

Scottish Child Abuse Inquiry

Witness Statement of

Peter HALL

Support person present: No

1. My name is Peter Kenneth Hall. My date of birth is [REDACTED] 1958. My contact details are known to the Inquiry.

Background

2. I studied at the University of Oxford from 1977 to 1980. I achieved Final Honour School of English Language and Literature: Class Two. Then I studied at the University of Oxford Department of Educational Studies from October 1980 to June 1981 and gained a Post Graduate Certificate in Education. From September 1981 to August 1984 I was employed as an English teacher at The Windsor Boys' School, Windsor, Berkshire. This was a state comprehensive school.

Employment with Merchiston Castle School, Edinburgh

3. I worked at Merchiston Castle School from September 1984 through to my retirement in August 2017. My first position was an Assistant Master and member of the English Department. In February 1986 I took on the additional responsibility as Head of Drama and in September 1989 I was Resident House Tutor in Pringle House (for eleven and twelve year old pupils). I was appointed Housemaster of Pringle House for junior pupils in September 1994. In September 1999, I was appointed Head of Juniors and a member of the School Leadership Team and in September 2012, Senior Deputy Head, a position I held until my retirement in August 2017.

4. The process for my initial appointment included a formal letter of application, formal interviews at the school and references were taken up. I also registered with the General Teaching Council for Scotland (GTCS) on taking up this appointment. Having already worked for three years as a teacher in Windsor, I was not required to serve a probationary year before full engagement and was appointed under the school's normal terms of service at that time: termination of appointment requiring one term's notice on either side. The subsequent responsibility appointments as detailed above were always formally conducted with an interview and formal letter of appointment.
5. My principal line manager when I was first appointed was the Head of English. There was considerable liaison and monitoring of performance by the Head of Department. I was a tutor at the start in the Sixth Form boarding house and the Housemaster acted as pastoral line manager, responsible for induction and monitoring of performance. The appraisal system became increasingly formalised, culminating in GTCS commending the school's approval procedures when Professional Update was introduced in about 2014.
6. As Head of Drama, my line manager was the Head of English and I reported also directly to the Headmaster and attended Head of Department meetings. As Resident House Tutor, the Housemaster was line manager, with whom I negotiated duties. As Housemaster, the Deputy Head was my line manager and as Head of Junior School, the Headmaster was my line manager. Both offered considerable support and oversight of my performance in these promoted posts.
7. From memory, my initial induction in 1984 was effective, if informal. No specific training was provided when I became Head of Drama, although the Head of English was an effective mentor. The Deputy Head provided very good induction as a new Housemaster and the Scottish Council for Independent Schools (SCIS) provided excellent training courses and the school encouraged attendance. The Headmaster provided very good induction and support when I became Head of Juniors and there were many opportunities for training, including an annual Junior Heads' conference run by SCIS.

Policy

8. I started to be involved and share responsibility for policy in relation to the care, including residential care of children from September 1994, when I became Housemaster of Pringle, the junior house.
9. There was considerable change and development of policy from 1994 to 2017. Some of this was in response to new national guidelines, particularly in the area of child protection. School INSET (In-Service Education Training) became increasingly focused on staff development, with much time devoted to training of staff involved in the care and welfare of children.
10. From 2005 change was also driven by very regular inspections by the Care Inspectorate, sometimes in conjunction with Education Scotland. The Deputy Head was responsible for the regular updating of the Staff Handbook, which detailed policies for all staff and new policies were added and old policies amended, communicated to staff through the issuing of new editions of the handbook and through highlighting and training staff in new policy. I assume this was originally undertaken by Deputy Heads at the relevant time [REDACTED] After his retirement, this became my responsibility.
11. For the most part, inspection reports validated these improvements, with sector leading quality grades from 2008 to 2013. Following an inspection in October 2014 weaknesses were highlighted by inspectors, particularly in care-planning and this drove considerable change in policy, included the development of a positive behaviour strategy, with intense training of staff. This replaced a somewhat old fashioned approach to discipline with a system focusing on restorative approaches to behaviour. I was surprised by the level of weakness highlighted given the 'excellent' gradings the school received for all areas, including Quality of Care and Support for inspections carried out in 2012 and 2013. At the time of the October 2014 inspection (report published 2015) we were aware of the National Guidance for Child Protection in Scotland which had been published in May 2014, but were awaiting the Edinburgh and Lothians inter agency child protection procedures to inform the revisions of our child protection policy and Care Planning. The Edinburgh and Lothians procedures were

published in autumn 2015, so the school undertook its own review and rewriting of its child protection policy, which was completed by spring 2015.

