Scottish Child Abuse Inquiry

Case Study no. 9: Volume 8

The provision of residential care in boarding schools for children at **The Edinburgh Academy**, Edinburgh, between 1930 and 2008

Evidential Hearings: 23 November 2021 to 30 August 2023

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Contents

The Edinburgh Academy: former pupils, staff, chair of governors, and other witnesses vii

Foreword xi

Preface xii
- The Scottish Child Abuse Inquiry (SCAI) xii
- Public hearings xii
- Section 21 responses xii
- Written statements xiii
- This case study xiii
- Leave to appear xiii
- Numbers xiii
- Witnesses representing The Edinburgh Academy xiv
- The Edinburgh Academy xiv
- This case study as compared to my findings in previous case studies xiv

Terminology xv

Summary xvi

1. Introduction 1
- Anonymity and identification 1
- Children were abused 1
- The range of pupils' experiences 1
- Evidence 2
- Standard of proof 2

2. History and background of The Edinburgh Academy 4
- The founding of The Edinburgh Academy 4
- School buildings and facilities 4
- Rectors and Prep School heads 8
- Co-education 8
- The school roll 8
- Structure 10
- Governance and administration 11
- Finance 12
- Staffing 14
- Recruitment, qualifications, and training 14

3. The Edinburgh Academy regime 17
- Reputation, pride, and complacency 17
- Academic 18

Sport 21
Extra-curricular activities 23
The Prep School 24
The Senior School 25
Regime up to 1992 25
Pastoral care 27
Rules 28
Corporal punishment: a catalogue of missed opportunities 29
Ephors 32
Other modes of discipline administered by staff and ephors 37
A culture of fear and violence 38
Staff: inadequate oversight, guidance, and staff training 40
Bullying and fear 41
The boarding houses 42
No clyping 52
Fagging 53
Common theme 53
1992 onwards 54
Response to the evidence by the school 59

4. Abuse at The Edinburgh Academy 62

5. Sexual abuse 63
Introduction 63
Sexually abusive conduct by staff 63
Sexually abusive conduct by children 72

6. Physical abuse 76
Introduction 76
Physically abusive conduct by teachers 76
Physically abusive conduct by pupils 93
Improvements 103

7. Emotional abuse 105
Introduction 105
Emotionally abusive conduct by staff 105
Emotionally abusive conduct by pupils 109
Impact 120

8. Iain Wares 124
Introduction 124
Referral to the Royal Edinburgh Hospital 125
Professor Henry Walton 126
Professor Walton and The Edinburgh Academy 128
Wares' departure from The Edinburgh Academy 131
Wares and references 132
Professor Walton and Fettes College 134

The scale of Wares' abuse of boys 136
Wares' sexual abuse of boys 136
Violence 142
A cruel abuser 144
The impact of abuse by Wares 146
Prosecution and extradition of Wares 149
Conclusion 151

9. John Brownlee 152
Introduction 152
Abuse in Dundas House 153
The evidence of the Brownlee family 160
Abuse in the school 163
Knowledge of Brownlee's abuse: who knew? What did they know? 169
Conclusions 171

10. Hamish Dawson 174
Introduction 174
Background: family tensions 174
Pornography 176
Dawson's abuse in the school 177
Dawson's abuse in the boarding houses 191
Impact 200
How much was known by The Edinburgh Academy? 202
Hamish Dawson's practices: remarkably similar to those of abusers employed at other schools in the case study 205

11. Reporting 209
The culture of The Edinburgh Academy 209
No clyping 212
Lack of understanding 213
Abusive behaviour as a norm 214
Some reporting 216
Reporting past abuse to the school 217
Response to evidence about reporting 225

12. Reflections 227
The difficulty of speaking about the past 227
The awfulness of what was normal 228
Society, the culture of The Edinburgh Academy, and its reputation 228
Shame, guilt, and the destruction of trust 229
Feeling unsafe and fearful into adulthood 230
Pastoral care 230
Good people 231
The need for time 232
Observing children – behaviour as language 233
Reporting to the police 233

Hopes for the future? 234
Rectors' reflections 237
Conclusion 239

13. Records 241
Introduction 241
Records available 241
Retention policy 242
Record-keeping systems 243
Staff recollections 244
Recording of complaints 246
Pupils' awareness of record-keeping 247
Conclusions about records 249

14. Inspections 250
Introduction 250
Inspection of boarding facilities: background 250
Education (Scotland) Act 1946 251
Education (Scotland) Acts 1962 and 1980 252
Inspections at The Edinburgh Academy 252
The Care Commission and the Care Inspectorate 253
Inspection records 255
Evidence from applicants about inspections 256
Other evidence about inspections 257
Conclusions about inspections 258

Appendix A – Terms of Reference 260
Introduction 260
Definitions 260

Appendix B – Corporal punishment in Scottish schools and related matters 262
The parental right of chastisement 262
Corporal punishment in Scottish schools and the views of the courts 262
Corporal punishment in boarding schools 263
Societal change in the approach to corporal punishment 264

Appendix C – Inspection reports relating to The Edinburgh Academy 269

Appendix D – Breakdown of numbers of children at The Edinburgh Academy 292

Appendix E – Number of complaints, civil actions, police investigations, criminal proceedings, and applicants to SCAI 295

Appendix F – Criminal proceedings 296
Convictions of William Bain 296
Prosecution of John Brownlee and outcome of examination of facts 300
Prosecution of John 'Jake' Young and outcome of examination of facts 306
Prosecution of Colin Turner and examination of facts 309

Appendix G – Notice of draft findings **310**

Appendix H – Evaluation: safeguarding and child protection: summary report **311**
Sector-leading practice 311
Features of highly-effective practice 311
Recommendations 312

The Edinburgh Academy: former pupils, staff, chair of governors, and other witnesses

In order to provide the reader with a clear understanding of the references to applicants and other witnesses whose names feature throughout these findings, I have included quick reference tables, Table 1 (former pupils), Table 2 (former and current staff, and other witnesses), and Tables 3 and 4 (former pupils and staff of Fettes College, and other witnesses, who provided evidence in relation to Iain Wares). Where dates of attendance are not published in full, that is where it is required for the purposes of protecting identities. When more than one witness has the same pseudonym, ciphers have been used to disambiguate them.

Table 1: Former pupils who provided evidence to SCAI

Name	Time at The Edinburgh Academy
'Alex'	196x–7x
'Alexander'	196x–7x
'Alistair'	196x–7x
'Andrew' (IBO)	196x–7x
'Andrew' (IDL)	196x–7x
'Andrew' (IHA)	196x–7x
Angus Reid	1979–84
'Arthur'	197x–8x
'Baxter'	196x–7x
'Ben'	197x–8x
'Billy'	197x–8x
'Callum'	196x–8x
'Cameron'	197x–8x
'Charlie'	196x–8x
'Colum'	196x–7x
'Danny'	196x–7x
'David' (FYE)	197x–x
'David' (IBR)	198x–x
'David' (INR)	197x–x
'Douglas'	196x–7x
'Eric'	197x–8x
'Finlay'	196x–7x
'Fred'	197x–8x
'Gavin'	196x–7x
'Gerald'	195x–6x
Giles Moffat	1980–90

Name	Time at The Edinburgh Academy
'Grahame'	197x–8x
'Gus'	197x–8x
'Henry'	197x–8x
'Hugh'	197x–8x
'Hugo'	196x–8x
'James' (CCD)	196x–7x
'James' (ICI)	196x–7x
'James' (ICW)	196x–7x
'James' (IEE)	198x–9x
'James' (KHL)	196x–7x
'John'	196x–8x
'Josh'	198x–9x
Kim Wolfe Murray	1972–9
'Laurence'	197x–8x
'Malcolm'	197x–8x
'Max'	196x–7x
'Mike'	198x–9x
'Munro'	196x–8x
Neil Douglas	1967–79
Neil Russell	1964–74
Nicky Campbell	1966–78
'Paul'	197x–x
'Perseus'	196x–7x
Philip Dundas	1976–8
'Richard'	196x–7x
'Robert'	197x–x
'Roger'	196x–7x
'Sam' (IDU)	195x–6x
'Sam' (IKA)	196x–8x
'Sammy'	197x–x
'Saul'	199x–200x
'Spiro'	198x–x
'Stephen'	1976x–8x
'Thomas'	198x–x
'Tom'	197x–8x
Tony Cook	1951–61
'Victoria'	198x–91
'William'	196x–x

Table 2: Former and current staff, and other witnesses, who provided evidence to SCAI

Name	Time at The Edinburgh Academy	Role(s)
Anthony (Tony) Dyer*	1965–2001	Teacher
Barbara Robertson	1994–2018	Teacher
Barry Welsh	2017–present	Rector
Colin Turner*	1958–82	Teacher
David Standley	1970–2009	Teacher (1970–85); head of science (1985–92); director of studies (1992–4); deputy rector (1994–2009)
Graeme Brownlee	1973–86	Son of former teacher
Howard Haslett	1968–99	Chaplain and teacher
Jake Young	1966–93	Teacher
James Burnet	1973–87	Prep School headmaster
Jenny Pearson	n/a	Daughter of former teacher
Marco Longmore	2008–17	Rector
Margaret Brownlee	1964–95	Wife of former teacher
Neil Brownlee	1975–88	Son of former teacher
Norman Jack*	1965–2000	Teacher
Robert Cowie	1963–2013	Teacher
Tony Cook	1975–2003	Teacher
William Bain	1976–9	Teacher, assistant housemaster

*Norman Jack is referred to as 'Terry', Colin Turner is referred to as 'William', and Tony Dyer's name is redacted in evidence which has already been published on the Inquiry website because, at that time, they were entitled to anonymity under my General Restriction Order. Given my findings that they abused children and their identities as persons alleged to have abused children now being in the public domain, it no longer applies.

Table 3: Former pupils and staff of Fettes College who provided evidence in relation to Iain Wares

Name	Time at Fettes College	Role
Andrew Mineyko	1975–80	Teacher
'Frank'	1975–81	Pupil
'Grant'	1953–7	Pupil
'Khalil'	1972–8	Pupil
'Max'	1973–80	Pupil
'Michael'	1970–83	Teacher
Michael Spens	1988–2017	Headmaster
'Rory'	1976–84	Pupil
'Wilson'	1971–4	Pupil

Table 4: Other relevant witnesses who provided evidence in relation to Iain Wares

Name	Role
Dr Andrew Watson	Consultant psychiatrist
'Frances'	Retired consultant psychiatrist
'Robert'	Retired consultant psychiatrist

Foreword

These are the seventeenth of my published case study findings. They relate to the provision of residential care for children at The Edinburgh Academy (the Academy).

During the public hearings in the overall boarding schools case study, I heard evidence about many aspects of the boarding provision for children at these schools that amounted to dreadful abuse. It showed that boarders and day pupils were subjected to abuse, that both the boarding and day school environments were ones where there were numerous abusive practices perpetrated by members of staff and other pupils, and that these went unchecked.

The documentary evidence and evidence of applicants and other witnesses, whilst relating to experiences within the overall period specified in SCAI's Terms of Reference – from within living memory to 17 December 2014 – inevitably extended beyond December 2014. It would have been artificial and, I decided, quite wrong to curtail those aspects of it which nonetheless related overall to the Inquiry's Terms of Reference. Hence the dates specified on the cover of this volume.

I am very grateful to all who have provided evidence to the Inquiry, whether former pupils, former and current staff, or others. The cooperation and assistance of, and contributions from, all the witnesses about their experiences at and of the school, as well as their wider experiences, learning, and ideas in relation to the provision of education and residential care in Scottish boarding schools have been invaluable.

In reaching the stage of publication of these findings – from detailed analysis of all the evidence ingathered to the final document – I have once more had the benefit of being supported by the exceptional teamwork that has become the hallmark of this Inquiry. I am very grateful to the Inquiry counsel who led in the case study and the members of staff involved at each stage; their diligence and commitment has been remarkable.

Applicants and other witnesses continue to come forward to the Inquiry with relevant evidence about boarding schools and this will be considered as part of a continuing process.

Anyone who has relevant information on any aspect of our work can get in touch with us via our witness support team.



Lady Smith

Preface

The Scottish Child Abuse Inquiry (SCAI)

SCAI's Terms of Reference (ToR) require it to 'investigate the nature and extent of abuse of children in care in Scotland' during the period from within living memory to 17 December 2014 and to create a national public record and commentary on abuse of children in care in Scotland during that period.

The requirement is to investigate sexual, physical, psychological, and emotional abuse and, at my discretion, other types of abuse including unacceptable practices (such as deprivation of contact with siblings) and neglect. There is also a requirement to make findings about the impact of abuse.

SCAI is also to consider the extent to which any form of abuse arose from failures in duty by those with responsibility for the protection of children in care. In particular, SCAI is required to consider whether any abuse arose from systemic failures and the extent to which any such failures have been addressed. It is to make findings and recommendations for the effective protection of children in care now and in the future.

A copy of SCAI's ToR is at Appendix A.

'Applicant' is the term SCAI uses for a person who tells SCAI that (s)he was abused in circumstances that fall within the ToR.

Public hearings

In common with other public inquiries, the work of SCAI includes public hearings. They take place after detailed investigations, research, analysis, and preparation have been completed by SCAI counsel and SCAI staff. That stage can take a long time. The public hearings of SCAI include – importantly – the taking of oral evidence from individuals about their experiences as children in care and the reading of a selection of evidence from some of their written statements. The evidence also includes accounts of the impact of their having been abused as children in care, including in boarding schools. During and following the evidential hearings into case studies, applicants and other witnesses may come forward with further relevant evidence and such evidence will be taken into account.

Children were abused in a substantial number of institutions in Scotland and were also the subjects of an inherently abusive child migration system that resulted in many of them being abused at their destinations. It is not, however, realistic to present every institution and instance of abuse at a public hearing; were SCAI to do so, an Inquiry that is, of necessity, a lengthy one would be unduly prolonged. Accordingly, with the assistance of SCAI counsel, I will continue to identify particular matters that are representative of the issues being explored by SCAI and may thus be appropriate for presentation at public hearings.

Section 21 responses

Under section 21 of the Inquiries Act 2005, as Chair of this Inquiry, I have the power to require persons to provide evidence to SCAI. Institutions targeted by SCAI as part of its

investigations have been issued with various section 21 notices. These notices include a requirement for them to respond in writing to questions posed by the SCAI team.

The Edinburgh Academy responded to its section 21 notice. These responses are dated 28 October 2022.[1]

Written statements

Applicants can provide evidence about their experiences as children in care at a 'private session'.[2] Other witnesses may do so at an Inquiry interview. All witnesses are supported by SCAI's witness support team. Written statements are prepared covering those matters spoken about at private sessions and interviews which are relevant to the ToR. The applicant, or other witness, is asked to check the statement carefully and to sign it as being the truth if satisfied that it is accurate, but only if and when (s)he feels ready to do so.

This case study

The scope and purpose of this case study was to consider evidence about:

- the nature, extent, and impact of any relevant abuse at The Edinburgh Academy
- any of The Edinburgh Academy's relevant systems, policies, and procedures, their application, and their effectiveness
- any related matters.

Leave to appear

Leave to appear was granted to the following in relation to this case study, in whole or in part:

- The Edinburgh Academy
- Fettes College
- the Care Inspectorate
- the Scottish Social Services Council
- the General Teaching Council for Scotland
- Police Scotland
- the Lord Advocate
- the Scottish Ministers
- the Edinburgh Academy Survivors
- 'Frances'.

Numbers

The former pupils who have provided evidence to SCAI in relation to their time at The Edinburgh Academy do not represent every person who has, over the years, made a complaint relating to their experiences at the school. It must also be appreciated that many former pupils have also described the treatment they witnessed being afforded to other children. Appendices D and E set out, in relation to The Edinburgh Academy, the numbers of:

- children who have boarded at The Edinburgh Academy
- complaints of alleged abuse received by The Edinburgh Academy
- civil actions raised against The Edinburgh Academy
- relevant SCAI applicants to the dates specified in Appendix E.

Some witnesses, including former boarders at The Edinburgh Academy, have provided statements to SCAI since the evidential

1 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030.

2 https://www.childabuseinquiry.scot/giving-evidence-applicant

hearings took place, some of which are referred to because of their relevance to other evidence I had already heard. Otherwise, these statements have been carefully considered and will be taken into account in assessing the overall picture.

Witnesses representing The Edinburgh Academy

Barry Welsh, rector of The Edinburgh Academy, provided evidence on 25 August 2023.[3]

The Edinburgh Academy

I find that children who boarded at The Edinburgh Academy were exposed to risks of sexual, physical, and emotional abuse. For many, those risks materialised, and children were abused whilst in the care of The Edinburgh Academy.

This case study as compared to my findings in previous case studies

The abuse I find to have taken place at The Edinburgh Academy is, in many respects, similar to the abuse I found to have taken place at other boarding schools, including Loretto School, Morrison's Academy, Gordonstoun, Queen Victoria School, Merchiston Castle School, Keil School, Fettes College, and the boarding schools run by two male religious orders, the Benedictines and the Marist Brothers.[4] There were also similarities in relation to causative factors such as staff who lacked the appropriate skills and training; inappropriate recruitment policies; insufficient oversight of pupils and teachers; and unregulated, unsupervised power being given to older pupils. Accordingly, I will at times use language in these findings similar to the language used in the findings of previous case studies.

