of the trial was summed up for me by my lawyer. I have provided the Inquiry with a copy of a letter I received from my lawyer dated 19<sup>th</sup> January 2016, explaining the outcome. He told me that on the basis of indecency rather than any actual form of sexual abuse, there was a case to answer. I realised that I'd been so stupid and negligent and I had always apologised for that. The Sheriff couldn't find me not guilty because there had been an offence committed. However, the Sheriff stated that he had every reason to believe, after thirty years of unblemished service at Bloxham and after seeing really good references from the headmaster at Bloxham, that I was not a danger to anybody at all. He took the view that whatever may or may not have happened was firmly in the past and we were at a different stage of our lives. I was found guilty but the Sheriff awarded me an absolute discharge, which meant there was no conviction and I was able to continue teaching. The Sheriff actually said that he hoped I would get back to teaching as soon as possible because it would be in my interests and the children's interests.
91. As a result of the absolute discharge, I have no criminal record. My response to the outcome of the trial was different from my lawyer's. He was furious and said that I should have been found not guilty. He said that we could take it further and appeal the verdict. It was a bit like my mother's words were ringing in my ears from all those years ago. I told my lawyer that the judge had actually said that the sooner I got back to

teaching, the better. That gave me confidence, irrespective of what I had been through, that I could go back into the classroom. I had had enough and I decided to leave it at that.

92. I don't recall whether or not I was a member of any professional teaching body at the time of my trial. I am aware that Bloxham School were required to refer the fact that I was under police investigation to the Disclosure and Barring Service. It took some time afterwards for me to get the official paperwork from them. The case was reviewed by the Disclosure and Barring Service, who wrote to me several months later. They said that they'd reviewed the evidence pertaining to the court case and that they agreed that the Sheriff had reached the correct conclusion and that there was no conviction and my name would not be on any offenders' list. I have provided to the Inquiry a copy of the letter I received from the Disclosure and Barring Service in this regard, dated 19<sup>th</sup> January 2018. I was able to continue teaching until I retired in 2016. I have never been the subject of any other complaint relating to the abuse of children.

### **Lessons to be learned**


93. Within a very short time of arriving at Bloxham, I thought that was what a school should be like. I went on to teach at Bloxham School in Oxfordshire for thirty years. It was part boarding school, part day school. By the time I left Bloxham, it was about 70% day pupils. The balance really shifted toward day pupils. I preferred the system of houses at Bloxham, where boys or girls stayed in the same house throughout their entire time at the school.
94. When it comes to child protection, there has to be a clear statement of policy, which all members of staff can quote and know it exists. That would be the starting point. For the boys and girls, there needs to be something very clear about what they do if they have a problem that arises. For example, who do they approach? I hope most boarding schools now have that, but at Merchiston there was no adult that an individual boy could go to officially who was in charge of his well-being. It seemed to me that there was nothing in the Merchiston set up that guaranteed their well-being. One boy would have dealt with issues of abuse or mistreatment in a different way than another or not



dealt with it at all. One might have talked about it to friends, another might have phoned his parents. There was certainly no pathway for what to do if they had a difficulty.

95. At Bloxham School, it was very well specified because every child had a personal tutor. That was something that just didn't happen at Merchiston. In the boarding house at Bloxham, I had eight or nine kids who were my pastoral responsibility. Their ages ranged from the youngest children up to seniors. They were in my charge throughout their time at the school and as such I was directly responsible to their parents. Any difficulty they had in any respect came to me as their pastoral tutor. It was an aspect of the job that absolutely didn't exist at Merchiston Castle. In some respects, it was what made the Bloxham job so rewarding. Not only did you feel like you were smoothing out some problems here and there, but the kids trusted you. As a result, the parents trusted you. I've still kept many lovely letters from parents from the kids that I tutored at Bloxham.

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

Signed..........

Dated.....27 October 2020.....