Strategic planning

12. I became involved in strategic planning for the school when I joined the School's Leadership Team in September 1999. The potential for abuse definitely featured, with a profound examination of strategy in 2012, 2015 and 2016. Child Protection and the potential for abuse rose to the top of the school's agenda from 2013, featuring prominently in the Improvement Plan and defining staff training. There was significant improvement in record keeping, to ensure clearer monitoring of staff.
13. There was also a new committee formed involving staff, governors and outside professionals, the Child Protection and Compliance Committee (2016). This was set up to ensure rigour and transparency and to ensure the Board of Governors' was fully trained in child protection and aware of all child protection concerns and incidents. The Governors also instigated a report by With Scotland in 2015, which further informed strategic planning in the area of Child Protection and Safeguarding.
14. From 1984, the strategic drive was to employ married housemasters where possible and to make provision for a resident assistant. There was good awareness of child protection issues - although much less formally than from 1999 onwards. There was a strategic drive from 1999, with the arrival of a new Headmaster, to review and formalise policy across the board, with policy embedded in handbooks, requiring annual updating. There was renewed emphasis on pupil and parent voice, with the institution of parent and pupil forums.
15. There was a strategic review of Child Protection lead by the Child Protection Governor in 2012. Strategy was embedded in development plans, reviewed and audited on an annual basis. There was a major strategic shift from 2013, to strengthen the Governors' overview of Child Protection issues, culminating in the setting up of the Child Protection and Compliance Committee in 2016.

16. Another key strategic move from 2014/15 was the review of the school's disciplinary policy and the formation of a new policy, based on a restorative approach to behaviour management. There was also a strategic review of staffing, leading to the appointment of a Deputy Head with responsibility for pupil support pupil in September 2015 and much improved care planning for pupils with particular emotional and support needs.
17. Throughout my time at the school, there was also constant strategic emphasis on learning and teaching, to raise pupil attainment and to ensure value was added to each pupils' performance. There was also key emphasis on the school as a charity, with enhanced work in the community, ensuring the school met its targets, set with the Scottish charity regulator OSCR.

Other staff

18. I started to manage staff from September 1994, when I became a Housemaster. I was responsible for inducting, supporting and overseeing the performance of all tutors within the annual Professional Review and Development programme and ensuring there was an annually updated house handbook for tutors, detailing polices and expectations, including Child Protection. When I became Head of Juniors, this responsibility spread to include primary teachers.
19. When I became Senior Deputy Head, all Housemasters reported to me and I chaired weekly housemaster meetings. Other senior managers also reported to me, including a newly created post from September 2015 of Deputy Head Pupil Support. I was also line manager to the Senior Nurse and met very regularly with the School's doctor.

Recruitment of staff

20. I became directly involved in the recruitment of staff when I became Head of Juniors in September 1999 and this aspect of my work intensified, particularly when I became Senior Deputy Head.

21. I had a very good knowledge of recruitment policy and practices and, from 1999, as a member of SLT, helped in the strategic development of policy and practice in this area. I recall policy development was driven by a new Headmaster and the need to incorporate national guidance and learn from best practice in other schools.
22. At least two written references were sought from referees. There was a questionnaire the referee was required to complete, covering a wide range of issues, from professional competence and experience in the classroom, to any disciplinary issues and above all, any child protection issues. All interviewees met with a panel of pupils from about 2005 onwards and their views fed into the decision making process. Governors were increasingly involved in the interviewing of senior staff from about 2010 onwards.
23. I would say at least one of the nominated referees was spoken to in person and the issue of child protection always featured in any conversation.

Training of staff

24. I was involved in training and personal development of staff from 1994, when I was appointed as Housemaster. As Housemaster, I oversaw the pastoral work and training of my team, in conjunction with the Deputy Head. This responsibility broadened once I was appointed Head of Juniors, to include all primary staff. One of my responsibilities as Senior Deputy Head was to plan and oversee INSET for all staff, including Child Protection training for non-teaching staff as well.
25. The staff handbook detailed the policy for the review and development of staff. There was considerable development in this area post 2000 and a major overhaul in 2012/13 in preparation for GTCS Professional Update.

Supervision/staff appraisal / staff evaluation

26. I was involved in supervision/staff appraisal/staff evaluation of staff. As a Housemaster, I fed into the review and development of the pastoral role of staff. As Head of Juniors, this extended to the classroom performance of primary staff. As Senior Deputy Head I had overall responsibility for the School's review and development of staff. The policy underwent further development in the lead up to GTCS Professional Update, becoming more rigorous and was scrutinised and approved by GTCS in I think 2014. The 360 degree staff review process included feedback on teacher performance by pupils.