3 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083.

4 Scottish Child Abuse Inquiry, Case Study no. 5: The provision of residential care in boarding schools for children in Scotland by the Benedictine monks of Fort Augustus Abbey between 1948 and 1991 at Carlekemp Priory School, North Berwick, and Fort Augustus Abbey School, Inverness-shire (August 2021); Case Study no. 7: The provision of residential care in boarding schools for children in Scotland by the Marist Brothers between 1950 and 1983 at St Columba's College, Largs, and St Joseph's College, Dumfries (November 2021); Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021 (April 2023); Case Study no. 9: Volume 2: The provision of residential care in boarding schools for children at Morrison's Academy, Crieff, between 1945 and 2007; Case Study no. 9: Volume 3: The provision of residential care in boarding schools for children at Gordonstoun, Moray, between 1934 and 2021; Case Study no. 9: Volume 4: The provision of residential care in boarding schools for children at Queen Victoria School, Dunblane, between 1951 and 2021; Case Study no. 9: Volume 5: The provision of residential care in boarding schools for children at Merchiston Castle School, Edinburgh, between 1930 and 2021; Case Study no. 9: Volume 6: The provision of residential care in boarding schools for children at Keil School, Dumbarton, between 1959 and 2000; Case Study no. 9: Volume 7: The provision of residential care in boarding schools for children at Fettes College, Edinburgh, between 1946 and 2021.

Terminology

Many children in care were, within the period covered by SCAI's Terms of Reference, abused sexually, physically, and/or emotionally through the conduct of other children. Details of such abuse are set out in case study findings. It may have involved coercion, threats, aggression, all forms of bullying, and, typically, an imbalance of power – with that imbalance arising from a difference in age, ability, status within the institution, physical size, and/or physical strength. It often occurred in an environment where the culture facilitated rather than prevented such conduct or behaviour.

Sometimes it will have involved children specifically targeting other children. The terms 'children abused by other children', 'children who suffered abuse meted out by other children', 'children who engaged in abusive behaviour', and/or 'children who engaged in abusive conduct', and similar expressions are used in this volume when referring to such conduct and/or behaviour.

I recognise that the abusive conduct may have taken place against a background of the child who abused another child having exhibited harmful behaviour which had not been recognised and/or addressed and which may also have been harmful to that child. I also accept that, in some cases, a child who abuses another child may have suffered prior trauma. But it does not mean that the child who was abused did not suffer or was not harmed.

Many applicants described abuse of a type that could have amounted to a criminal offence. The language in these findings reflects the words they used in evidence. The abuse of children found to have taken place in boarding schools examined in the overall case study may have amounted to assaults or to the common law offence of lewd, indecent, and libidinous practices and behaviour, the latter being an offence which involved the abuse, including on occasions penetrative conduct, of children under the age of puberty, then taken as 14 for boys and 12 for girls. Today, sexual offences involving children would be prosecuted under the provisions of the Sexual Offences (Scotland) Act 2009, and any penetrative conduct involving a child, be it vaginal, anal, or oral, using a penis, is likely to be described as rape.

Part V of the 2009 Act introduced a new offence of 'sexual abuse of trust', an offence that may be committed in different ways, including where a person who is responsible for looking after children under 18 in a boarding school engages in sexual activity with them.

Other terminology used in these findings includes the words 'clype' and 'clyping'. A clype is someone who informs on another or, to put it colloquially, tells tales. Clyping is the act of doing so. A person who clypes is breaking an unwritten code of silence and may be isolated by their peers if (s)he does so.

Summary

- Children were abused at The Edinburgh Academy (the Academy). They were sexually abused, they were physically abused, and they were emotionally abused.

- Children were sexually abused by staff over four decades, from the 1950s to the 1980s. That abuse included voyeurism, fondling, masturbation, and digital penetration.

- The perpetrators included a housemaster and Senior School teacher, Hamish Dawson, and a Prep School teacher, Iain Wares, who went on to abuse at Fettes College (Fettes). William Bain, a physics teacher, now a twice-convicted sex offender, began his lengthy history of abuse at the Academy. He used lewd and libidinous practices towards at least two children before moving on to harm many other children in other schools.

- Abusive conduct by staff was known to pupils and suspected by some staff. Philip 'Pa' Heath, employed by the school for 40 years, abused boys by fondling them in the 1950s and 1960s.

- Kenneth 'Wass' Armstrong engaged in voyeurism and touching of boys for over 20 years between the 1960s and 1980s.

- Hamish Dawson, employed by the Academy for 30 years, engineered situations that enabled him to administer excessive beatings, also adopting an eccentric and theatrical style that masked the fact that he was grooming boys, and engaged in sexual abuse that could be sadistic.

- Hamish Dawson's *modus operandi* included using a collection of props he kept in a box by his desk, known as his 'instruments of correction' (or 'flagellation' or 'torture'). They were a selection of sticks and weapons, and Dawson used them on children whom he would put over his knees, in various states of undress, touching and caressing them. He tickled children and drew on their skin, becoming aroused when doing so.

- On occasions, Hamish Dawson's use of his 'instruments' was harsh and excessive, and inflicted real pain.

- Hamish Dawson watched boys' naked bodies in sports changing rooms and flicked them with a towel. On at least one occasion he sexually assaulted a boy in an empty cricket pavilion.

- In common with abusers at other boarding schools, Hamish Dawson was keen to engage in extracurricular activities which he then used as an opportunity to abuse children sexually, most commonly during trips on barges and puffers which he organised. He watched boys in the showers and indecently assaulted them as they lay in their bunks.

- Hamish Dawson was housemaster of Dundas House and then Mackenzie House where, there being no oversight, he had free rein to abuse under the guise of playfulness. In the dorms he tied boys up and played with their genitals. He watched children in the showers, sometimes making them turn in circles whilst singing nursery rhymes or throwing buckets of water over them. He used cold baths as a punishment, and he chose boys to attend his study to

undress for cleanliness inspections where, if he decided they were not clean enough, he beat them harshly. His behaviour was unpredictable – he could rage and be violent – but it was even more unpredictable when he was in a good mood. Discipline was used as an excuse to touch boys. He humiliated and isolated individual boys.

- The sexual abuse perpetrated by Iain Wares, both at the Academy and at Fettes, was prolific. It involved very many children and was a regular occurrence.

- Iain Wares came from South Africa to Edinburgh, having been referred to Professor Henry Walton, consultant psychiatrist at the Royal Edinburgh Hospital, by a South African consultant with a view to 'curing' him of what is described in his medical records as 'homosexuality (liking for young boys)' and a 'personality disorder – dependent type'. Professor Walton was in charge of Wares' treatment for eight years.

- Wares was not 'cured'. He remained strongly attracted to young boys, had ongoing fantasies about them, and had a marked tendency to anger and loss of temper in relation to children, all of which was well known to Professor Walton when Wares taught at the Academy.

- Professor Walton encouraged Wares to carry on teaching despite his paedophilia, despite him not being 'cured', and despite Wares' wife and his GP making it clear, after he had moved to Fettes, that they thought Walton was being utterly irresponsible in doing so. Wares continued to abuse children at Fettes until 1979.

- Two Academy teachers were linked with possession of pornographic material involving children in the early 2000s. One was already retired and the other was dismissed. Parents were not told.

- Suspicions were not acted on. Complaints were made to the school about Dawson, Wares, and Bain, but to no effect. Dawson's 'eccentric' behaviour in the classroom was known and even feted by the school. His various 'instruments' were auctioned on his departure. When pornography was found in his desk, nothing was done about it.

- Some children were sexually abused by other children. The abuse included sodomy and indecent assaults. Sometimes it was an extension of the everyday violence and bullying that was endemic.

- Physical abuse of children was normalised. Violence, including sanctioned violence, was part and parcel of an aggressive and rigid culture that persisted into the 1990s. There were members of staff who, angry and frustrated, resorted to violence far too often, and the Academy was one of the last boarding schools in Scotland to abandon the use of corporal punishment.

- Abusive beatings by staff were routine and influenced the behaviour of ephors (prefects) who, until the late 1960s, were also allowed to beat younger boys.

- Even in Denham Green, where the youngest children were taught, a number of female teachers, such as Miss Ogilvie, are remembered for their use of inappropriate and excessive punishment in the 1960s and 1970s.

- Boys in the Prep School were regularly beaten until corporal punishment was abolished.

- An attempt to end the use of corporal punishment was proposed by the then head, Jim Britton, following a complaint in 1971 by a parent, but it was voted down by a majority of staff. Clackens, hockey sticks, and board pointers were

used in the administration of abusive punishments.

- John Brownlee was an able teacher employed by the school for 31 years, including as deputy head for 25 years, but he abused many children both in his classroom and in Dundas House, of which he was housemaster for 11 years. In both places, he engendered a climate of fear and anxiety, such was his inflexible approach and propensity for harsh discipline.

- Dundas House was a cold and unwelcoming boarding house. Some applicants thought Brownlee a sadist given his relentlessly harsh approach to the use of physical chastisement which could be for trivial matters. His regime was also emotionally abusive. He was sarcastic to children and belittled them.

- John Brownlee regularly engaged in 'knuckle treatment' into the 1990s. This involved him driving his knuckles into the neck of a child. When beating children, he would have them put their heads in a locker or under a desk; they would hit their heads when reacting to the blows on their backsides. He also regularly kicked boys to punish them, including when they were lying on the floor. Further, he was racially abusive.

- Other staff knew and disapproved of John Brownlee's conduct. His abusive treatment of children in his classroom must have been heard by others outside it. A tutor in the boarding house felt his behaviour was far too rough. Yet no one intervened to try and stop it. Acceptance and complacency were the order of the day despite the fact that children were being abused.

- Iain Wares was prone to outbursts of extreme violence and was well known for administering harsh corporal punishment. He also threw board dusters at children and pulled them by their hair, just as he went on to do at Fettes.

- Tony Dyer was a teacher who did not want to use the clacken; having seen John Brownlee kicking children as a means of discipline and thinking that it must be acceptable to the school, he opted for kicking as his punishment of choice. Sometimes he did so forcefully. He was not told to stop kicking children until 1987 despite the headmaster, James Burnet, learning of him doing so in 1982.

- Norman Jack had a reputation for being gentle and showing pastoral concern but at times he lost his temper and struck children. It was a complaint against him for using a broken pointer stick to beat a child that led to Jim Britton's failed effort to stop corporal punishment in 1971.

- Jack Mendl was strict, and whilst one applicant referred to him being responsible for the absence of bullying in one of the boarding houses, another was beaten by him with a broken clacken, resulting in lacerations and bruising.

- Albert Venter was dismissed in 2003 after an allegation that he had assaulted a child. No records were kept by the school which, at the time, said he had left 'for personal reasons'.

- In the Senior School abuse by excessive and inappropriate corporal punishment was not as widespread, but many teachers lost their temper in a way that led to children being abused.

- Jake Young, a PE teacher, was well known amongst staff and pupils as someone who would assault children when angry, using implements or punching them.

- Another teacher used a cricket stump to beat boys.

- Colin Turner, a senior teacher who spent decades at the Academy, attacked a number of boys out of frustration or anger, most often by hitting them on the head.

- At least four teachers engaged in the inherently dangerous and abusive practice of throwing wooden-backed blackboard dusters and chalk directly at pupils.

- Other staff and pupils were aware of such behaviour, but the Academy did not adequately check or discipline the staff involved. A complaint by Nicky Campbell's mother against Colin Turner for assaulting her son was upheld, and he was told to apologise. He did so, but no sanction followed save that his conduct was referred to in references provided to potential employers by the rector for a number of years thereafter, delaying his progression to a promoted post elsewhere.

- Limited guidance and no training was given to staff about the use of corporal punishment, and there was inadequate oversight until its abolition in 1988.

- Punishment by ephors who were, for some years, relied on to keep order and enforce discipline, was often abusive and involved excessive violence. They beat boys with clackens until the 1960s. The school 'Beat Book' from the 1950s records beatings with glee, including those that resulted in clackens breaking from the force used.

- Gap-year students, employed to supervise the boarding houses, could also be abusive. One applicant suffered at the hands of three such students whose abuse included using a stress position for too long, or inflicting violence under the guise of discipline. Such behaviour was possible because it was viewed as acceptable and because there was little or no guidance given to or adequate supervision of these students.

- Physical violence by pupils towards other pupils was routine. In the boarding houses, boys suffered abuse during initiation ceremonies where bog washing was commonplace.

- In school, violent bullying was the norm. Differences of any kind were highlighted: age, size, timidity, intelligence, lack of sporting ability, perceived sexuality, and religion were all used as a basis for picking on other children.

- On occasion packs of boys would hunt for a victim. One applicant, to his shame, remembers being part of a group who threw stones at another pupil.

- Children were often forced into large classroom bins which were then left, for example, on top of a cupboard whereby any effort to escape was likely to lead to injury.

- Children over many decades viewed and used the school library as a place of sanctuary away from being bullied, but this appears to have gone unnoticed by the school.

- There was a wilful blindness to ongoing bullying at the Academy and it persisted until the 1990s. One applicant was scarred when he became victim of an unprovoked assault in a classroom. While the school did act – given the obvious need for hospital treatment – the pupil who was responsible received no sanction.

- Emotional abuse by staff was common, and not only as a by-product of sexual or physical abuse. Some teachers actively sought to belittle and humiliate pupils in front of their classmates.

- Jake Young made children feel worthless if they did not meet his expectation of sporting ability. In addition, his increasingly

outdated determination that children should not wear underwear under their sports shorts led to the humiliation of many, either because he inspected them by pulling out their shorts and checking, or because he had them undress in front of others. When a parent complained, in the early 1990s, the school did not change the practice.

- Some teachers, including H.H. Mills, rector in the 1960s and 1970s, failed to address bullying. In the case of rector Mills, whilst knowing that bullying was a serious problem, he preferred to leave it to the boys to sort it out for themselves.

- Some members of staff chose not to act when abuse happened in front of them. One teacher even punished a pupil who had been forced into and left in a bin on top of a high cupboard, rather than seeking out the child's abusers.

- The emotional abuse of children by other children was endemic for decades, and often went hand in hand with physical and sexual abuse. A number of applicants described their own behaviour as feral.

- Humiliation, intimidation, criticism, and enforced social isolation were unrelenting everyday experiences for many. Lack of interest by staff meant such behaviour went unchecked, even when it was taking place openly.

- Derogatory and disgusting nicknames were commonly used.

- The position was as bad, or at times worse, in some of the boarding houses. Inadequate resources played a part, but some house staff had no interest in the emotional wellbeing of the children in their care. Thus it was that some boarders lived in a permanent state of fear.

- Following the introduction of co-education in the sixth form, girls were the targets of unpleasant abusive misogyny. There was no evidence that the school gave any consideration to the obvious risks involved.

- Homophobia was rife at the Academy and included the exclusion of anyone thought or known to be gay.

- Racism, often involving anti-English sentiment, was prevalent, even in the Prep School. Some children were abused by other pupils because of their colour or because they were Jewish. Some staff, including Hamish Dawson, openly used racist language.

- Some applicants, including some who had been abused, had positive memories of the Academy. Many spoke highly of individual teachers, thus showing what the school overall could and should have been, had abusive practices not polluted the culture.

- The reporting of abuse rarely happened. Rather, the culture embraced silence in the school and in the boarding houses. Clyping was condemned, including by teachers, and it was understood that matters would become worse if anyone did speak up. Visible signs of abuse were explained away as, for example, rugby injuries.

- The school's high opinion of itself, particularly academically, made matters worse. As recently as 2001 the Court of Directors focused on reputation and the way the Academy was perceived, rather than how life actually was for its pupils. For decades the school failed to look at itself through a realistic and critical lens.

- It seems to have been assumed that abuse would not happen and when it did, the school could not accept that or recognise it might continue. Complaints

that were made were either disbelieved or left unresolved. Staff chose not to notice and avoided intervention or investigation despite signs of abuse. Letters written to parents were read by John Brownlee to prevent complaints from boarders being communicated. As a result, children did not trust the school, so what was the point in trying to report?

- Staff were not trained in pastoral care. It was assumed that Academy staff had the ability to both teach and attend to the wellbeing of the children. Staff naively assumed any abuse would be reported. Training on abuse began in the 1990s, but one teacher who retired in 2001, after 36 years' service, only remembered a single day's course.

- Boarding was secondary to other provision at the school. The boarding houses suffered from inadequate funding and insufficient attention from senior leadership. It was not until the 1990s that they were afforded any meaningful oversight.

- Appointment as a housemaster was on the basis of time served at the school rather than having been assessed as having an aptitude for the role. Little consideration was given to the welfare of the boarders, and there was no training provided to housemasters or, indeed, their wives, who were expected to be involved in caring for the boys.

- So it was that two abusers, John Brownlee and Hamish Dawson, who caused so much harm to young children, were able to operate their houses as regimes where fear and abuse were experienced on a regular, even daily, basis. Neither should ever have been appointed.