Living arrangements

27. In 1984, I lived in a staff house in an area of the school called The Cedars, a separate part of the campus with no access to children. In 1989, I moved with my family to accommodation attached to the junior house, where we stayed until 2010. At this point we moved into Gardener's Cottage, a detached cottage in the school grounds, without access to children.
28. Throughout the school, Housemasters lived in accommodation within boarding houses. Houses in addition had accommodation for an additional residential tutor. The junior boarding house replaced the resident tutor with a resident house mother from September 2000.
29. All residential staff, prefects who also lived in boarding houses and all non-resident tutors, when on duty had access to children's residential areas. Domestic staff also had access to residential areas, with very clear guidelines when pupils were around.

Culture within Merchiston Castle School, Edinburgh

30. From my arrival in 1984, I felt there was an open and trusting relationship between staff and pupils. The disciplinary structure was quite formal, with clearly defined

punishments and this could set up barriers. There were examples of bullying and the school worked constantly to address these issues and improve policy and training of staff and pupils.

31. With the arrival of a new Headmaster in 1999, there was a steady growth of more formal policies to underpin the culture of the school. There was a Governor led review of child protection in around 2012 showing the increasing centrality of child protection. Pupils had an increasingly strong voice, with the formation of a pupils' council from 2000, pupil lead councils at house level and confidential questionnaires.
32. From 2013 to 2017, the school underwent a period of profound reflection and a review of behaviour policy formed an important part of the attempt to remove any barriers of communication between staff and pupils.
33. There was no system of fagging in the school.

Discipline and punishment

34. There was a clearly defined disciplinary policy, with sanctions for misdemeanours. There was a system of 'blue papers', detentions, suspensions and exclusion. In 1984, I recall prefects were able to issue blue papers, but this changed and only staff were permitted to issue these. Staff could issue a minor Thursday Detention and only the Headmaster or his deputy could sanction the more serious Saturday detention. Suspensions and exclusions had to be sanctioned by the Headmaster. All major incidents were reported to the Care Inspectorate.
35. There was a formal policy in relation to discipline and punishment from the start of my time there. This underwent regular revision - more radically from 2015 with the adoption of a restorative approach to behaviour management, necessitating extensive training sessions for staff and pupils.
36. There was a clear rule book, issued to all staff and pupils and parents. In addition, there was further guidance in the staff handbook and house handbooks were also

developed for pupils. Close records were kept. These became in due course electronic although I cannot recall precisely when this change was brought in. There was more efficient and rigorous scrutiny of records by housemasters and the School Leadership Team, SLT, particularly with the development of improved efficient electronic record keeping from 2015 onwards.

37. Senior pupils who were prefects definitely had an important role. Their behaviour was primarily supervised by the Housemaster, supported by the Deputy Head. There was a key development from about 2013, putting a great deal more emphasis on prefects' role as role models and supports, as a part of the schools' updated disciplinary policy. Senior pupils were trained by the Place2be charity from about 2005 onwards, which enhanced their understanding of how best to support their charges.

Day to day running of the school

38. I was involved in the day to day running of the school. As a Housemaster from 1994, I was a member of the Housemasters' group. Housemasters were responsible for the day to day care of pupils in their houses. I was responsible for the day to day welfare of the junior pupils, monitoring performance through report cards, overseeing discipline and a wide ranging activity programme. Housemasters were the first port of call for parents. When I was appointed Head of Juniors, I joined the Senior Leadership Team, involved in the strategic running of the school, with further additional responsibility after appointment as Senior Deputy Head in 2012.
39. I would hesitate to be absolutely definitive, but I would like to think if any child was being abused or ill-treated, it would have come to light at or around the time it was occurring.
40. The size of the junior house was relatively small, so I could get to know each pupil. There was a good system of personal tutors, who would feed back concerns and parents also knew they had easy access to me, to raise any concerns. There were also prefects, who were carefully trained and with whom I met each week, with the

Child Protection Coordinator. Pupils were also able to confide in the Housemother and the school nurses.

41. However, the alleged sexual relations between RCQ and senior pupils only came to light after the staff member and pupils involved had left the school, suggesting an unwillingness to speak out, which prevented abuse coming to light at an earlier time. This led to soul-searching by the senior leadership team and helped to inform reform of behaviour policy, in an attempt to remove such barriers of communication.
42. There were clearly examples of undetected abuse, most notably that connected to RCQ and senior pupils, which only came to light after RCQ and the pupils had left the school in . There was clearly a lack of willingness to speak out surrounding this abuse, which was of considerable concern and led to significant improvements in child protection procedures.