- By contrast, the senior boarding houses were better environments because they had, by chance rather than design, housemasters and spouses who were better suited to the roles.

- It was not until 2005 that a member of the school's Court of Directors was appointed to liaise with the boarding houses.

- Leadership of the school was complacent and distant from the 1960s until the early 1990s.

- Despite some recognition that bullying was a problem from the early 1980s, the school remained static and rigid in approach, and any changes were more symbolic than actual. Pastoral care was lacking for far too long.

- The appointment of John Rees in 1993, after the realisation that greater structure was needed, began the process of change in the culture of the Academy, including the introduction of guidance teachers. In the three years during which Rees was rector, he also introduced a culture of praise which was very different from the past, as was his production of a development plan.

- Progress was maintained with the formalisation of policies under John Light from 1996 onwards, and child protection training and enhanced pastoral care which began under Marco Longmore in 2008.

- Pastoral care has improved further under the current head, Barry Welsh, and an independent evaluation of safeguarding and child protection was carried out in 2019.

- From school records, it is nonetheless clear that physical abuse of children by other children continued into the twenty-first century, although the school took it seriously and their response to it was more appropriate.

- From the early 2000s reports of past abuse by multiple teachers were made with increasing frequency by former pupils, but the school's response was poor. Complaints

were never completely ignored, but in 2001 the Academy decided not to investigate or contact former pupils who might have been abused, despite Loretto School, which had faced similar revelations, doing exactly that, and doing so very publicly.

- The Academy, even then, still focused unduly on the risk of harm to its reputation and preferred to look for good news stories rather than facing up to its responsibilities.

- That response was repeated consistently until the appointment of the current rector. Correspondents were replied to sympathetically and records were kept, but even in 2016, when William Bain was convicted of prolific abuse at Keil School, the Academy chose not to contact its alumni.

- Barry Welsh has demonstrated a more candid and compassionate response, including engaging actively with former pupils who were abused, and having them engage with the pupils of today.

- He has acted positively since the Academy became progressively involved with SCAI throughout the 2020s, and has suggested that the SCAI evidence of abuse at the Academy should be used as a learning tool for new entrants to the teaching profession.

- Along with the Court of Directors, Barry Welsh has acknowledged significant shortcomings at the Academy both in decades long past and more recently. They have apologised on behalf of the school for the abuse experienced by so many children entrusted into its care.

1 Introduction

The findings that I am able to make on the evidence presented in this part of the case study are set out in this document. I am doing so to make applicants, witnesses, and members of the public aware that I have concluded that children were abused at The Edinburgh Academy (the Academy).

Anonymity and identification

Where applicants have not wished to be anonymous, I have normally used their real names. Otherwise, in accordance with my General Restriction Order[5] or a specific restriction order, relevant witnesses including applicants are referred to by their chosen pseudonym.

I have decided, in the meantime, to preserve the anonymity of some living persons whom I find to have abused children. I have not done so where, for example, they have been convicted of abusing children or I am otherwise satisfied that disclosure of their identity is appropriate.

When a current or former teacher or other member of staff is mentioned, the likely dates they were at the school, based on the available evidence, are provided.

The dates for the periods during which applicants attended the school, again based on the available evidence, are provided. Where dates of attendance are not published in full, that is where it is required for the purposes of protecting identities.

While great care has been taken to compile the information in relation to the dates that former pupils and staff were at the school, it may be incomplete or inaccurate due to the limitations of the records currently available. Where there is conflicting information about such dates, the most contemporaneously recorded source has been relied on.

Children were abused

Children were exposed to risks of sexual, physical, and emotional abuse. For many those risks materialised, and children were abused whilst in the care of the Academy. The nature of that abuse is detailed in these findings.

The range of pupils' experiences

The evidence about their experiences provided by the former pupils who contacted the Inquiry was often very negative. However, there were former pupils who also provided evidence of having had positive experiences.

As explained in the Foreword, SCAI's Terms of Reference (ToR) require me to investigate not only the nature of the abuse of children who were in residential care in Scotland, including those who were at boarding schools, but also its extent. This includes addressing questions such as whether or not abuse was the universal experience, how prevalent it was, and whether a child who was abused also experienced positive aspects and outcomes. The fact that children also had positive

5 Scottish Child Abuse Inquiry | General Restriction Order.

experiences and that there were children who were not abused at all does not, however, in any way compensate for or diminish the dreadful reality of the abuse that occurred.

After we completed our evidential hearings in relation to the initial group of seven establishments in the boarding schools case study, a significant number of applicants and other witnesses came forward to provide evidence of the experiences of boarders at the Academy over several decades. There were so many that senior counsel and I agreed that evidence about the provision of residential care at the school needed to be explored in another set of public hearings. Investigations were therefore carried out in relation to the Academy in furtherance of what, in terms of SCAI's ToR, I am directed to do. Given the timescale involved, as ever, difficult decisions had to be made as to which witnesses were to be heard in person and which were to have their statements read in.

As a result of what has been uncovered, I have no difficulty in finding that children were abused at the Academy in a variety of ways. Children were abused by teachers whose abusive practices were such that they must – or at least ought to – have been obvious to those in positions of responsibility. Further, they were abused by other pupils, some of whose practices must or ought to have been obvious to those in such positions.

I have made some findings about the positive experiences of applicants and other witnesses. Some spoke of positive aspects notwithstanding that they also spoke of having been abused at the school and/or having suffered from having witnessed others being abused. The willingness of such applicants to do so supported the credibility of their evidence about being abused. The fact that they had some positive experiences also shows that it was possible to provide non-abusive care, thereby begging the question of why the school did not ensure that that was the standard of care consistently afforded to all pupils.

Evidence

In these findings, reference is made to some parts of the evidence of individual witnesses where I have found them to be particularly illustrative of the main aspects of what was happening. They are, however, of necessity, a limited selection. The fact that a particular piece of evidence is not referred to or discussed does not mean that it has not been accepted or that it has not helped to build the overall picture.

Standard of proof

In making these findings, I have applied the standard of proof explained in my decision of 25 January 2018, namely that:

> when determining what facts have been established in the course of this Inquiry, it is appropriate that I do so by reference to the civil standard of proof, namely balance of probabilities. I will not, however, consider myself constrained from making findings about, for example, what may possibly have happened or about the strength of particular evidence, where I consider it would be helpful to do so.[6]

For the avoidance of doubt, I have not applied the criminal standard of proof in making these findings. The criminal standard of proof is a higher standard of proof, namely proof beyond reasonable doubt.

6 Standard of Proof – Decision by the Rt Hon. Lady Smith, Chair of SCAI, 25 January 2018.

The period covered in evidence ranged from 1951 to 2023.[7] All oral evidence was given on oath or under affirmation. Where the evidence relied on is drawn from a written statement prepared by the Inquiry, the statement was signed after having been reviewed by the witness and confirmed as being a true account.

In describing what happened at the Academy, I have quoted from some of the evidence of former pupils that I have accepted as establishing what happened to them and the nature of their experiences there. I do this so as, amongst other things, to ensure that their voices are now heard.

7 Both written and oral evidence of witnesses ranges from 1951 to 2023, although there are also records of inspections going back to 1930. See EDA-000000056.

2 History and background of The Edinburgh Academy

Below I set out a summary of the background to the establishment of The Edinburgh Academy (the Academy), its buildings and facilities, its boarding house system, and the progression of its various heads. With a long history, linked to the realisation of James Craig's vision for the New Town of Edinburgh and the Age of Enlightenment, it could easily be assumed that must be evidence of persistent and unqualified distinction. But to do that would be quite wrong – what about what was happening within to the pupils, particularly the boarders? That is, above all, what mattered and still matters, and the reality is that much happened in the past that was not at all good. Children were failed and failed to the extent that there was dreadful abuse.

Children were failed and failed to the extent that there was dreadful abuse.

The founding of The Edinburgh Academy

By 1820 most of the New Town of Edinburgh had been built. It provided homes in a clean, stylish, and airy environment, in sharp contrast to the cramped, dirty conditions that still prevailed within the medieval walls of the Old Town. Former residents of the Old Town had settled in the New Town, as had some who had left the city but returned when New Town homes became available. Their boys were in need of education and, if a school was built in the New Town, they would be relieved of the need to make their way to the

> only great Public School of the City[8] [which] has become too distant from many parts of the town and far too much crowded for the advantage of the Scholars. This has induced some individuals to turn their thoughts to the Establishment of another School in the immediate neighbourhood of the New Town, which may be free from the Objections to which the existing institution must always be liable while it continues to be the only great Seminary of the Place.[9]

The Academy was founded in 1824 by four men, namely Henry Cockburn, an advocate who later became a judge; Leonard Horner, a geologist, businessman, and educational reformer; John Russell, a solicitor; and Sir Walter Scott who, although also a lawyer, was by then at the peak of his career as an author. They sought and obtained the support of other men who became directors of the Academy and resolved to raise the funds to enable a school to be built.

School buildings and facilities

The school buildings

Built in 1824, the Academy's Senior School has always been situated in Henderson Row, in the Stockbridge area of Edinburgh. It was built in a field to the north of the New Town and within a 10-minute walk of what were, at that time, that area's most distant parts.

Further classrooms were added over the years in extensions to the original building and in

8 This was a reference to the High School of Edinburgh, later to become the Royal High School.

9 See 'The Scheme for the Establishment of a School in the New Town of Edinburgh similar to that of the High School', discussed at the first meeting of the Directors of The Edinburgh Academy on 7 June 1822 and recorded in its Minute Book.

new buildings on the original site. The school purchased and adapted neighbouring properties in Henderson Row for teaching and administrative purposes and to provide a house for the rector. One was a school building next door to the Academy, built in 1823–4 for the Edinburgh Institution for the Deaf and Dumb, an organisation that merged with Donaldson's School for the Deaf.[10] The Academy acquired the building in 1977, and it became known as the Donaldson's Building.



The Edinburgh Academy

The Preparatory School (Prep School) was established in 1888 and accommodated in buildings erected on the north side of the Henderson Row site. In 1945 a junior department for the Prep School was established in a property gifted to the school, Denham Green House, in the Trinity area of Edinburgh. In 1960 the new Prep School buildings were opened on Arboretum Road, in Inverleith, near Stockbridge, but the Junior Prep School remained at Denham Green House until 1984. Since then the entire Prep School has operated only from the Arboretum Road site. Since 2000 it has been known as the Junior School.

'Perseus', a pupil in the 1960s, described the new Prep School building with some enthusiasm, unlike his feelings about some of the teachers. It

> was a typical 1960s design and quite clinical, with linoleum floors and with a hospital-style interior. It was designed and it wasn't bleak. I was educated in that building until I started secondary school. The grounds were extensive. I recall a playing field and a running track and large trees. In the Prep School we were generally in the same classroom and we moved around to different rooms for certain subjects, like RE and art.[11]

The boarding houses

The Academy was conceived and founded as a day school. By the second half of the nineteenth century, a small number of boys boarded with the rector or with some masters, but it took until about 70 years after the school's foundation for it to establish its own boarding houses, the first two of which did not open until 1899.

Boarders were always in the minority, as had been intended from the outset. Indeed, rector Robert Mackenzie, referring to objections which had been raised to a proposal for the school to build boarding houses, said:

> The first is that the Academy would be injured as a Day School, by the increase in the proportion of Boarders to Day boys … I think that this would be a serious objection if the intention was to create large Boarding Houses. The maximum number, however, which I propose to allow in a House is twenty, and, if possible, I should like the number restricted to fifteen … If at any time the number of Boarders threatened to become too large, the Directors could limit it.[12]

The school was to remain – and did remain – principally a day school. Further, the potential

10 Covered in the course of Phase 9 of SCAI's work – a case study investigating the provision of residential care in establishments for children and young people with long-term healthcare needs, additional support needs, and disabilities. The hearings for this case study took place on days 523 to 567 of the Inquiry.

11 Transcript, day 357: read-in statement of 'Perseus' (former pupil, 196x–7x), at TRN-8-000000072, p.193.

12 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.257.

for the boarding houses to produce income for the school as a whole was part of Robert Mackenzie's reasons for proposing the project: 'the value of an Academy Boarding House of twenty boys at existing rents and fees may be equivalent to an income of not less than £300 a year'.[13]



Aerial view of the Prep School, 1960s

Three boarding houses were built on land running along the northern boundary of New Field. This became Kinnear Road. The boarding houses were, accordingly, always physically quite separate from the main body of the school and from its leadership and administration, and were around a 15-minute walk from the Senior School buildings in Henderson Row. 'James' (ICI), a pupil in the late 1960s and early 1970s, said: 'Thinking back now … I realise how isolated the boarders were.'[14]

Initially there were just two boarding houses, built next door to each other on Kinnear Road, and known as Scott House and Jeffrey House. They were followed by a third, Mackenzie House. All three were purpose-built and architect-designed. In 1922 a fourth boarding house, Dundas House, was established across the road from the other three in a property purchased by the school.

Each of the boarding houses operated independently, with little contact or interchange between them. Each one had a housemaster who was also a teacher in the school. Housemasters, whilst appointed by the rector, had wide discretion as to the running of their house; the character and tone of each very much reflected the personality of the particular individual, in some cases with dreadful consequences.

There is little evidence of any of the day school staff – always in the majority – having any contact or engagement with the boarding houses other than those who were appointed as housemasters and those who served short periods as house tutors.[15] Ostensibly, school oversight of the boarding houses was conducted by way of the Boarding House Committee of the Court of Edinburgh Academy.[16] There is, however, little evidence of rectors or the governing body of the Academy, known as the Court of Directors, having a practice of engaging with the boarding houses prior to 1992.

13 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), pp.256–7.

14 Written statement of 'James' (ICI) (former pupil, 196x–7x), at WIT-1-000001182, p.6, paragraph 25.

15 See, for example, Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.118. His whole teaching career was spent at the Academy, where he was a physics teacher, head of science, and (from 1994) deputy rector, and had 'no connection … whatsoever' with the boarding houses.

16 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 19 February 1946, at EDA-000000336, p.3; The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 28 March 1946, at EDA-000000336, p.7.

All boarding houses were staffed with a resident housemaster, also a teacher at the school, and all but Dundas House had a resident house tutor and matron.[17] House tutors, sometimes referred to as assistant housemasters, were younger members of staff who would usually perform the role for a year or two.

A vertical system of progression

Boys who boarded in both junior and senior years moved houses as they progressed through the school. Dundas House was for boys up to the age of 11 and accommodated approximately 16 pupils. Mackenzie House was the junior boarding house for pupils aged around 12–15. It accommodated approximately thirty pupils in dormitories of between six and eight. Girls first joined in 1988. Scott and Jeffrey Houses were the senior boarding houses and accommodated pupils from fourth year onwards. Of the senior year houses, 'James' (KHL) said:

> The facilities in the boarding houses were sufficient to give all the boys their own room when they were older. There weren't that many of us. In the boarding houses, there was a TV room, a small music room and a games room. The games room had table tennis and chess. You could listen to music.[18]

The boarding houses accommodated many boys during the twentieth century with the number of boarders peaking at 156 in 1971.[19] Numbers fell after that, and in April 1982 the decision was made that with 'boarding numbers being consistently below 120, Dundas House should be closed as a boarding house from July 1983'.[20] Scott and Jeffrey amalgamated in 1993. A report in 2001 by Her Majesty's Inspectors of Education (HMIe) noted that 19 residential senior pupils, 14 boys and 5 girls, drawn from forms 5, 6, and 7 'were based in a newly co-educational boarding house – Jeffrey House'.[21] A later HMIe report reported that: 'Almost all of the pupils in the two boarding houses were from overseas, mainly China and Africa.'[22]

Table 5: The Edinburgh Academy boarding houses, 1899–2008

Name	Period
Scott	1899–2008
Jeffrey	1899–2008
Mackenzie	1910–2000
Dundas	1922–83

By 2005 there were only 17 boarders,[23] and by 2008 the remaining two houses had closed and the school ceased to offer boarding.[24] Rob Cowie said that by the end boarding had dwindled 'to one house, really. I mean Scott House and Jeffrey were run by one housemaster latterly. They knocked a wall down between the two houses … and the numbers were pretty tiny latterly, in the teens I think, probably, when they closed.'[25]

Housemasters were appointed by the rector. There was no particular process for the appointment of housemasters and no evidence of any assessment of the individual's

17 See The Edinburgh Academy regime chapter.

18 Transcript, day 365: read-in statement of 'James' (KHL) (former pupil, 196x–7x), at TRN-8-000000081, pp.125–6.

19 Scottish Education Department, Registration of Independent Schools, at SGV-000097191, p.33.

20 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 25 March 1982, at EDA-000000368, p.4; Letter to Mr Brownlee, 19 April 1983, at WIT-3-0000005474.

21 HMIe, Inspection report, The Edinburgh Academy, 23 January 2001, at EDA-000000048, p.2.

22 Care Commission and HMIe, Inspection report, The Edinburgh Academy, 25 October 2005, at SGV-000097177.

23 Care Commission and HMIe, Inspection report, The Edinburgh Academy, 25 October 2005, at SGV-000097177.

24 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030.