Concerns about the school

43. The school was the subject of concern, to an external body or agency, or any other person, because of the way in which children and young people in the school were treated. A former pupil raised concern about the way in which he had been treated by Mr Rainy Brown. This led to a Police investigation and the school also instigated its own internal enquiry, led by a former Headmaster of Dollar Academy, once the police investigation concluded. This investigation also covered Mr DRW's time in the school in the early nineties.
44. I believe the school was very open in sharing concerns with individual parents and the parental body more widely. The Headmaster was responsible for reporting to the parents. Former pupils were also informed of concerns on a number of occasions and invited to contact the school or police, or the Child Abuse Inquiry with any historic concerns they may have had.

Reporting of complaints/concerns

45. Children and their parents knew that concerns should be raised in the first instance with the Housemaster. They also had ready access to the Deputy Heads and the Headmaster. Complaints were recorded in pupil records handed from one housemaster to the next. The Headmaster kept the formal complaints file, which from around 2000 was scrutinised by a Governor, who reported to the Educational and Pastoral Committee. The complaints file was also scrutinised as a part of external inspections by Education Scotland and the Care Inspectorate. Post 2000, pupils knew they also had ready access to the Child Protection coordinator and his/her deputy. Parents and pupils could also complain to the Governors and to the Care Inspectorate. There were repeated requests to former pupils to notify the school and/or the Child Abuse Inquiry of any child protection concerns relating to their time at the school.
46. The process was used with some regularity. An inspection by the Care Inspectorate was triggered in September 2012 by a complaint from a parent. The complaint was not upheld and a rigorous inspection awarded the school grade 6, excellent, in all areas inspected: care and support; environment; staffing; management and leadership.
47. There was a difference between formal complaints and more informal concerns. The latter was used regularly by pupils, particularly if they felt unjustly treated.
48. Informal complaints were recorded by Housemasters and more formal complaints by the Headmaster. The Headmaster's complaints file was retained, whereas as Housemaster records would not necessarily have been kept after a pupil left. Any concerns raised to the Child Protection Department would have been carefully recorded, acted upon and the records kept.

Trusted adult/confidante

49. There was a person in the school, or outside of it, that a child could speak to about any worries they had. There was a guide for pupils, although I cannot recall when this first came into existence - around 2000 I think. Pupils were encouraged to speak to housemasters, tutors, a trusted friend, the Headmaster or his deputies. Child line posters were clearly displayed in all houses and pupils were of course encouraged to speak with Parents and guardians, as well as housemothers, medical staff and the Care Inspectorate.
50. The Chaplain could also be approached and the school also appointed a school counsellor, initially for the juniors (taking over from the counselling and mentoring charity, Place2be, which offered a service in the Junior School around 2008-2010). The School Counsellor's remit spread to cover the whole school. Place2be continued to train senior pupils to act as mentors in local primary schools, which in turn made them more aware when they became prefects in boarding houses in their final year in the school. Post-2013, there was heightened scrutiny of houses, with members of SLT routinely visiting houses and speaking with pupils. Each SLT member also met a consistent focus group of pupils.
51. I believe children knew the range of opportunities available to them to speak about worries and concerns and in practice concerns were regularly raised.

Abuse

52. I do not recall a clear definition of abuse when I first joined in 1984, but there was increasing clarity in this area. Abuse could mean sexual or physical abuse. It could also be mental and emotional abuse, including all types of bullying and neglect. The definition was communicated to staff through a Staff Handbook, which I think first appeared in about 1994. There was also a Policies Handbook, published to all staff, pupils and parents, which was annually updated. Staff were also trained in Child

Protection through at least annual INSET. I think the first stand-alone Child Protection policy dated from about 1999.

53. It was introduced more formally from the mid-nineties and then from 2000 there was annual revision. There was a major review and rewriting of policy in 2015, accompanied by intense INSET for staff and training sessions for pupils. Further updates followed Edinburgh and Lothian updated Child Protection Procedures in autumn 2015. A specific allegation of abuse policy was introduced 2016.

Child protection arrangements

54. Staff were given increasingly clear advice on how children in their care at the school should be treated, cared for and protected against abuse, ill-treatment or inappropriate behaviour through the staff handbook (the first edition was in the mid-nineties) and the School's Policies' Handbook from about 2002. There were periods of more intense INSET, for example post 2015, when an external consultant called Heather Smith was engaged to help with INSET and policy review and development.
55. The first formal child protection policy must have been around 1999, with the appointment of the Child Protection Coordinator, with responsibility for staff training and record keeping.
56. It was made very clear to staff that any Child Protection concerns must be passed on to the Child Protection Coordinator, who was responsible for taking advice from external agencies and overseeing appropriate investigation, action, support and referral and keeping detailed records.
57. The school developed policy and raised awareness through staff INSET and annual talks to houses by the Child Protection Coordinator. The introduction of a School Counsellor from about 2010 was another important development.
58. For the most part, these worked well, but the discovery of alleged sexual relations between senior pupils and RCQ which was only revealed after the event by a

former pupil passing on a concern to the Deputy Head Pupil Support in September [REDACTED], led to further significant revision of policy to build trust and try to ensure open lines of communication, which had clearly failed in this instance.