25 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.99.

fitness or aptitude for the role. Teachers could not apply to become housemasters; they had to wait until they were approached by the rector. Appointment as a housemaster was financially beneficial because it came with a higher salary and the appointee was also provided with free accommodation.

Housemasters received no specific training. The perception was that there was no need for it. The same was true for house tutors, who were selected by the rector.

Sporting facilities

A site at Raeburn Place, Stockbridge, was acquired by former pupils of the Academy in 1853 and opened for the school's use as a cricket and general sports ground the following year. It was the hub of all the school's sporting activities until the 1890s, by which time a 20-acre site known as New Field had been acquired at Inverleith Place, bordered by Arboretum Road and the boarding houses on Kinnear Road. The Prep School site at Arboretum Road provided a further 5 acres of sports grounds. The sports grounds at New Field and the Junior School continue to be used by the school. Throughout the period covered in applicant evidence, there were pavilion and changing facilities at New Field.

Rectors and Prep School heads

The overall head of the school has always been the rector. The school has had 18 rectors from its inception to the present day, listed in Table 6.

The Prep School, now known as the Junior School, has had separate senior mistresses and heads since it was established in 1888 (see Table 7). The first male head to lead the Prep School was appointed in 1965.

The Court of Directors is and has been responsible for appointing both the rector and the headteacher of the Junior School.[26]



Boarding houses behind New Field

Co-education

Girls were first admitted to the Academy in the 1970s. At that stage they were admitted only into the sixth-form classes of the Senior School. Since 2008 the school has been fully co-educational and now provides education to both boys and girls aged 2 to 18.[27]

The school roll

The number of pupils admitted each year has fluctuated, with factors such as war, the introduction of co-education, the admission of international students, and the cessation of boarding having either positive or negative impact on numbers. In 1824, when the school first opened, 372 boys were enrolled. This number quickly increased, and by 1949 the whole school roll stood at 816.[28] The progression of school roll figures, based on available records provided by the school, is set out in Tables 8 and 9[29] and somewhat reflect the fluctuations referred to above (see Appendix D for complete figures).

26 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030.

27 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030.

28 The Edinburgh Academy, Report by the Directors of The Edinburgh Academy, 20 October, 1949, at EDA-000000339, p.25.

29 All figures are those provided by the school.

Table 6: The Edinburgh Academy rectors, 1824–present[30]

Name	Qualifications	Period of employment
Rev. John Williams	MA (Oxford)	1824–8
Rev. Thomas Sheepshanks	MA (Cambridge)	1828–9
Rev. John Hannah	BA (Oxford)	1847–54
Rev. James Hodson	MA (Oxford)	1854–69
Thomas Harvey	MA (Glasgow), MA (Oxford), LLD (Edinburgh)	1869–88
Robert J. Mackenzie	MA (Oxford)	1888–1901
Reginald Carter	MA (Oxford)	1901–10
Dr Robert H. Ferard	MA (Oxford), LLD (Edinburgh)	1910–26
P. Hugh B. Lyon	MA (Oxford)	1926–31
Dr A. Lionel F. Smith	MA (Oxford), LLD (Edinburgh), LLD (St Andrews)	1931–45
C.M.E. George Seaman	MA (Oxford)	1945–51
Robert C. Watt	MA (Oxford)	1951–62
Dr Herbert H. Mills	MA (Cambridge), PhD (Cambridge)	1962–77
Laurence Ellis	MA (Cambridge)	1977–92
John Rees	MA (Cambridge)	1992–5
John Light	MA (Cambridge)	1995–2008
Marco Longmore	MA (Hons) (Edinburgh)	2008–17
Barry Welsh	BSc (Hons) (Loughborough), PGCE (Sheffield)	2017–present

Table 7: The Edinburgh Academy Prep/Junior School senior mistresses/headteachers, 1924–present[31]

Name	Period of employment
Mabel Fuller	1924–32
Sophia Tullo	1932–40
Vera Smith	1945–52
Helen McTavish	1952–65
James D. Britton	1965–73
J. James Burnet	1973–88
Laurence S. Smith	1988–94
Andrew F. Trotman	1994–5
Campbell R. F. Paterson	1995–2003
Caroline Bashford	2003–11
Gavin Calder	2011–24
Lorna Htet-Khin	2024–present

30 PSS-000025347.

31 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030.

Table 8: School roll, 1930–2000

Year	Senior School				Junior School/ Prep School Pupils	Total
	Boys		Girls			
	Boarders	Day	Boarders	Day		
1930	105	375	0	0	201	681
1945	112	309	0	0	279	700
1960	117	499	0	0	365	981
1970	155	437	0	0	467	1,059
1975	133	481	0	2	431	1,047
1980	118	535	1	16	380	1,050
1985	85	530	0	21	308	944
1990	73	459	4	27	356	919
1995	40	405	0	33	368	846
2000	19	394	0	36	374	823

Table 9: School roll, 2005–14

Year	Boys		Girls		Total
	Boarders	Day (both schools)	Boarders	Day (both schools)	
2005	3	776	0	38	817
2006	14	775	0	28	817
2007	8	818	0	90*	916
2008	1**	821	0	174	996
2009	0	839	0	236	1,075
2010	0	722	0	326	1,048
2011	0	722	0	357	1,079
2012	0	642	0	341	983
2013	0	638	0	365	1,003
2014	0	631	0	355	986

*Girls first admitted to P1–P5.
**Boarding officially ended in June 2008.

Structure

Legal status

The Academy is a registered Scottish charity (SCO16999). It was constituted as a corporate entity by Royal Charter granted on 9 April 1824 under the name 'The Proprietors of the Edinburgh Academy' for the purpose of 'instructing boys in the Languages usually taught in Public schools, and in such other branches of Elementary Education which may be thought eligible by fit and proper

masters'.[32] The Academy has been granted supplementary Royal Charters since then, with each of them confirming and updating its charitable status. The latest Royal Charter was granted on 15 February 2017. Its provisions include an updated statement of its objects, being:

1. The provision of education in Scotland and in particular at The Edinburgh Academy including all aspects of nursery, primary and secondary education and the provision of all facilities to achieve that; and thereafter
2. Contributing to the educational life of Scotland in its widest sense
3. The provision of benefits related to the purposes of The Edinburgh Academy for those who may not be enrolled pupils at The Edinburgh Academy.[33]

Governance and administration

The provisions of the current Royal Charter also state that the whole management of the school is to be 'in the hands of the Directors who shall be collectively designed as The Court of Directors' (the Court). There were originally 15 directors but their number has ranged from 13 to 22.[34] The current Charter provides for there to be no more than 20 nor fewer than 15 directors, two of whom are to be elected by either the Council of The Edinburgh Academical Club or the governing body of any other organisation designated by the Court as the school's alumni club. In the past, directors were, typically, long-serving. 'Josh', a pupil in the 1980s, expressed the view that that 'wasn't a healthy thing';[35] it certainly was not ideal in that the Court was thereby denying itself the significant benefits that come from regularly refreshing the membership of a school's governing body.



School logo

The principal role of the Court is to ensure that the school is run in a manner that accords with its charitable objectives. As with other independent schools, it does so through a system of appropriate subcommittees. There are currently six subcommittees:

- Finance Committee
- Planning and Policy Committee
- Audit and Risk Committee
- Learning and Teaching Committee
- Safeguarding Committee
- Governance and Nominations Committee.[36]

The subcommittees provide operational oversight and take responsibility for the approval and monitoring of the school's strategic plans.

Responsibility for the day-to-day management of the school was and is delegated to the rector.

The Court has always met regularly. It currently meets at least four times each year. Directors also attend various school events and meet with the school's senior management team at an annual Strategy Day.

32 The Edinburgh Academy, Court of Directors, Royal Charter.
33 The Edinburgh Academy, Court of Directors, Royal Charter.
34 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030.
35 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, p.145.
36 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030.

Of pre-1990s governance in operation, David Standley said:

> My impression was that the Rector was in charge. The governing body, the directors, were certainly involved in the sense of general oversight, financial matters, provision of facilities. But, in terms of the day-to-day running of the school and the nuances of policy and so on, insofar as it affected that day-to-day running, I was not aware of them being directly involved.[37]

He went on to say, however, that 'there was clear evidence with the groundswell, which eventually ended with the appointment of the second master, that the governing body had decided to take a more hands-on approach to the running of the school'.[38]

The second master, who had responsibility for discipline, was first appointed in 1987.[39]

Finance

The Academy was not, from its inception up to and during the period examined in this case study, a wealthy school. Two books have been written about its history – *The Clacken and the Slate* by Magnus Magnusson[40] and *Academy Lore* by David Standley[41] – and I have referred to various aspects of the researches of their authors below. The clear impression from both is that financial worries and pressures were often to the fore, demanding much attention from successive rectors and others involved in senior leadership and school governance.

One section in *Academy Lore* bears the title '1962–2009, A Familiar Cycle, Confidence, Crisis, Consequences, Co-education'. That time span covers the periods during which most applicants were at the school. The reference to a familiar cycle is also of interest. In part, it characterises the school's position over the years as often struggling to make ends meet or at least being unable to fulfil its aspirations owing to lack of funds.

To establish the school in 1824, funds had to be raised by way of a share issue. That is, the school was founded on debt.[42] There was no single wealthy benefactor such as, for example, Thomas Morrison, who funded the establishment of Morrison's Academy in 1860; Sir William Fettes, who did the same for Fettes College in 1870; or Sir William Mackinnon, who set up a trust to fund the establishment of Keil School in 1915.

By 1847 the school had a substantial deficit and a loan of £2,000 was called in.[43] Financial crisis was only averted by the success of an appeal for subscriptions and donations. Although the school's debt was cleared in 1874, that was but temporary respite and by 1888 it was in 'dire straits' again.[44]

Around the turn of the twentieth century, the school was seeking to recruit a new rector

37 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.130.

38 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, pp.131–2.

39 The Edinburgh Academy, Letters to parents and staff, 1982–3, at EDA-000000055, pp.1–2.

40 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974). Magnus Magnusson (1929–2007), television presenter, journalist, translator, and writer, was a pupil at the Academy between 1935 and 1948.

41 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011). David Standley (1947–) was a physics teacher at the Academy from 1970 to 1985; head of science from 1985 to 1992; director of studies from 1992 to 2009; and deputy rector from 1994 to 2009. He undertook a part-time administrative post that included responsibility for the administration of exams from 2009 until he retired in 2011.

42 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.8.

43 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.14.

44 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.15.

but, being under financial pressure, could only afford to offer a salary of £800 per year, 20 per cent less than similar boarding schools were offering.[45]

In 1937, not for the first time, the school suffered a decline in numbers. In 1939 the outbreak of war 'turned what may have been the start of a problem with numbers into an out-and-out crisis – the worst financial crisis in the history of the school'.[46] Salaries and staff numbers were reduced, the school's endowment fund was realised, its overdraft was increased, and the school sought and obtained a grant from the local authority 'without which its survival would have been well-nigh impossible'.[47]

In 1950 an article entitled 'School Finances' published in the Academy's magazine, *The Edinburgh Academy Chronicle* – as relevant in 2010 when *Academy Lore* was written as it was at the time[48] – stated that: 'The Academy has never been a rich school.'[49] The article lays to rest the widely held assumption that the school was well endowed. Without endowments for school purposes, all expenditure had to be covered by fees, and 75 per cent of those went towards staff salaries. Fees were then £84 per year, the highest of any day school in Scotland, but to reduce them by £20 would have required there to have been an endowment fund of £400, which the school did not have. In 1951 the Academy had to launch a 'life or death appeal'.[50]

By 1962, in terms of scholarship, numbers, and building developments, the school had addressed the consequences of the war years, 'but it still had no money'.[51] The early years of the tenure of the new rector, H.H. Mills, were dominated by protracted discussions about the school's future. The directors realised upon his appointment that the new rector would have to address three particular challenges during the forthcoming decade if the school was to survive. One of these was 'Economic – in relation to ever rising costs'.[52] The other two were 'Education – in respect of entry to the Universities' and 'Political – in respect of changes in the Constitution of the Independent Public School'.[53] Child protection did not feature, the absence of which was, in that era, all too common.

In the 1980s one of the boarding houses closed due to a decline in demand, as can be seen from the available school roll figures in Tables 8 and 9. Boarding numbers, having peaked at 156 in 1971, fell to 17 by 2005, leading to the closure of the remaining boarding houses which were then sold, raising much-needed funds for the school. There was also a decline in demand for P1 places. The consequential pressure on the school's finances 'was to exercise the Directors throughout the 1990s and beyond'.[54]

Keeping the ship afloat financially must have frequently dominated and drained the energies of successive rectors and directors. It also seems likely that building

45 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.22.

46 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.27.

47 The Chairman of the Court, summer 1945; see David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.28.

48 According to David Standley; see *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.28.

49 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.375.

50 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.29.

51 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.29.

52 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.399.

53 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.399.

54 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.36.

and maintaining a reputation for educational and academic success was their focus, as that was felt to be the lifeblood to the school's survival, possibly best evidenced by numbers having risen to over 1,000 by the end of the 1961/2 session.[55]

It is difficult to resist the inference that the school allowed such pressures to dominate so that it failed to create or maintain capacity to address the welfare of the individual pupil or to consider child protection more broadly. Certainly, there was no real recognition of the need to establish a widespread culture in which the existence of abuse and abusive practices – at least some of which were or ought to have been obvious – was acknowledged or addressed.

In a school that seems to have prided itself not only on 'understanding why things are as they are before trying to change them' but also by 'recognis[ing] where change was essential',[56] it is tragic that, whatever the reason, it did not appreciate until recently that it had to recognise and address the reality of pupils being at risk of abuse, being abused, and having been abused in the past when in its care. Being a school that also, according to David Standley, was simply 'different',[57] it is tragic that it failed to realise that 'different' is not necessarily better. Nor did this mean that it was, for children, including its boarders, a place of safety. It is tragic that, despite early signs of recognition of the need to establish a non-abusive culture,[58] a culture that facilitated abuse emerged and subsisted for many decades.

Staffing

Until the 1980s school staff were predominantly male, with the exception of teachers in the early years of the Prep School, matrons, and secretaries. It was also common for teachers to remain at the Academy for decades. In later years concerted efforts were made to address imbalances, with the result that by April 2012 'Significant change has been seen in the staffing profile of the School along with restructured senior management and pastoral teams. Over half of the current teaching staff at Senior School have joined the Academy in the last 5 years'[59] and in 2017 the rector reported that: 'We now have 76 of which 9 are part time. In terms of the age profile, we are a slightly younger staff body with marginally fewer staff in the 50/60 age bracket and more in the 30/40 cohort.'[60]

Recruitment, qualifications, and training

The Academy appears always to have sought to employ teachers who held relevant university degrees, but it was not until 2017 that teachers in independent schools in Scotland were required to possess a teaching qualification. Before then some members of the school's teaching staff – such as David Standley – did already have a teaching qualification when they started at the school, but that was not universal. Others obtained a teaching qualification whilst employed by the Academy; Tony Cook, for example, was awarded his in the early 1980s, six or seven years after he started.

55 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.393.

56 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.80.

57 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.80.

58 See Corporal punishment: a catalogue of missed opportunities section.

59 QUIPE, Summary of The Edinburgh Academy, April 2012, at SGV-000097094, p.1.

60 The Edinburgh Academy, Rector's report to the Court of Directors of The Edinburgh Academy, February 2017, at EDA-000000685, p.3.

Appointment was, for decades, remarkably informal, most obviously when H.H. Mills was rector. David Standley explained: 'Mills was much more interested in: how do you fit in? So he was concentrating on me and my response to all sorts of general situations. He was leaving it to his head of department to find out whether I could actually do any physics or not.'[61]

Tony Cook said his interview with Mills was cursory and more concerned with hillwalking, and that 'you just found out from other teachers what you did and … your head of department would be expected to look after you, but they didn't always, because they're busy doing lots of other things'.[62]

It was assumed that teachers would be able to engage in all the extra-curricular activities such as Combined Cadet Force, taking children on trips, and acting as a house tutor.[63] Further, for many years no staff – whether boarding house staff or others – were required to have any training or qualifications in the care of children or child protection. The school judged its own success by reference to academic performance and certain other achievements, such as sporting success, without reference to the welfare of the individual pupils. Even in the 1990s, when the need to provide child protection training was identified, some of the evidence indicated a reluctance to recognise what was required. For example, David Standley seemed to find it hard to accept that planning for the possibility of a child being abused was necessary as opposed to responding if something happened.[64]

It needs to be recognised, however, that for the most part children suffering abuse do not speak up. They do not report what is happening, they do not report their concerns, and they do not clype. Time and again across case studies, I have heard credible and reliable evidence to that effect. There are various reasons for this. One might be the absence of a reporting system designed with children in mind and which they find to be accessible. Another can be that children often think that by reporting, they will just make things worse for themselves. A third is that the abuse is preceded by grooming the child. A fourth is that from the standpoint of inexperience, the child thinks that what was in fact abusive treatment was just part of normal life. Yet those in charge of managing the organisation or institution wrongly assumed that if a child was being abused, it would be reported by the child either to the school or to a parent who would, in turn, report it to the school. As with other schools in the case study, the Academy failed to recognise that the absence of reports of abuse did not mean that abuse was absent.