External monitoring

59. There were very regular inspections at the school by the Care Inspectorate. Having checked the website the schedule was as follows: October 2005 with HMIE. March 2007. November 2007. March 2008. October 2008. March 2009. June 2010. May 2011. December 2011. October 2012. September 2013. January 2015. May and December 2015. June 2016. September 2016. I recall there was a major HMIE inspection shortly before my arrival at the school.
60. The inspectors spoke with children, individually and in a group. Staff were not present in pupil interviews. The inspectors spoke with me and they gave detailed verbal feedback, followed up by detailed written reports with quality grades.
61. There was a key inspection by the Care Inspectorate in September 2013, following the suicide of Mr Rainy Brown and allegations of historical child abuse. This inspection focussed on Child Protection arrangements and awarded the school a grade 6, excellent, for the Quality Indicator relating to child protection and safety. The report noted a review of all child protection arrangements in autumn 2012, led by the Child Protection Governor and that improvements had been put in place following this review.
62. The school acted quickly to address concerns raised in an unannounced Inspection in May 2015, which rated Care and Support as weak and highlighted particular development needed in Care Planning. This remained weak in the December 2015 Inspection and the changes made resulted in a good rating in June 2016 and very good by September 2016.

Record-keeping

63. Pupil records were kept primarily by housemasters, with information passed on to the next housemaster. Staff records were kept by the Headmaster's office and from 2000 onwards, all child protection records by the Child Protection Co-ordinator. I recall policy on record keeping for staff was documented in the staff handbook.
64. With regard to the historical position as regards record-keeping, from what I saw on taking up employment the records were paper based and not readily available to all staff. Significant improvements were made with electronic report keeping from 2015 onwards, making it much easier to share information with colleagues, whilst protecting confidential information.
65. I had access to Child Protection records as Senior Deputy Head and I felt these were thorough and showed children did report abuse, ill treatment or inappropriate conduct. There were definite improvements to staff record keeping post 2013, in particular to help with an overview of any disciplinary issues or concerns about staff. There had been a tendency to deal with staff issues on a case by case basis, with details of previous issues buried in a file, making the connection between behaviours over a period of time more challenging. Red flagging of concerning behaviours in files was introduced post 2013, together with the requirement to report staff concerns to the Governors' Child Protection and Compliance Committee, established in 2016, considerably improved practice in this key area.

Investigations into abuse – personal involvement

66. I was involved in investigations on behalf of the school into allegations of abuse or ill-treatment of children at the school or into inappropriate behaviour by staff or others towards children. I was involved in an investigation into pupil behaviour at a Ru'a Fiola camp in about 2006. I was briefly involved into an investigation into rumours surrounding RCQ in conjunction with Deputy Head Pupil Support in [REDACTED], before handing the issue over to the police and informing the Care Inspectorate.

67. Pupils from the school had regularly attended camps at Ru'a Fiola. Following a camp in about 2006, it came to light a pupil had been on a flying fox naked, as a dare. When this came to light, I reported the issue immediately to the Child Protection Officer, who carried out an investigation. Advice was sought from the Care Inspectorate and I attended a meeting held at the school with Mr Torquil Johnson Ferguson, following which written confirmation was received from Mr Johnson Ferguson that Merchiston pupils would not be permitted to behave in such a way in the future. I did not raise concerns with other schools in 2006.
68. Having received these reassurances, pupils were allowed to continue to attend these camps. No further complaints were received about Ru'a Fiola camps, however, the school suspended all visits in about 2013, when it became clear other schools had experienced similar issues at the camp. I heard about this through reports in the national press. I am not aware of the schools who used Ru'a Fiola talking with one another. Mr Johnson Ferguson was charged with lewd and libidinous practices and found guilty in 2015. I gave a police statement about Merchiston's experience of the camp in 2006. I was asked to attend a second trial as a witness in 2019, but was stood down at the last minute and am not sure if this trial proceeded nor whether it related specifically to any former Merchiston pupils.

Reports of abuse and civil claims

69. I handled initial reports relating to RCQ as detailed above. We only investigated to establish that rumours had a sufficient basis to merit reporting to the Police and Care Inspectorate and the General Teaching Council for Scotland.
70. We were shocked that this happened, not only that a staff member abused her position of trust, but that it was also concealed from staff members by senior pupils in a position of trust. The unwillingness to speak out suggested that our Child Protection measures were not working adequately and further urgent development and training was needed.

71. This triggered a report by WithScotland in 2015 and a determination to build on radical improvements already made to Child Protection Policies. I do not have a copy of the report but assume the school has retained a copy. As I recall, the report focussed on the changes and improvements made to the school's policies and procedures relating to child protection. I recall they felt policies were at that time comprehensive and in line with national guidance. Given the pace of change, they suggested greater cohesion was needed between policies and we worked on this aspect with the support of an external consultant, Heather Smith, who also assisted with staff training. The report recommended that continued support for staff and pupils was key, as new changes bedded in and that ongoing review should be built in.
72. There was sustained focus on the training and support of all staff, pupils and parents, with radical improvements in the Child Protection Policy and training for all staff, pupils and parents. The key improvements in Child Protection Policy were made after the Dec 2014 inspection and involved a rewriting of policy for staff, pupils and parents, to ensure full compliance with national guidance. The WithScotland report was an external audit of the effectiveness of the changes made during 2014/15. This also led to improved scrutiny by Governors and the setting up of the Governors' Child Protection and Compliance Committee in March 2016. There was also a radical overhaul of the School's behaviour policy, with the adoption of a restorative approach to behaviour, in an attempt to break down barriers and build trust between pupils and staff. This led to an extensive period of retraining of staff and engagement with pupils, parents and governors.

Police investigations/ criminal proceedings

73. I became aware of police investigations into alleged abuse at the school. I was fully aware of the police investigation into RCQ in [REDACTED]. She was not charged by the police, but was removed from the GTCS register after a private hearing in [REDACTED]. As a member of the School Leadership Team, I was made aware of the allegations against Mr Rainy Brown by a former pupil, following this staff member's suicide in 2013. I was also aware of historic allegations of possible abusive behaviour by Mr DRW when he was a student helper in early nineties, investigated by the police.

74. As a member of the SLT, I was also made aware of perhaps fourteen other historic issues which the Headmaster, Andrew Hunter, shared with the Police, having scrutinised staff files. This included an investigation into an alleged relationship between Mr ^{QZL} and a former pupil, following a complaint from the boy's father . The police did not press charges as there had been no complaint from the former pupil. The Care Inspectorate was fully in the picture. The school's response was one of total openness and a concern to have feedback on its handling of these cases and a keenness to learn from them.
75. I gave a statement to the police concerning Mr Johnson Ferguson in about 2013 and the second statement related to Mr Rainy Brown following his suicide in 2013. I was asked to give evidence at the second trial of Torquil Johnson Ferguson in summer 2019. However, I was stood down at the last minute and can give no further details.

Convicted abusers

76. The only person I can recall who was convicted was Gordon Cruden, who was convicted in 2015 for indecent exposure at some point between 1980 and 1985. I remember he was given an absolute discharge in 2016. I didn't have any personal dealings with him. I cannot comment on how he was recruited by the school as I was not involved in that. I cannot comment on whether or not he had child care qualifications, child care training during his employment or if he was subject to supervision and/or monitoring. I don't know if there was any previous allegation of abuse of which the school or staff had been made aware, and if it had been investigated by the school or other body.

Specific alleged abusers

James Rainy Brown

77. I recall a staff member called James Rainy Brown and I worked with him from 1984 until his suicide in 2013. I would say he was in his mid-fifties in 1984. His role was that of Housemaster of junior house and he stayed as tutor in junior house post-retirement.
78. Mr Rainy Brown was my pastoral line manager from September 1989 to September 1994 when I was a resident tutor. From September 1994 I became his pastoral line manager when I succeeded him as Housemaster. He was very hard working, energetic in his dealings with the boys. He was passionate about sport. He very rarely took time off and never delegated anything significant to his tutor team. He was a committed Christian.
79. Mr Rainy Brown was not a good team player. He had been a pupil at the school and a member of staff since he qualified. He was highly regarded by many former pupils, governors and parents. He was not easy to work for, and as a resident tutor, he kept me at arm's length and did not encourage close involvement. I knew him quite well in a professional capacity, but not outwith the professional setting.
80. I saw him with children. He was charismatic and devoted his life to looking after his charges. He had high expectations of them. He was imaginative in providing fun extra-curricular activities, but often pushed the boundaries in terms of health and safety eg his arrangements for the annual sponsored walk when he was housemaster had far too few checks and limited supervision. These were the areas I needed to tighten up on when I took over from him. I saw him discipline children. He could be strict with them, but generally fair.
81. I did not see him abuse children, but I heard of him abusing children. In 1998 my resident tutor, Stephen Campbell, reported that pupils were seen naked outside a Scripture Union meeting being held by Mr Rainy Brown in Pringle House Dayroom. I reported this to the Headmaster who followed up with Mr Rainy Brown. There was also an instance when he reputedly supervised a game of apple dooking and allowed the

boys to be naked in his presence. It was also reported by me to the Headmaster and there was no repetition of this.