The Academy failed to recognise that the absence of reports of abuse did not mean that abuse was absent.

Training in child protection appears to have been long overdue when it did eventually happen. Tony Dyer was employed at the Academy for 36 years, retiring in the early 2000s, and recalls only ever having received a single day of training that focused on child abuse. Otherwise he was not aware of there

61 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.110.

62 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.152.

63 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.153.

64 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.151.

having been any directions about child protection given to staff, but remembers there being no relevant process and that 'it was all a bit woolly'.[65]

Matters have moved on as far as the regulation of care staff is concerned. The Regulation of Care (Scotland) Act 2001 led to the creation of the Scottish Social Services Council, which is the regulatory body for those who work in the care sector, including for the care of children. The impact of these statutory changes within the boarding school sector took effect from 2010 onwards.[66]

65 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.11, paragraph 67.

66 Scottish Social Services Council, Submission to the Scottish Child Abuse Inquiry, 25 November 2020, at SSC-000000004, p.17.

3 The Edinburgh Academy regime

Reputation, pride, and complacency

The evidence provided during the Edinburgh Academy hearings covered the period from 1951[67] to 2023. A consistent theme, though one that dissipated as the years passed, was that the Academy considered itself to be a very good school, in many ways superior to others.

> 'You were very much educated to think you were better than other people.'

'Sam' (IDU), a pupil in the 1950s and 1960s, said: 'The Edinburgh Academy felt itself to be special amongst the top schools in Edinburgh … quite elite and special'.[68] He remembered a teacher saying, after some boys misbehaved: 'You are very lucky to be at this school. You are behaving like boys from Stockbridge;[69] perhaps you should be there.'[70]

'Callum' said: 'You were very much educated to … think you were better than other people and better educated than others … They certainly tried to teach us that … It was indoctrinated into us we would be leaders.'[71]

'James' (IEE), a pupil in the 1980s and 1990s, said: 'I think the school put itself up there on a pedestal and it made itself out to be better than everybody else.'[72]

David Standley, a teacher at the Academy for 40 years, thought 'the Academy way worked … I was asked whether it was elitist, and I rejected that.'[73] However, a minute of a meeting of the Court of Directors dated 8 October 2001, several years prior to David Standley's retiral in 2009, noted that the school was indeed regarded as elitist and that such perceptions were important:

> The School continues to be regarded as elitist. This is historically based.
>
> It is important that the School is perceived as being special in quality and that its image serves not to deter parental interest.
>
> …
>
> The importance of the current parents' perception of the School should not be underestimated.[74]

It seems telling that the Court focused on perceptions and reputation in that discussion rather than what was, in fact, the true position.

67 We heard from Tony Cook as a child and as a teacher. Written statement of Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at WIT-1-000001315.

68 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, pp.74–5.

69 In other words, boys who attended the local authority primary school in Stockbridge.

70 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.74.

71 Transcript, day 359: read-in statement of 'Callum' (former pupil, 196x–8x), at TRN-8-000000075, p.203.

72 Transcript, day 360: 'James' (IEE) (former pupil, 198x–9x), at TRN-8-000000076, p.85.

73 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.136.

74 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 8 October 2001, at EDA-000000397, p.25.

From the point of view of children in need of safeguarding, what matters is not perception but how life for a pupil really is.

Without doubt, the Academy viewed itself as high achieving. 'Alistair' felt that 'there was an enormous amount of pressure for the delivery of results and the reputation of the school'.[75] He continued: 'The school was highly competitive. It … had a sort of exceptionalist view of its position within Scottish education and within Edinburgh's educational environment and was highly competitive for results.'[76] That had an impact on how children regarded the school. 'Alistair' observed that: 'to a certain extent … it imbued me with a certain loyalty to the school later … which may have influenced why I am speaking about this now, rather than 30 or 40 years ago'.[77]

Barry Welsh, the current rector, observed: 'There's a lot of conversations been had about the school being elitist and the school being rather proud of itself and the school feeling that we are in some way something special and that may have contributed to what has occurred.'[78] While he did not think that was an accurate description of how the school is now, he added: 'It wouldn't surprise me that they thought that of themselves [then]'.[79]

A significant downside of the Academy's outlook and the loyalty that went with it was that, for many decades, the school did not subject itself to critical scrutiny; instead, it became complacent and simply assumed that all was not only good but excellent. That was a grave mistake, particularly with regard to the nature and extent of past abuse that came to light following the provision in these hearings of evidence about the abuse of children at the Academy by Iain Wares, who was employed there before going on to work at Fettes College.

Academic

Academic excellence was undoubtedly fundamental to the high ideals, aspirations, and vision of the school's founders:

> They were concerned that Scotland was not going to be able to compete with England for the top positions in running the rapidly spreading Empire. They were well aware of the changes that were taking place in many Scottish schools to meet the demands of the Industrial Revolution, but they were afraid that the new trend would confine Scots to a second-class position in British affairs. They knew the average Scot was better educated than the average Englishman, and that a higher proportion of Scots than English attended University. This was all very well for turning out droves of advocates, village dominies, doctors, and unheard-of poets and philosophers; but for those wanting to make a real mark in British scholarship, there was an undoubted advantage in having taken a degree at Oxford or Cambridge, where Latin and Greek were compulsory as entrance qualifications. This meant competing with the only people who aspired to the standard of education in England, the products of … Eton, Harrow, Charterhouse, Winchester, Westminster or Rugby, where boys were put through an intensive process of specialisation in Latin and Greek until the age of eighteen or nineteen; whereas Scottish boys were attending university at Edinburgh, Glasgow, St Andrews or Aberdeen at the age of fourteen or fifteen, or even as young as twelve.[80]

75 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, pp.15–16.
76 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.16.
77 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.17.
78 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.136.
79 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.136.
80 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.23.

Colin Turner, a former teacher, gave evidence that the focus was 'on academic performance'.[81] Other witnesses confirmed this. Examples included:

> If you were academic, then you would go a long way at the Edinburgh Academy.[82]

> The Academy saw itself as quite an academic school with an emphasis on classics. If there was a classicist there with the same level of good grades as someone studying non classics, he would automatically be dux of the school.[83]

> The Academy felt like a classical education. That was almost epitomised by the pillars or columns on Henderson Row.[84]

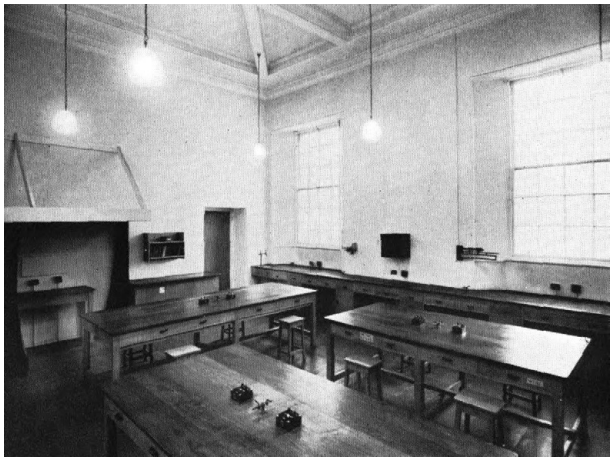
> There was such a driving focus on academic achievement.[85]

'There was such a driving focus on academic achievement.'

That focus may well have contributed to a culture in which harsh treatment of boys could go unchecked.[86] It may also explain why 'Arthur', who had previously attended many other primary schools, noticed that

> Edinburgh Academy was very different from the education I'd had before. My education in Germany was not great according to my mother's estimation of what Forces schools were like. I don't remember it being bad and it was fundamentally compassionate in comparison to the education at the Academy. I do however think the education at the Academy was good.[87]

Hugh Padley attended the school from the mid-1950s to mid-1960s. Writing in 2009, he stated he was one of 17 pupils who 'won places to Oxford and Cambridge, probably still a record today for the school'.[88] By way of contrast, Neil Douglas said: 'I wanted to do electronics. Electronics was a hobby … the careers master lost all interest in my career options at the point … I said I wanted to go to Heriot-Watt and do electrical and electronic engineering. It wasn't Cambridge or Oxford, so that was the end of the interest.'[89]



Physics lab, 1960s

Marco Longmore, rector between 2008 and 2017, referred to the Academy having had a 'very long and distinguished tradition' and 'success historically, particularly in the academic sphere'.[90]

81 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.15.
82 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, p.11.
83 Written statement of 'Colum' (former pupil, 196x–7x), at WIT-1-000001176, p.6, paragraph 27.
84 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, p.75.
85 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, pp.13–14.
86 Discussed in more detail in the chapters dealing with abuse at The Edinburgh Academy.
87 Transcript, day 365: read-in statement of 'Arthur' (former pupil, 197x–8x), at TRN-8-000000081, pp.7–8.
88 Hugh Padley, *The Joys of Entrepreneurship* (Callio Press: London, 2010).
89 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.102.
90 Transcript, day 367: Marco Longmore (former rector, 2008–17), at TRN-8-000000083, p.12.

'My feeling was we were regarded as dregs and they didn't know what do with us.'

For the avoidance of doubt, I do not criticise the Academy for seeking to provide an excellent academic education or to enable pupils to achieve high standards academically. These are laudable objectives. But the pursuit of academic excellence does not justify allowing child welfare, child protection, and pastoral care to fall by the wayside. There is a real risk of this happening if academic excellence is afforded precedence at all costs. That is a mistake. Moreover, if child welfare matters are prioritised, experience shows that the chances of a child achieving academic excellence are maximised, as the Academy now recognises: 'For us you sort the pastoral before you sort the academic. If you sort the pastoral, the academic comes after. That is a given.'[91]

Unfortunately, for far too long that was not understood. Take, for example, the way the school operated its streaming system and the impact that had. 'Colum' explained:

> I mean, the Academy made things worse in a way because they had this ABCD stream system which was linked to so-called ability. So they put people into a D stream and more or less were trying to imply 'you are going nowhere academically' kind of thing. And they gave them the worst teachers and so some of them were probably reacting partly, you know, they just felt 'well, this is hopeless' kind of thing, and 'I hate it here and I'm going to make people pay for it.'[92]

'Douglas' explained that, aged 14, he was taught geography by John 'Jake' Young who had

> no qualifications whatsoever, as far as I was then aware or am aware now. He basically had a formulaic book and he would say: 'Open the book at Brazil', or – literally – 'read that bit and then answer the questions at the end'. That was the sum total of his teaching.[93]

'Douglas' continued:

> If you were very good at a subject, you got the best teachers … I remember thinking when I got to, like, 15, 16: this is absolutely outrageous. My parents are paying the same as, you know – and I'm getting a far worse education than other pupils … There was such a driving focus on academic achievement. And not everybody, I'm afraid, is academic.[94]

'Andrew' (IBO) said:

> I was in the lowest set of classes when I went to the upper school. My feeling was we were regarded as dregs and they didn't know what do with us or how to support us and they left us to squander. My parents were still happy to pay for the education. My feeling is I think that some teachers had contempt for pupils and that the parents had more money than sense.[95]

'James' (ICI) said that if 'you get a report at the end of the year and they rank everybody in

91 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, pp.113–14.
92 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.110.
93 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, p.12.
94 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, p.13.
95 Transcript, day 363: read-in statement of 'Andrew' (IBO) (former pupil, 196x–7x), at TRN-8-000000079, p.7.

the class, and you are bottom of the class, the experience is no longer particularly positive. It becomes a bit of a strain.'[96]

Children were not supported as they should have been. Philip Dundas said:

> I was a bright kid … But in that environment, you know, my abilities just seemed to dwindle … I recently got hold of some very sketchy notes about my academic ability and it described me as 'swimming in a sea of irrelevant imagination' or something … But it nowhere made any allusion to … trying to help or seeing what was wrong.[97]

Jake Young, a former teacher, summed it up: 'I think if you were clever, it was very good and nurturing, but if you were struggling, it wasn't great. There would never be any thought of introducing subjects more suited to the less intellectual pupils.'[98]

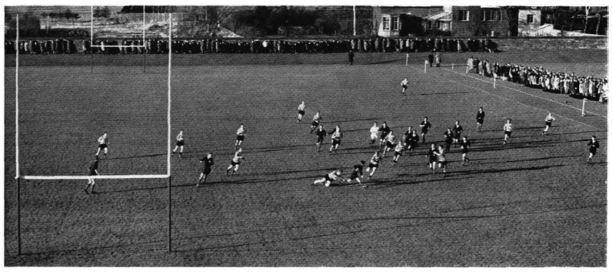
It is hardly surprising that there were children whose memories of the school are of feeling they had been identified as inferior because of their lack of academic ability. That was bound to make them vulnerable. As 'Mike' said: 'Looking back on it, they didn't encourage any positive influences between kids helping each other out. It was definitely sink or swim.'[99]

Sport

The same could be said of the Academy's approach to sport, which was 'a big thing for the school'.[100] A significant number of applicants spoke of how pupils who were not sporty were at a disadvantage. Neil Douglas said:

> To fit in at school you had to be sporty and academic. They are predominantly the ones who are connected to the school to this day. You see them in the school magazine, the *Academical News*, and at Raeburn Place in the bar. The rest of us have run for the hills.[101]

'Andrew' (IDL) commented that: 'Being someone who didn't buy into sport led to you being left with the feeling of someone who was "other" … if you didn't partake in rugby, you would be viewed with some kind of suspicion.'[102]



Rugby match, 1960s

And 'Max' stated:

> If you weren't sporty, you would be a long way down the pecking order with your peers. And that, I think, became worse as you got older … at the senior house, there was definitely a kind of rugger-bugger vibe about the place. And if you weren't interested in rugby – which I wasn't – you kind of had a target on your back, to some extent.[103]

96 Transcript, day 357: 'James' (ICI) (former pupil, 196x–7x), at TRN-8-000000072, p.11.
97 Transcript, day 359: Philip Dundas (former pupil, 1976–8), at TRN-8-000000075, p.80.
98 Written statement of Jake Young (former teacher, 1966–93), at WIT-1-000001281, p.10, paragraph 37.
99 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.115.
100 Written statement of 'Colum' (former pupil, 196x–7x), at WIT-1-000001176, p.8, paragraph 34.
101 Written statement of Neil Douglas (former pupil, 1967–79), at WIT-1-000001247, p.8, paragraph 29.
102 Written statement of 'Andrew' (IDL) (former pupil, 196x–7x), at WIT-1-000001196, p.9, paragraph 33.
103 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.73.

The school did not address these problems. The behaviour and conduct of various staff members and pupils, operating to the detriment of those who were not sporty or academic, must have been obvious.

There is no doubt that the Academy was hierarchical. Sporting excellence put boys at an advantage, particularly if a boy excelled at rugby. Lack of sporting talent made it more likely that children would be treated badly.[104] It rendered children vulnerable. That is not to say that encouraging children with sporting talent to excel is or was wrong. It is not. Nor is being proud of success. But success can come in many forms, not all of them the obvious ones. Where the problem lies is in failing to recognise the risk of pride in a long-standing reputation for a particular aspect holding sway, a reputation which, in the case of the Academy, is evident in this statement from David Standley's *Academy Lore*: 'The place of the Edinburgh Academy in the annals of football as played to the Rules at Rugby School is as secure as that of Rugby itself. Indeed, in Scotland, such is the significance of the Academy that no school, club or individual has a greater claim.'[105]

Lack of sporting talent made it more likely that children would be treated badly.

The problem also lies in failing to recognise the risk of those who are not 'sporty' or 'academic' being seen as of lesser worth, being treated as of lesser importance, and becoming vulnerable to abuse by staff and to bullying or other abuse by pupils.

By the mid-1970s there were some signs of change. 'Alistair', for example, 'was the first person to win two school prizes which weren't for either sport or academic achievement … that was really very unique'.[106] That said, not much had changed 10 years later. 'Fred' said:

> The boys who were held up for esteem generally were the ones who excelled at sport. So it would be very unusual for the head prefect, or something like that, not to be a senior member of the first fifteen or the first eleven. And in my final year, the boy who they made the head boy was actually a very talented musician, and it was the first time I recall the senior prefect not being a sporting icon in the school … there was a gradual change in the culture during my time there, but when I started you were a bit of an oddball if you weren't good at sport. And I was small, not very fast, not a very ideal rugby player. But, you know, that was just seen to be I wasn't trying hard enough by the teachers. There was no allowance that you might be good at something else … It was … quite an old-fashioned, quite a rigid environment in that sense.[107]

He went on: 'And then the new rector came in … I think it clearly took him a long time, partly because of his personality, but I suspect because of resistance to change.'[108]

'Fred's' description of quite an old-fashioned and rigid environment reflects the headship of H.H. Mills, which Rob Cowie described as 'fairly static'.[109]

104 See, for example, Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.98.
105 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.56.
106 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.25.
107 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, pp.8–9.
108 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, p.10.
109 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.68.