82. A year later I had cause to report to the new Headmaster rumours of naked swimming at a camp run by Mr Rainy Brown. The Headmaster wrote formally to him and he was not allowed to take expeditions on his own from that point onwards. In 2000 there was a complaint from a parent that Mr Rainy Brown was using the pupils' urinals and he was instructed to cease this practice. There was further complaint in 2001 that he was offering physiotherapy to a pupil against all regulations and a similar complaint in 2010, which resulted in a written warning. I have no doubt that policy developed post 2014 would have resulted in suspension, pending a formal investigation, which would have looked at an overview of the member of staff's record.

Gordon Cruden

83. I recall this staff member. I believe he was in the school when I arrived in 1984, and I think he left in 1985. I do not know how old he was when I worked with him. I believe his role was that of a modern languages teacher and a resident tutor. He had no direct role in relation to me at all. I remember very little about him and cannot comment on what he was like.
84. I did not see him with children and cannot comment on what he was like with them. I did not see him discipline children. I did not see him abuse children. I heard reports of him in relation to abuse of children only many years later as an SLT member. I believe that he allegedly exposed himself in front of a pupil.

DRW

85. I recall a staff member called DRW. I recall he was a student helper in the early 1990s. He then returned as housemaster of the junior house 2010 to 2013. As I recall he was in his early twenties as a student helper and perhaps mid-forties when he returned as housemaster.

86. His role was that of a student helper then he returned as housemaster of junior house in 2010, where I was his line manager as Head of Juniors. He had no role in relation to mine when he was a student teacher. I was his line manager when he returned as Housemaster in 2010.
87. I remember as a student teacher, he was very enthusiastic and particularly interested in outdoor education and helping with camps. He was also a committed Christian. As a housemaster, he worked hard, but struggled to adapt to the progress the school had made in areas of health and safety since 1994 and was not always willing to listen to advice.
88. He was energetic and full of ideas, but was intent on running the house as it was run by Mr Rainy Brown, in the early nineties. I knew him reasonably well in a professional capacity, but not in a personal capacity.
89. I saw him with children. He was very enthusiastic and committed and had a relaxed approach. I saw him discipline children and he had high expectations and could be strict when required. I did not see him abuse children. I heard reports that he reputedly swam naked with Junior pupils in the early nineties and showered with a senior pupil. Mr DRW volunteered this information to me after Rainy Brown's death and I cannot recall precise words used.
90. Mr DRW initially disclosed this information to a colleague and I was asked to follow up the issue with him more formally, to establish the facts. We then followed school policy, having taken external advice: suspension, pending further investigation, including by the police. I recall that the reason that he left the school was a breakdown of trust between Mr DRW and the school, which would have made his continued employment as a housemaster extremely problematic. I believe he left the school by mutual agreement, but I am not aware of the full details.

QZA

91. I recall this member of staff and I worked with him from 1984 until his retirement. He was perhaps in his mid-thirties in 1984. His role was that of [REDACTED] then he was

[REDACTED] SNR [REDACTED] In relation to me, he was a fellow [REDACTED] and then a [REDACTED] when he was appointed a SNR [REDACTED]

92. He was highly committed and had very high standards. He had a good sense of humour. Mr QZA [REDACTED] was supportive as a SNR [REDACTED] and a good [REDACTED] teacher. I knew him well in a professional context only. I saw him with children; he was strict, but fair and brought a sense of humour to his job. I saw him discipline children; he was firm, but fair. I did not see him abuse any children. I did not hear of him abusing children.

DXP [REDACTED]

93. I can recall this member of staff. I do not recall his precise dates I worked with him, but they coincided entirely with my time there. He was in his early fifties when I first met him.
94. His role was that of [REDACTED] He had no specific role in relation to mine, beyond general duties as [REDACTED] making house visits etc. I recall he was a committed [REDACTED] and took a particular interest in the pipe band. He was approachable, good humoured and very much a family man. I knew him reasonably well in a professional capacity only.
95. I saw him with children and he took a genuine interest in them and was concerned for pupil welfare. I did not see him discipline children. I did not see him abuse children. I heard reports that he was involved in abuse of children. I heard he reputedly tried to look up a boy's kilt, but I do not recall any further detail.

RCQ [REDACTED]

96. I recall this member of staff. I do not recall the precise dates I worked with her, but they coincided entirely with my time until she left in [REDACTED] RCQ [REDACTED] was in her mid-twenties when I first met her. She was a teacher of [REDACTED] and a tutor.