Extra-curricular activities

The school provided a wide variety of extra-curricular activities, some of which were welcomed by boarders and day boys alike. For some, these allowed respite and a longed-for escape from abuse. 'Josh', who was physically abused by a teacher of whom boys were 'constantly in fear',[110] nonetheless praised the school for its provision of these activities: 'The school did a great deal in terms of events and things to do which was good.'[111]

In 1968 the Academy was given a bequest which it used to buy Blair House, an outdoor centre in Glen Doll, Angus. Blair House remained in the school's ownership until 2014. Pupils were taken on trips there for activities that included walking, mountaineering, climbing, biology studies, working towards a Duke of Edinburgh Award, and Combined Cadet Force (CCF) pursuits. Tony Cook, a pupil at the Academy between 1951 and 1961, and a teacher there from 1975 to 2003, spoke of how, from his perspective, Blair House was 'much appreciated',[112] and there were applicants who also spoke of it in positive terms.

For Giles Moffat, Blair House was where he was introduced to the hills and learned to love hillwalking.[113] 'Tom' 'used to love going to Blair House because we did all sorts of things like mountaineering and climbing and playing Monopoly in the evening'.[114]



Outdoor activities, Glen Doll

For 'Max', 'it was nice. There weren't issues while we were away.'[115] That was in contrast to life back at school, where he was abused by teachers and by fellow pupils. In a similar vein, 'James' (IEE), also abused at school, felt 'it was good to escape up there'.[116] 'Arthur' concluded that Blair House 'was probably the best thing about those few years'.[117] And 'David' (INR), who was targeted for abuse by one particular member of staff when at school, 'quite enjoyed it as I was away from the school and you tended to be with different members of staff'.[118]

'David' (INR) also found solace in being able to go to the modelling room in the basement of his boarding house at weekends to build Airfix kits as he 'just wanted to spend all my time being left alone … making models'.[119] He explained that: 'if I could go and sit in the

110 Written statement of 'Josh' (former pupil, 198x–9x), at WIT-1-000001231, p.21, paragraph 72.
111 Written statement of 'Josh' (former pupil, 198x–9x), at WIT-1-000001231, p.13, paragraph 47.
112 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.129.
113 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.129.
114 Written statement of 'Tom' (former pupil, 197x–8x), at WIT-1-000001154, p.16, paragraph 76.
115 Written statement of 'Max' (former pupil, 196x–7x), at WIT-1-000001270, p.9, paragraph 39.
116 Written statement of 'James' (IEE) (former pupil, 198x–9x), at WIT-1-000001221, p.8, paragraph 39.
117 Written statement of 'Arthur' (former pupil, 197x–8x), at WIT-1-000001177, p.7, paragraph 32.
118 Written statement of 'David' (INR) (former pupil, 197x–x), at WIT-1-000001275, p.9, paragraph 46.
119 Transcript, day 361: 'David' (INR) (former pupil, 197x–x), at TRN-8-000000077, p.54.

modelling room, I was quite happy'.[120] That was in contrast to the rest of his boarding house life which involved being abused by his housemaster. He would also spend a lot of time at weekends in town visiting museums or at the Botanic Garden, which was not far from the boarding house. Or he would simply board a bus and remain on it 'just to kill time'[121] until he was told to get off. Sailing at Port Edgar, a marina at Queensferry, was another extra-curricular activity and one that gave 'Grahame' 'a chance to escape'[122] from his boarding house and the abuse he suffered there.

Incidents of bullying behaviour by senior pupils at CCF camp were reported as recently as 2014.

Whilst CCF was not, strictly speaking, an extra-curricular activity given that it was timetabled for all boys for the first three years of Senior School, aspects of it such as CCF camp were akin to extra-curricular trips. Although some boys found it a positive experience, for others it was far from that. For 'Andrew' (IBO), CCF camp was 'one of the most difficult times' in the whole of his schooling because it was 'scary and horrible and just an alien environment'.[123] Incidents of bullying behaviour by senior pupils at CCF camp were reported as recently as 2014. The matter was reported to the police, though prosecution did not follow.

Put shortly, I am satisfied the Academy afforded boys a wide range of experiences beyond the confines of the curriculum. But it is important to note that the reason why some of those who spoke of these experiences in positive terms did so – for abuse occurred at Blair House too – was that they provided a means of escape from what was undoubtedly bad.[124]

The Prep School

Denham Green – junior department

Denham Green was largely seen in a positive light. Nicky Campbell said:

> Denham Green was a very happy time. I met my best friend for life at Denham Green on the first day … it was a happy time. Mainly female teachers. I don't remember any male teachers at Denham Green. I might be wrong. But it was a good, caring, loving environment, as I remember.[125]

Arboretum Road – senior prep years

For many the move to the upper section of that part of the school situated at Arboretum Road was a shock. It was suddenly more formal, with the threat – or use – of corporal punishment a norm for some teachers. 'James' (ICW) said: 'Just in terms of the general attitude of the teachers … for instance, it was the first time I started being called by my surname, which was done all the way through to the Academy … that took a little bit of getting used to'.[126] The gender balance of the teachers also moved from all female to predominantly male. 'Fred' said:

120 Written statement of 'David' (INR) (former pupil, 197x–x), at WIT-1-000001275, p.9, paragraph 40.
121 Written statement of 'David' (INR) (former pupil, 197x–x), at WIT-1-000001275, p.9, paragraphs 41–2.
122 Written statement of 'Grahame' (former pupil, 197x–8x), at WIT-1-000001286, p.10, paragraph 54.
123 Written statement of 'Andrew' (IBO) (former pupil, 196x–7x), at WIT-1-000001159, p.9, paragraphs 45 and 47.
124 Discussed in the chapters dealing with abuse at The Edinburgh Academy.
125 Transcript, day 364: Nicky Campbell (former pupil, 1966–78), at TRN-8-000000080, p.7.
126 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, p.117.

> There was a very sudden transition. You went from the sort of primary school thing, where one woman would teach you everything in one room … Suddenly you had a male class master and everybody taught you different subjects. You went round classrooms and they were all male teachers. I don't remember being taught by any women at all from the age of 9 until I was about 14, 15, when we had a couple of female biology teachers … You know, we were good Edinburgh boys, we were quite well behaved up until about the age of 9. But it was very odd … the mood of the change to this more male environment, slightly more brutal environment, where discipline was imposed, rather than expected … Prior to that I may not have liked some of the teachers, but it was definitely a supportive environment. At that point, it stopped being a supportive environment; it started to become, you are here – this is the school now, you are here to learn and do what you are told, and we will impose that on you.[127]

'Mike' was

> aware of corporal punishment when I was in Primary 4. You would hear chatter around the playground of what was going on in other years … We heard the teachers had a clacken and if you stepped out of line you would get hit with it either on your hand or on your bum, wherever. You just heard that people got hit with stuff … But I witnessed it in Primary 5 and 6.[128]

The Senior School

Boys moved into the Senior School in Henderson Row around the age of 11, where they joined the 'Geits', a transition year which was the equivalent of what, in other schools, was P7.[129] For many, the move to Senior School will forever be associated with meeting Hamish Dawson, who abused many children, for the first time.

Regime up to 1992

The rectors of the Academy during the periods when most of the abuse covered in the evidence took place were H.H. Mills (1962–77) and Laurence Ellis (1977–92). David Standley described the former's tenure as one of 'confidence' and the latter's as 'from confidence to complacency'.[130] However, he accepted that between 1962 and 1992, whilst he thought the school was successful, it did not look outwards and needed challenging.[131] That certainly fits with the evidence from applicants and teachers who spoke of a school where practices remained largely static despite the very different personalities in charge. It also seemed that the challenging David Standley had in mind involved addressing academic performance which, according to the academic analysis for which he was responsible, failed to show that 'all our departments were good'.[132] He made no mention of the need to challenge ongoing abusive practices.

'Finlay' thought the school remained stuck in the past. He said: 'The culture and atmosphere of the school … harped back to preparing young men for the British Empire. The school culture valued secrecy and isolation, corporal punishment, and fear, and included normalising abusive behaviour by its staff, bullying, and victim blaming from an early age.'[133]

127 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, pp.19–21.
128 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, pp.105–6.
129 'Geit' is an old Scots word meaning 'young child'.
130 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, pp.135–6.
131 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, pp.136–7.
132 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.137.
133 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.4, paragraph 10.

Rob Cowie thought little changed under Mills, save for corporal punishment which the rector did not like.[134] Colin Turner felt that Mills chose not to face up to problems and preferred to brush them aside.[135] Though he was well respected, many felt he was not well suited to the role, including 'Douglas', who described how Mills would 'fall asleep during morning assembly'.[136] 'Colum' said that Mills 'was a nice man, but a poor headmaster to my mind. He had this idea that to be a prefect at the school you had to be in either the First XV for rugby or the First XI [cricket team]'[137] and that 'bullying was just best left to sort itself out'.[138]

Laurence Ellis was very different. He was a more liberal and sympathetic man, as Jake Young recalled:

> My father, who had a bad heart, collapsed midway through games. I told Mills I had to go and see my father and he said: 'You'll have to be here tomorrow for the games'. When I returned later that day Mills never even asked after my father. Ellis was at the game as he had already been appointed to take over … Ellis sent for me next day and asked after my father and made sure to ask if my mother was coping at home.[139]

Ellis expanded the range of activities available, as Rob Cowie explained: 'more music, drama, the type of drama widened. And his general tone was gentler, more open, friendly. He made much of having an open-door policy in his room. Anybody [meaning teachers] was invited to go to see him at any time.'[140]

In 1982, given concerns arising from a violent incident and wider questions of discipline in the school, Ellis sought approval from the Court to appoint a second master, specifically responsible to him, for day-to-day discipline.[141] The directors of the Court, however, regarded this as something 'symbolic' with a view to setting at rest the 'fears of parents' rather than anything else.[142] And the abuse of children nonetheless continued. Laurence Ellis did also try to deal with bullies and was 'prepared to act'.[143] Further, he was the first to introduce staff to the concept of child protection, although only in the final years of his tenure. Tony Dyer, who was employed in the Junior School for 36 years, only ever remembered there being a single day of training that focused on child abuse. That was during an in-service day in 1990. He described it as an 'eye opener'.[144] However, that training focused on children suffering abuse at home and not on the possibility of the abuse happening at school.[145]

When the need to provide child protection training was recognised in the 1990s, it was not on any strategic or structured basis. Rob Cowie, employed by the Academy as a Senior School teacher until 2000, had a memory of Laurence Ellis arranging a lecture for staff on

134 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.68.
135 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.21.
136 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, p.38.
137 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.98.
138 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.105.
139 Transcript, day 365: read-in statement of Jake Young (former teacher, 1966–93), at TRN-8-000000081, p.146.
140 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.73.
141 The Edinburgh Academy, Letters to parents and staff, 1982–3, at EDA-000000055.
142 The Edinburgh Academy, Letters to parents and staff, 1982–3, at EDA-000000055.
143 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.102.
144 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.4, paragraph 21.
145 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.4, paragraph 21, and p.11, paragraph 68.

The Academy had a reputation for being a school that too many pupils found to be violent and frightening.

the subject of peer bullying shortly before the end of his tenure in 1992, and that it was 'excellent'.[146]

Applicants recalled that Laurence Ellis was different but they doubted the impact of changes he made. Some found him weak, and 'Mike' described him as 'a bit of a wet blanket. The bully boys could just bypass him. He really wouldn't want to confront that side of things, that's how it felt. The school ran him rather than the other way around. If Mr Ellis told pupils to get off the grass, nobody moved.'[147]

David Standley said Laurence Ellis would describe things as positive when they were not,[148] while, according to Rob Cowie, 'by the end of Ellis's time it was felt that the place needed gripping, as it had become too liberal'.[149] He may have been well intentioned but little of substance changed.

Pastoral care

The Academy stands out as a school where organised pastoral care of its pupils was lacking for longer than in other schools in the case study. That went hand in hand with its reputation for rigidity and being a school that too many pupils found to be violent and frightening. Little progress in pastoral care was achieved before the 1990s.

It could have been very different. C.M.E. George Seaman, rector between 1945 and 1951, seeing that there was a risk of the school becoming 'an impersonal machine',[150] identified what he referred to as a

> limitation to our organisation that from the time when a boy enters the Upper School there is no member of the Staff whose function it is to take a personal interest in him and his development over a considerable period – the kind of interest which a Housemaster must take in the boys of his House.[151]

Seaman mentioned 'pastoral duties' as an established concept and one he did not see as the sole preserve of housemasters; he added that 'the Classmaster, it is true, has pastoral as well as didactic duties, but a boy remains in a class for a year only and with the development of the "set" system he may go to his Classmaster for a few periods only in the week'.[152] He confidently believed that 'for most boys it would be an advantage if they each could claim the interest and attention of one member of the Staff not for goodness or badness at Latin or Football or whatever else may attract attention but for what they are and are becoming in themselves'.[153]

Seaman proposed 'to assign each boy to a Master who will be called his Tutor'.[154] He

146 Written statement of Robert Cowie (former teacher, 1963–2013), at WIT-1-000001302, pp.9–10, paragraph 31.
147 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.111.
148 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.137.
149 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.75.
150 The Edinburgh Academy, Letter to parents, April 1948, at EDA-000000054.
151 The Edinburgh Academy, Letter to parents, April 1948, at EDA-000000054.
152 The Edinburgh Academy, Letter to parents, April 1948, at EDA-000000054.
153 The Edinburgh Academy, Letter to parents, April 1948, at EDA-000000054.
154 The Edinburgh Academy, Letter to parents, April 1948, at EDA-000000054.

was clear that the tutor's role was, he hoped, 'to harass and encourage; give help in difficulty and through his greater knowledge interpret, if I may so put it, his Pupils to his Colleagues'.[155]

It is not clear what became of this enlightened initiative. Perhaps the role of tutor was not given time to embed, if it was introduced at all, before Seaman left the Academy in 1951 to take up the headship of Bedford School in England. Certainly, no applicant spoke of having a tutor in the early post-war period. As for the concept of pastoral care, known to and apparently understood by George Seaman, while some teachers had pastoral instincts – and some housemasters operated a system of pastoral care in practice – the school as a whole did not and it was only in the 1990s that the need for pastoral care was acknowledged.

Rules

The Academy was a disciplined environment, with both formal and informal rules. 'Andrew' (IDL) did not remember rules in the Prep School, although he thought they would have been there and that 'it was a disciplined place … you took your life in your hands if your socks were down your legs or your shirt tail was out'.[156] In the upper school pupils were given

> an annual rulebook, a little book for all the people in the school, with their names and their classes and everything … [the] back was given over to the school rules and dress regulations, and the school rules were relatively short and the dress regulations were massive. So sometimes some members of staff would give you a punishment of writing out the school rules and, if they really didn't like you, they would make you write out the rules and dress regulations.[157]

'Andrew' (IDL) said: 'Looking back on it, there was a lot of petty regulation and that … allowed for a lot of petty discipline.'[158] Rob Cowie recalled that the annual rule book had

> a huge number of school rules at the back … they were relatively minor matters. It would seem matters of dress, behaviour. I mean the overriding one was ungentlemanly conduct, which at any time was not to be tolerated, but, yeah, so there were a lot of little rules.[159]

Petty discipline could be administered by prefects, known at the Academy as ephors.[160] In the style of a court, they presided over the 'trial' of the miscreant and pronounced sentence, which could take the form of a beating. They would beat boys with clackens,[161] a type of flat wooden bat used at the Academy in a game known as 'Hailes'. It was also used at the school to beat boys. Ephors would do so in response to a variety of transgressions including minor matters, as recorded in a 'Beat Book' provided to the Inquiry.[162] An example was a child who had been 'seen on Friday night wearing cloth cap. No plausible excuse. Sentenced to 3 beats.'

155 The Edinburgh Academy, Letter to parents, April 1948, at EDA-000000054.

156 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, p.62.

157 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, p.74.

158 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, p.63.

159 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.71.

160 'Ephors' were named after the magistrates of ancient Sparta who had an extensive range of powers, including the power to dispense justice.

161 The clacken, or clackan, is described in the Scottish National Dictionary as 'a wooden hand-bat or racquet used by boys at The Edinburgh Academy and Royal High School'. It is derived from the Scots word *cleckinbrod*, derived in turn from *brod*, a board, and the onomatopoeic word *cleck* or *clack*, the noise made by the clapper in a mill. In August 1821 Blackwood's Magazine carried an article about traditional games: 'The games among the children of Edinburgh have their periodic returns. At one time nothing is to be seen in the hands of boys but cleckenbrods.' See The clacken section.

162 The Edinburgh Academy, Beat Book, at EDA-000000858. See Ephors section for more on the 'Beat Book'.

Tony Cook, a pupil in the 1950s, said: 'Yes, that would be normal. So you wouldn't be allowed to wear a cloth cap. You have got to wear the proper cap.'[163]



Boys playing Hailes in the yard

'Josh' recalled his rule book. He said:

> Reading some of the stuff that featured in it, at the age of 11 years old, could be really intimidating … The language used and the quite cold way the rules were communicated spoke to the system. It was all quite daunting. Nobody really talked you through what the various forms of punishment entailed or how they would be applied when you started at the school.[164]

His complaint is a valid one. Rules need to be explained to children. How, otherwise, can they reasonably be expected to respect and understand them? 'Josh' was a pupil during the 1980s and 1990s, which demonstrates that petty discipline was a constant for decades.

Tony Cook, reflecting on his own early days at the Academy, accepted that the culture, despite the existence of rules and the rule book, was very much one of sink or swim: 'That was it. You just got on with it and you had to learn from other people and so you asked each other what you did … and all that sort of business.'[165]

Corporal punishment: a catalogue of missed opportunities

Corporal punishment was permitted at the Academy from its establishment until 1988. The tawse and the clacken were both commonly used. As 'Alistair' said: 'It was legal. It was part of what society allowed. My parents didn't object to it. It was very much part of the scene.'[166] 'Sam' (IDU) said:

> Corporal punishment was … an everyday reality … I don't mean it happened every day … but it was in your mind every day. You knew who was authorised to do the hitting; you knew what would happen to someone who disobeyed the rules; you knew what masters were more inclined to use corporal punishment in order to enforce discipline.[167]

Corporal punishment could be used for a whole variety of reasons. 'Sam' (IDU) said: 'It might be for bad work, not doing your homework; it might be for misbehaving in class. It could be for insolence. It could be any number of things … But hitting people for transgressions was expected and seen as normal.'[168]

However, things could have been very different, as Magnus Magnusson explained:

163 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.147.
164 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, p.158.
165 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.135.
166 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, pp.32–3.
167 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, pp.64–5.
168 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.67.

> Right from the start, the founders of the new Academy … were all agreed that corporal punishment should only be administered for serious acts of misbehaviour and never for scholastic backwardness; many an Academy teacher was called to account for striking a pupil – and this when the appallingly brutal floggings at English public schools were accepted with a shrug as a fact of life.[169]

There was, however, 'no doubt that there was a great deal of indiscriminate tawsing in the early (and not so early) years at the Academy'.[170] By 1859 the school was being referred to as a place where a 'reign of terror prevailed in some departments'.[171]

Also, former pupils (known as Academicals) attending dinners down the years are said to have always taken pride in recalling the amount of beating to which they were subjected.[172]

It was not all a bleak picture. D'Arcy Wentworth Thompson, a member of staff between 1852 and 1864, and 'a man of large humanity and gentleness of mind and spirit, to whom teaching was a joy … rebelled against the accepted methods of teaching at the time, particularly the use of the tawse'.[173] Whilst it is fair to say that, at that time, society accepted that children should be beaten, Wentworth Thompson was ahead of his time and, in his *Day Dreams of a Schoolmaster*, wrote that 'teachers must take pride in their profession. They must work and work to take the tedium out of their lessons.'[174]



Lochgelly tawse

Wentworth Thompson's views were not popular with the directors or parents, and he was persuaded to resign. It might equally be said that his views were in line with the beliefs of the founders of the Academy so far as corporal punishment was concerned, but, sadly, they seem to have lost their voice by then.

Dr Robert H. Ferard, rector between 1910 and 1926, was another who propounded an approach that involved minimising the use of corporal punishment. He wrote in his 'Pamphlet of Notes for the Use of Members of Staff':

> How to secure diligence and interest from all the members of the class, even those who are naturally lazy or apathetic, is the chief problem confronted in the Classroom. Certainly he will not do it by frequent recourse to such weapons as sarcasm, imposition or the tawse. It is no exaggeration to say that really good teachers very seldom resort to such means or have any need to do so …
>
> The main thing is to be keenly interested in one's subject and eager to communicate it to others. Boys are immensely interesting, each

169 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.26.

170 See Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.195, where the author refers to there having been a 'Classical Master' who, in the early days of the life of the school, 'used to begin at the top of a large class, and administer corporal punishment from the top to the bottom of it', telling pupils that 'nothing but weariness would make him desist'.

171 This quotation is from an article in the *Courant* newspaper of 28 July 1859 referred to in Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.195.

172 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.196.

173 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.50.

174 D'Arcy Wentworth Thompson, *Day Dreams of a Schoolmaster* (Edmonston and Douglas, Edinburgh: 1864).

> has his own individuality. How to get at this and to bring the best efforts of each is the difficult but inspiring problem before us …
>
> The Lady Teachers appear to have the happy knack of diffusing rather than imposing order and industry and good manners amongst these little folk and I have been much struck … with the air of unforced discipline and busy cheerfulness which the classes present.[175]

After the Second World War the mood was different. George Seaman is said to have 'inherited a school in the throes of dismantling the detritus of war and in need of tightened discipline',[176] although, as referred to above, he also understood the need for pastoral care. And by the time Laurence Ellis became rector in 1977, a recurring theme in his relationship with the Court was the directors' concern about discipline.

Interestingly, when H.H. Mills announced to staff that he was stopping the practice of ephors being permitted to beat boys, which may have been in 1967, he also said, as Rob Cowie recalled, that staff should not do it either and that 'if they felt they must, they could still use a strap'.[177] Corporal punishment continued to be a permitted form of punishment until 1988.

Norman Jack recalled that at a staff meeting in October 1971 Jim Britton, the then head, sought to abolish corporal punishment altogether in the Prep School. However, he 'then rescinded that when all the staff rejected that proposal'.[178]

Despite the small green shoots of an enlightened approach to corporal punishment dating back to the nineteenth century, as outlined above, it was only between 1984 and 1988 that it was phased out; although the school 'retained the powers in reserve', it seems to have stopped by 1988.[179] The Academy was one of the last schools to retain this form of punishment, according to surveys carried out by the Scottish Council of Independent Schools.[180] That is not to say that physical abuse of pupils ceased then; it did not.

The clacken

A clacken is a flat-faced wooden instrument around 18 inches long and half an inch thick with a head that measures approximately 4 inches wide. It thins off towards the tip so as to give it some spring. Its use as a kind of bat in the game of Hailes by boys at the Academy, and at Edinburgh's Royal High School, had become established by 1829.

Hailes was an old Scottish playground game akin to shinty. Whilst it more or less died out in the course of the twentieth century, it continued to be played by Academy pupils once each year, in the Academy yards in front of the Senior School. 'Alistair' recalled:

> So it started in the middle school … and it continued up into the Senior School. I don't remember it continuing all the time I was there … but it was very vicious … Usually, your shins, elbows, any part of your body that got in the way of this thing.[181]

175 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.34.

176 David Standley, *Academy Lore* (Edinburgh Academy Enterprises Ltd, Edinburgh: 2011), p.28.

177 Written statement of Robert Cowie (former teacher, 1963–2013), at WIT-1-000001302, p.20, paragraph 69.

178 Transcript, day 365: read-in statement of Norman Jack (former teacher, 1965–2000), at TRN-8-000000081, p.172.

179 The Edinburgh Academy, Correspondence between rector and the Society of Teachers Opposed to Physical Punishment (STOPP), January–February 1988, at EDA-000000427, p.1.

180 Independent Schools Information Service (Scotland), at SCI-000000039.

181 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, pp.30–1.

The clacken was also used by staff and ephors to beat pupils.

At some point, clackens came to be used by the younger Academy pupils in the traditional egg-and-spoon race on sports days.



Clacken

The clacken was also used by staff and ephors to beat pupils. 'Andrew' (IDL)

> always thought the clacken was a very good one for a day school because it didn't leave much of a mark, because it was a big, flat-ended thing. So it's not like a cane that leaves stripes. It just left a very red backside, and so it wouldn't be so easily seen at home.[182]

The Academy has a long-standing tradition of presenting leavers with a clacken at the end of their final year.

Corporal punishment administered by staff

The Academy regime was one in which pupils – both day boys and boarders – were physically abused by some members of staff. This could be done under the guise of corporal punishment, but it exceeded the bounds of anything that could be regarded as reasonable. All too often, those members of staff beat boys brutally. They did so with a number of different implements. As well as clackens and tawses, they used books, slippers, gym shoes, wooden-backed board dusters, their hands, feet, knuckles, and also, in the case of Hamish Dawson, wooden sticks and a range of what he referred to as 'instruments of correction' or 'instruments of flagellation'.[183] It seems clear that the entire school knew of Dawson's store of implements, most of which should never have been used on children even before corporal punishment was banned. It beggars belief that successive rectors not only failed to stop Dawson using them but, instead, delighted in them.

Ephors

A system of appointing ephors was introduced by Robert Mackenzie, rector between 1888 and 1901. He was proposing, as in Sparta,[184] to confer significant powers on these boys. The term 'ephor' was adopted because Mackenzie decided the method of appointment was to be different from other school prefect systems, and because it seemed 'better to adopt some title as yet unappropriated'.[185]

> Mackenzie … introduced a prefectorial system he had got to know well at Loretto, where Dr Almond had invested senior prefects with almost the same authority as masters – including the right to inflict corporal punishment; he believed that this would reduce the amount of schoolboy tyranny and

182 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, p.69.

183 See Hamish Dawson chapter.

184 Prefects at the Academy were known as 'ephors', named after the magistrates of ancient Sparta who had an extensive range of powers including the power to dispense justice.

185 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.237.

> bullying that disfigured so many English public schools, as well as teach the boys a sense of responsibility.[186]

Mackenzie's objectives may seem laudable but, in common with Loretto School, empowering older boys to mete out corporal punishment on younger ones was a high-risk strategy that was open to abuse. That is indeed what happened at Loretto School,[187] at Morrison's Academy,[188] and at Fettes College,[189] and the power was also misused at the Academy. Boys were all too often abused rather than appropriately punished. It is also true that the system of appointing ephors in operation at the Academy in the period up to the late 1980s and early 1990s broadly mirrored evidence I heard in relation to other schools – namely, it favoured the perceived 'top dogs': those who were likely Oxbridge candidates, those who were part of the First XV rugby team, and those who were part of the First XI cricket team. As 'Sam' (IDU) said, 'Sport, Oxbridge, seemed to define quite a lot of them.'[190]

When ephors were first introduced, the directors were firmly opposed to empowering them to administer corporal punishment but that changed in 1903, when Reginald Carter, Robert Mackenzie's successor, persuaded them to change their minds, at least to the extent of permitting ephors to:

> (1) impose such minor penalty for slight offences as the Rector should approve of, and (2) in serious cases, to inflict corporal punishment on the offender in such manner as the Rector should approve of; subject always to the following safeguards, viz; (1) that no boy should have corporal punishment inflicted on him by the Ephors except as the result of a meeting and careful deliberation of the whole Ephors; (2) that every boy on whom the Ephors thus propose to inflict corporal punishment should have a right of appeal to the Rector; (3) that when corporal punishment has been inflicted, the senior Ephor should immediately report the matter to the Rector.[191]

Sadly, that careful and restrained approach to how ephors should use their powers in a just and non-abusive manner and the important part to be played by the rector was not what happened in practice. What emerged instead was a system that tolerated a practice of ephors' beatings that were much feared, but the entries they made in the 'Beat Book'[192] read as though the ephors who delivered the beatings enjoyed wielding the power conferred on them. Colin Turner, a member of staff for 24 years, observed that – at least in the early years of his employment – ephors had a 'free rein', 'punished pretty severely', and 'abused their power at times'.[193] 'Colum' described being shocked to learn that in the Senior School ephors could administer corporal punishment: 'It is quite normal going into Senior School to find there are boys twice your age, height, or size in the school. But what's not so normal is the prefects would have the right to beat you.'[194]

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186 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.236.

187 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021.

188 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 2: The provision of residential care in boarding schools for children at Morrison's Academy, Crieff, between 1945 and 2007.

189 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 7: The provision of residential care in boarding schools for children at Fettes College, Edinburgh, between 1946 and 2021.

190 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.61.

191 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.237.

192 The Edinburgh Academy, Beat Book, at EDA-000000858.

193 Written statement of Colin Turner (former teacher, 1958–82), at WIT-1-000001314, p.8, paragraphs 43 and 47.

194 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.98.

'When I look back on my time as an ephor, the potential for abuse of power is obvious for any pupil who wanted a power trip.'

Even then, 'Colum' was all too aware that the system was ripe for abuse:

> I mean, one of the problems there was that … the headmaster … had this idea that to be a prefect at the school you had to be in either the First XV for rugby or the First XI at that time … Some people that he made prefects were not of the kind of calibre, in terms of responsibility or ethical perspective, to be given that kind of right.[195]

A child was able to identify the flaws and risks but the school did not.

'John', a former ephor, reflected on how poorly the system worked:

> I never had any sense that ephors and teaching staff managed discipline in an integrated way, with ephors providing 'eyes and ears' for the teaching staff, reporting trouble or identifying pastoral needs that staff might not be aware of. It felt like the teachers delegated responsibility for discipline in break times to the ephors.[196]

He continued:

> In hindsight, the whole ephor system at the time was badly flawed because of the absence of proper training and oversight. I cannot recall any training by staff for the role, and no mentoring or coaching while you were in the role. I cannot recall any explanation being provided of what the role involved, the disciplinary framework, or any escalation process. As far as I can recall, we just had to work it out for ourselves … When I look back on my time as an ephor, the potential for abuse of power is obvious for any pupil who wanted a power trip. Even more so when physical punishment was an option. Personally, I think I could be self-important and I'm sure I sometimes gave out lines for trivial offences, which is a cause of great regret. The whole experience of being an ephor made me thoroughly cynical about giving power to people without proper oversight or a proper system of checks and balances in place. I understand from what I've read that the ephor system has changed and that can only be a good thing.[197]

Corporal punishment administered by ephors, and the 'Beat Book'

Ephors 'held court' in the ephors' room, where, as with the magistrates of Sparta, boys were brought before a 'bench' where they were 'tried' and sentenced. Records of the beatings administered were kept in the 'Beat Book', the existence and contents of which staff were – or ought to have been – aware.[198] It was referred to in evidence,[199] and the volume covering various terms between November 1953 and summer 1957 was recovered by the Inquiry. It was signed by 10 ephors and opens with a quotation from the Bible Epistle to the Hebrews (attributed to the Apostle Paul) at Chapter 12 verse 11:

> Now no chastening for the present seemeth to be joyous, but grievous: Nevertheless afterward

195 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.98.

196 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.9, paragraph 42.

197 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.11, paragraph 49.

198 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.149.

199 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, p.67; Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, pp.147–9.

> it yieldeth the peaceable fruit of righteousness until them which are exercised thereby.[200]

St Paul's message was that whilst being disciplined is not enjoyable at the time, it is worthwhile because it leaves the person with a sense of peace and righteousness. What it is not, however, is a biblical direction or authorisation to administer beatings to children.

Yet that was the approach of many ephors. A Greek phrase followed the quotation and reflected their outlook. Translated into English, it read: 'He who has not been beaten is not educated'.

Unsurprisingly, ephors' beatings were feared. 'Colum' was aware of a practice where 'you were supposed to kind of put your hands on the desk with your head under while they kind of took a small run up with their clacken and beat you on the backside'.[201]

Tony Cook explained: 'It wasn't a laughing thing at all, no. I mean you were terrified as an 11 year old standing there and you were called and these were like men there, sitting behind this table, each one holding a clacken. I mean there was a tremendous threat about that.'[202]

In addition to detailed entries in relation to beatings administered in a particular session, the total number of beats for the years 1933–62 are recorded, with 'a record of 305 in 1953/4 and 182 in the year 1954/5'. For the following year, 1956/7, there were '277+ beats' recorded and for 1958/9 there were 214.[203]

Each entry records the 'justification' relied on by the ephors, ranging from failure to wear a cap, eating food at the tuck shop before PT, eating on a tramcar, and throwing gym shoes. On being shown the Beat Book,[204] 'Andrew' (IDL) said:

> Yes. I'm amazed – seeing that again, it all comes back to me. They used to put on the margins … a red diamond when the person had the clacken broken over their backside. And then that person would then be given extra beats for having broken the clacken and sent down to woodwork department to get a new one … They were obviously enjoying it.[205]

Clackens broken in the course of beatings were regarded as a cause for celebration.

The entries make depressing reading and demonstrate that some ephors delighted in acting as judges and in beating younger boys; that they took pride in the administration of harsh beatings; and that they wanted to ensure each realised 'how much pain they must distribute' to the boys subject to their power, to whom they referred as 'lawbreakers'.[206] Clackens broken in the course of beatings, far from eliciting concern, regret, or contrition on the part of ephors, were regarded as a cause for celebration. There is no evidence of any thought being given to what it was like to be one of their targets. Empathy was absent. Rather, ephors appear to have thought it was all rather funny. From the perspective of their victims, it certainly was not. For example, the entry for 10 December 1954 includes the following:

200 The Edinburgh Academy, Beat Book, at EDA-000000858.
201 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.98.
202 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.148.
203 The Edinburgh Academy, Beat Book, at EDA-000000858, p.10.
204 The Edinburgh Academy, Beat Book, at EDA-000000858.
205 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, pp.68–9.
206 The Edinburgh Academy, Beat Book, at EDA-000000858, p.7.