97. I had some dealings with RCQ as Senior Deputy Head, including conversations about dress code. The school had a clear dress code. I recall having to speak to RCQ on one occasion, when she attended class in casual dress. She explained this was because she had wanted to teach her class, before leaving for an interview at another school and she accepted that she should not have attended class dressed informally without permission from her Head of Department. I did not have to speak to her again about dress code. RCQ also helped with development of in
98. I remember she was energetic and an enthusiastic and talented teacher. She seemed concerned for the welfare of pupils and became a resident tutor for her final couple of years at the school. I did not know her well. I saw her with children and she was lively and friendly.
99. I did not see her discipline children. I did not see her abuse children. I heard of her abusing children. During and she reputedly had sex with a number of 17 and 18 year old pupils and circulated a pornographic video of herself to senior pupils.
100. I was concerned about her having friendships with pupils on Facebook. This only came to light after RCQ had left the school and was against all school regulation. She agreed to delete all current pupils from her Facebook account and her new employer was informed.
101. I was involved in her appointment as and had no worries at the time about her. She was at the time, and the natural choice to step up, after the resignation of the previous She was from 2010 under Mrs Prini Garcia and from 2011 under Alex Anderson. I agreed with her appointment as We were urgently needing extra support to bring in improvements, particularly in the area of and RCQ showed an interest in this area and an aptitude for the technology needed to improve the tracking of pupils with and the sharing of more effectively with staff.

QZL

102. I can recall this member of staff and we worked in the school from 2001 to 2005. He was in his early twenties when we first met. He was an [REDACTED] and [REDACTED] teacher. He was a colleague in the [REDACTED] Department.
103. I remember him as an innovative and inspiring [REDACTED] teacher and a dynamic [REDACTED]. He was a young teacher, I think straight from university, inexperienced, but keen to learn. His real passion was for [REDACTED] I didn't know him very well.
104. I saw him with children. He was friendly, good humoured and a demanding and imaginative [REDACTED]. I didn't see him discipline children. I did not see him abuse children. I heard at a later date that a boy's father complained that Mr [REDACTED] QZL had instigated a sexual relationship with his son. The police investigated, but no charges were brought as there was no complaint from the former pupil.

FQY

105. I recall this staff member. I worked at the school with him round about 2004 to 2006. I recall he was in his early twenties when I first knew him. He was a Teacher of [REDACTED] and house tutor. His role in the school had no direct impact on my role.
106. I recall very little about this individual. I didn't know him well at all. I cannot remember seeing him with children and cannot comment on what he was like with them. I did not see him discipline children. I did not see him abuse children.
107. I heard a report of him reputedly forming too close a bond with a pupil on a foreign trip in 2005, demanding very close monitoring by the trip leader, when this possibility was discovered.

BKO

108. I cannot recall this member of staff. I do not know what his role was at the school. I know nothing about him and I cannot comment on what he was like. I did not see him with children or discipline them. I did not see him abuse children or hear any reports of him doing so.

Leaving the school


109. I retired from the school and profession in August 2017. As I have not sought further employment in my retirement I have not approached the school for references.

Helping the Inquiry

110. Merchiston underwent significant review of Child Protection arrangements and undertook rigorous reform of policy from 2013 to 2017. Had the school applied the rigorous standards which existed from 2014 onwards to some of the incidents and staff members detailed in my statements, then I feel sure the outcome would have been very different and children better protected.
111. The lessons learned are therefore to have in place a rigorous and regularly reviewed Child Protection Policy. This has to be accompanied by the highest standard of training for all staff, teaching, non-teaching and support staff. Infringements of this policy have to be dealt with very firmly.
112. At the same time, pupils need to know their rights and responsibilities to report any issues of concern and communication with and training of pupils in this key area is paramount. Parents also need copies of all policies and the opportunity for training sessions run by school staff and / or external professionals.
113. Governors need to see child protection as their top priority and put in place rigorous monitoring in this area; Merchiston's Governors' Child Protection and Compliance

Committee set up in 2016 seemed to be working well in this regard, making senior staff regularly accountable. There needs to be a culture of trust between staff and pupils and excellent mentors to whom pupils feel confident to talk about any child protection concerns.

114. I also believe a non-authoritarian behaviour policy helps underpin this trust and this lay behind the school's adoption of a restorative approach to behaviour from 2015. Record keeping must be rigorous and allow easy monitoring of staff records, to allow patterns of behaviour over a period of time to be very clearly seen and understood.
115. An objective overview of staff records is critical. External regulators also have a key role in regularly holding schools to account for the quality and effectiveness of child protection arrangements.
116. 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.....07 December 2020.....