> Here follows a session which must surely be one of the most remarkable in the whole history (recorded or otherwise) of the Ephorate. Mark ye some details
>
> 29 boys were summoned …
>
> 2 arrived uninvited
>
> 1 was caught outside but fled and could not be apprehended
>
> 21 were beaten
>
> 3 were given lines
>
> 4 were severely censured
>
> 36 beats were delivered [thus entirely eclipsing the previous record (spread over two days) of 34 on 22 January 1948]
>
> The Head Ephor was absent (for the 3rd successive session)
>
> 5 Clackens were broken (Christmas lunch that day)
>
> Previous best – 3 in one session (all one boy) – 8th November 1934. The office 'boy' entered during an interrogation only being slightly deaf, was unmoved by his reception.
>
> The session lasted for 2 hours and 4 minutes.
>
> The acting Chairman recorded a hat trick.[207]

The entry for 17 December 1954 includes: 'Our Acting Chairman, eager to show how worthy he was to fill the Chair, hereupon broke the only clacken in the house in the course of a beating … the first journey to the Prep buildings was undertaken to find new weapons.'[208]

These ephors were wielding power without any adult having helped them to understand that with power comes responsibility – a duty of care to exercise their powers responsibly. There is no evidence of there having been guidance from or supervision by staff, nor of the ephors reporting to the rector, as had been envisaged by the original scheme under which they were entrusted with the role. Rather, the evidence indicates that these ephors, left to themselves as a group of children, albeit older children, misused their powers to the extent of inflicting physical and emotional abuse. The evidence from these records was supported by the accounts of those who were pupils. Tony Cook recalled: 'The ephors would go round and if they saw somebody misbehaving in some way they would just say: "Ephors' room, 3.10 pm." That's what they would say to you, and you had to go. You had to remember.'[209] He went on: 'Yes there was a fear … I mean, one of them was the Scottish school squash champion, so he had a very deft hand'.[210] Tony Cook was clear that their reputation was 'You're going to suffer'.[211]

'Perseus' said:

> The ephors took delight in finding reasons to punish the younger boys. They could give out lines for boys to write out. If you were sent to the ephors' room it meant a beating or a shouting … I was very aware of the head ephor when I was in the first year … I remember it being a terror, certainly in the first year they terrorised the younger ones … The teachers were not interested in what the ephors did.[212]

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207 The Edinburgh Academy, Beat Book, at EDA-000000858, pp.4–5.

208 The Edinburgh Academy, Beat Book, at EDA-000000858, p.5.

209 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.145.

210 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.146.

211 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.146.

212 Transcript, day 357: read-in statement of 'Perseus' (former pupil, 196x–7x), at TRN-8-000000072, p.206.

In fact, it was worse than that, for in the deferential society that prevailed at the Academy, some teachers were unprepared to challenge not only other members of staff, but also ephors. Colin Turner explained:

> As a young member of staff, when I first started I would not dream of going up to an ephor and telling him not to do something. That was me personally, but I didn't feel comfortable with that, just as I wouldn't feel comfortable telling a member of staff that I disapproved of something they were doing.[213]

He felt that way because he knew the ephor

> had been doing what he was doing … long before I arrived there and I suppose out of a sense of 'that's not my business', that is the attitude I adopted. It might have been I wasn't brave enough … They were big guys and – I don't know why, but I didn't want to mess with them.[214]

However, Colin Turner said he 'would speak out now, yes, under the changing circumstances over the last 25 years, 30 years'.[215]

The power ephors had to inflict corporal punishment remained sanctioned into the late 1960s. This power had been withdrawn by the time 'Colum' was in his fourth year of Senior School.[216] According to *The Clacken and the Slate*, it remained theoretically available, 'but only after application to the Rector and on the rare occasions when application has been made, it has been refused'.[217] Rector H.H. Mills decided that the practice was to stop, saying that 'he couldn't achieve civilisation by means of a wooden bat'.[218] He was right. The only question is why it took so long for the school to realise that.

'Gavin' was targeted by the ephors from the age of 13 or 14, when he was in the bottom class, which was 'enough for them' so they would call him into the ephors' room, ask: 'Why are you so thick?', and then give him a 'clip round the ear' with the backs of their hands.[219] That was not discipline; it was plain bullying and it was abusive.

Other modes of discipline administered by staff and ephors

Lines

'Charlie' said:

> Other than corporal punishment we got lines as a form of discipline in both primary and secondary … And if it was for something deemed really bad, then you had to do the lines in red, which meant your parents had to sign them in order to make them aware you had been given them … Discipline went lines, red lines, and then detention in that order.[220]

Of ephors, 'Colum' said: 'They could give lines to write up – I mean, I got lines when I was 16 or 17 for cutting a corner going to the games field. I had to write out the school rules, which is quite a long thing to do, actually.'[221]

'Gavin' said:

> You might get 100 lines from [ephors] and told to make sure it was done by tomorrow. The

213 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.40.
214 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, pp.40–1.
215 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.41.
216 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.102.
217 Magnus Magnusson, *The Clacken and the Slate* (Collins, London: 1974), p.238.
218 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.68.
219 Transcript, day 357: read-in statement of 'Gavin' (former pupil, 196x–7x), at TRN-8-000000072, p.177.
220 Transcript, day 363: read-in statement of 'Charlie' (former pupil, 196x–8x), at TRN-8-000000079, p.35.
221 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.103.

> lines had to be taken from the books you were studying for English literature … once, I was conveniently studying *Kes*, and there was a line in the book, 'You fucking bastard' or something like that, and I chose it. It was the sentence I had to repeat over and over again … I was reported to the rector, Dr Mills, for that and I was taken in front of him and he gave me a bollocking over it. I told him it was just a coincidence. He never asked me to explain why I was doing lines and if there was anything wrong. It was straight to the bollocking. I don't think I was in front of the rector at any other time. I was doing a hundred lines every night at home and it was a consistent, almost daily thing.[222]

That same observation, that no one was asking boys to explain why they were doing lines, was also made by 'Mike':

> Lines … would be their go-to punishment … I'm not saying all of the ephors were like that, because they weren't, but you give some people power at an early age and it doesn't do great things for them or those around them. No one was monitoring the ephors or their punishments … There was a fair responsibility given to those people, who rightly or wrongly shouldn't have had that responsibility, but that was the culture at the time.[223]

'No one was monitoring the ephors or their punishments.'

'Cameron' described an example of irresponsible punishment:

> One or two of the ephors in my year were giving [a boy] a hard time for being late, but they were actually just giving him a hard time. They said that he was being cheeky and told him to come with them immediately to the ephors' room. They gave him 200 lines or 500 lines or something ludicrous. I can remember feeling a real sense of injustice … I really thought it was just pure power. The boy had done nothing wrong and anything he said, he said because he was provoked. His weekend was then ruined.[224]

The Academy had become the 'impersonal machine'[225] that, in 1948, George Seaman had feared it might. Too many staff were not interested in the welfare and protection of children and the school had developed no systems designed to address that.

Detention

Detention was another form of discipline used at the Academy:

> I don't remember anyone explaining the codes of discipline to us. Detention was one thing the teachers had to discipline us with. Sometimes there was detention after school. That could be if you got poor marks in your homework or if you hadn't done your homework or if you did something wrong, like you ate chocolate in class. It could have been if you had left something at home that you should have brought in to the school.[226]

A culture of fear and violence

'Gerald' was a pupil at three of the schools covered in the case study and considered the Academy to have been the worst of them. He experienced

> a culture of institutional abuse amongst both its teachers and its prefects. Violence by teachers towards pupils was commonplace and children

222 Transcript, day 357: read-in statement of 'Gavin' (former pupil, 196x–7x), at TRN-8-000000072, p.172.
223 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, pp.119–20.
224 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.22, paragraph 71.
225 The Edinburgh Academy, Letter to parents, April 1948, at EDA-000000054.
226 Transcript, day 357: read-in statement of 'Gavin' (former pupil, 196x–7x), at TRN-8-000000072, pp.171–2.

> would be beaten in front of a class full of pupils. The tawse and the cane were both used by teachers on pupils, and one teacher had managed to weaponise the sleeve of his gown. He had sewn in a very small metal tin which acted as a weight and allowed him to use his sleeve as a cosh.[227]

When Rob Cowie began teaching at the Academy, in 1963, its established reputation was that it was 'really quite a violent place, or there were some violent teachers'.[228] 'Andrew' (IDL) agreed and remembered there were 'a lot of angry young men amongst the teachers',[229] and beatings were a common occurrence. The upshot was that many boys lived in fear. They feared staff in school and in the boarding houses.[230] 'Andrew' (IDL) said:

> You spent your time in fear that you were going to be brought out and given beats … there were one or two people, I seem to remember, getting quite a lot of attention and being beaten fairly regularly. For most of us, it was relatively irregular, but you were sat there being just very frightened it was going to happen. And it could be very arbitrary, that was the thing.[231]

'Sam' (IKA) explained that it 'was just taken for granted that we got whacked'.[232] He used that word because '"beaten" is not a strong enough word. We used to call it "whacked".'[233] 'David' (INR) was not beaten, but the clacken, referred to as the 'bacon slicer' due to the practice of bringing it down vertically on a boy's backside, put 'the fear of God' into him.[234]

'James' (ICW) became a teacher on leaving the Academy and in 1980 took up a position in a different independent school in Edinburgh. By comparison, 'it was completely different in terms of – I mean, for a start, they called their children by their Christian name, which was a new one on me, and it seemed to be a much more relaxed atmosphere.'[235]

He went on:

> I can't recall any corporal punishment, even though it was still legal … I don't think I saw any of that. Cleaning out the minibuses seemed to be one of the things that happened if pupils were being unruly … Yes, it seemed to be a much more relaxed school.[236]

There was, he said, a 'massive difference'[237] as compared to the Academy.

'James' (ICW) thought the Academy 'was lacking in that there didn't seem to be any form of pastoral care in the school, as most

227 Transcript, day 355: read-in statement of 'Gerald' (former pupil, 195x–6x), at TRN-8-000000070, pp.194–5.
228 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.99.
229 Written statement of 'Andrew' (IDL) (former pupil, 196x–7x), at WIT-1-000001196, p.15, paragraph 53.
230 See The boarding houses section.
231 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, p.71.
232 Written statement of 'Sam' (IKA) (former pupil, 196x–8x), at WIT-1-000001260, p.12, paragraph 46.
233 Transcript, day 361: 'Sam' (IKA) (former pupil, 196x–8x), at TRN-8-000000077, p.120.
234 Transcript, day 361: 'David' (INR) (former pupil, 197x–x), at TRN-8-000000077, p.55.
235 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, p.151.
236 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, p.155.
237 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, p.156.

schools [have] now. I think the Academy may not have been on its own in that sense.'[238] What 'James' (ICW) observed in other schools later[239] – the use of Christian names, no corporal punishment, and a more relaxed atmosphere – sounds like a version of what was advocated for in 1948 by George Seaman, in his letter to Academy parents.[240]

The school also failed to support and train staff, which may have left them at risk of not coping and lashing out at children when provoked, such as happened to a young member of staff in an incident described by 'Richard', a boarder from the early 1960s to early 1970s. He and a group of his friends made 'a concerted effort' over a few days to try to get a house tutor to lose his temper by repeatedly talking about plugs:

> Eventually he erupted … Not very nice of us. I don't think he was ever given any training and coping strategies to deal with that sort of thing. Once he got very cross with one of my friends and beat him and made the boy's bottom go absolutely black and blue … I prefer not to name the teacher as I think he was let down by the Academy in not being properly supported, trained, monitored. He was a young teacher, I think of 22 or 23.[241]

Looking at the members of staff overall, Philip Dundas observed: 'I mean, it's easy, in hindsight, to look back and look at these men, mostly, and wonder, you know, what they were doing in an educational environment at all, because very few of them seemed to demonstrate any kind of vocational interest.'[242]

He continued:

> I think at Edinburgh Academy there was a state of polite embattlement where the loud, noisy, entitled young boys were mimicking their parents' attitudes, making it a very difficult job for the teachers … I don't envy those of them who, you know, really cared about teaching, and I have no doubt that some who perhaps started with the best intentions might have been, you know, driven to despair, but they were responsible for creating the culture of the school, and the sometimes brutal behaviour that went on between pupils, the bullying … the roughhousing, et cetera, that was their responsibility to regulate and to fix, if it wasn't working … young boys coming from … more or less entitled backgrounds … may need a certain amount of shaping and moulding, but it didn't feel like that was going on. It felt like … you were either beaten into submission, ridiculed and humiliated, or just ignored.[243]

Staff: inadequate oversight, guidance, and staff training

I accept that not all members of Academy staff were abusive. There were good ones. Whilst that was not universal, there were a number of members of staff who were specifically singled out for praise by applicants.

The reality was that each teacher worked individually, in their own way and according to their own style. David Standley, a man who had a vocation for teaching, described himself as someone who 'since the age of 11 … wanted to do nothing other than teach physics'.[244] In relation to the use of corporal

238 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, p.158.
239 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, p.155.
240 The Edinburgh Academy, Letter to parents, April 1948, at EDA-000000054.
241 Written statement of 'Richard' (former pupil, 196x–7x), at WIT-1-000001160, p.21, paragraphs 87–8.
242 Transcript, day 359: Philip Dundas (former pupil, 1976–8), at TRN-8-000000075, pp.72–3.
243 Transcript, day 359: Philip Dundas (former pupil, 1976–8), at TRN-8-000000075, pp.73–4.
244 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.109.

punishment, he said: 'It didn't cause me concern because … I was … in my own little world at the time. I was teaching my physics and cricket and getting on well with pupils and so on.'[245]

Likewise, Tony Cook 'was too busy getting my own teaching sorted out because still in those days it was quite – you were still thrown to the lions a bit'.[246]

Colin Turner agreed with the proposition that little changed at the school in the period from the late 1950s to the early 1980s. Rather than being given guidance or supervision, teachers were likely to be simply told by their head of department: 'Any problems, come and see me.'[247] In short, teachers continued to work in their own little worlds. Oversight of staff was either absent or inadequate and that allowed the abuse perpetrated by some of them to go unchecked. The rector was a distant figure: there was no formal induction, no staff handbook, and no written policies,[248] as well as no formal supervision,[249] no training, and no appraisal.[250]

Rob Cowie explained: 'There was a lot of power invested in the rector and his judgment was trusted largely, and if it wasn't, people didn't come to the school … the policies weren't written down as far as I know.'[251]

Assumption was the order of the day, as Rob Cowie, amongst others, confirmed: 'Well, miraculously, yes, it was assumed we could do it, we were given guidance on the subject matter by the head of science, but, yeah, it was kind of – it was assumed.'[252]

Assumption that all was well was, in common with other schools in the case study, all too often how the Academy functioned.

Bullying and fear

Boys also lived in fear of other boys and particularly feared being subjected to violence. Bullying was a 'huge problem'[253] at the Academy when 'Colum' was a pupil there from the early 1960s to the early 1970s:

> Mr Mills … thought bullying was just best left to sort itself out. And I mean some boys were physically stronger than others, and also once you get the intimidatory aspect of bullying you get a jeering mob surrounding you. I found in fourth year I was literally paralysed by fear sometimes, and I am not proud that that happened to me, and I still look and think … what could I have done that was different … the problem was that I wasn't in control of myself and the fear was paralysing me.[254]

He went on: 'I mean I didn't realise when I made my first statement that the Abuse Inquiry was even interested in bullying, but the bullying was a serious problem at the Academy when I was there … it had a deep and lasting impression on me.'[255] He would 'go to the toilets seeking refuge, not to go into the classroom, and I would try to escape so as not to be caught in the classroom at break time,

245 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.150.
246 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.144.
247 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.8.
248 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.70.
249 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.10.
250 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.12.
251 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.71.
252 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.69.
253 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.105.
254 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, pp.105–6.
255 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, pp.106–7.

and if I found refuge in the library sometimes they would come for me there too'.[256]

'Colum' was 15 years old at the time, and he was not the only child to seek refuge in the school library. 'Sam' (IKA) 'used to hide in the library at lunchtime because that's where people … who didn't want to be beaten up went'.[257] When Neil Douglas was in the upper school, he too 'spent a lot of lunchtimes in the library, because it was a safe place'.[258]

'Gavin' found that:

> the worst aspect of the Academy for me was the ephors, but the teachers had an impact on me too. I felt scared just going to school. I skipped school because I just didn't want to be there. It was a horrible thing, going to school … I can't remember what the school did about it, but I don't think they did much. I don't think the school asked me why I was skipping school.[259]

For 'Fred' 'it was a dog eat dog environment there … It was – you are at fault because you have been bullied'.[260]

A violent, bullying culture, said 'Mike', 'was normalised. People getting beatings, punishments, it was all normalised. My kids maybe saw one fight when they were at school. We were living in fight club, there were constant battles.'[261]

The boarding houses

The culture in the boarding houses was similar to that in the rest of the school, with the same approach to punishment by staff and pupils, and the same lack of supervision or guidance.

It seems clear that the mindset of the school was such that it did not view improving the quality of boarding provision as a priority. The evidence provided by the Brownlee family,[262] for example, shows that whatever else may be said of John Brownlee, he was conscious that the house he ran was spartan and lacking, and he sought improvements which were turned down by the school on the grounds of costs.

Such miserable conditions are clear from the earliest account of boarding house life, provided by 'Sam' (IDU) who found Mackenzie House to be 'a very bleak place. I don't remember soft furnishings or carpets, or anything like that … it was all pretty bleak'.[263] It was not a welcoming place: 'I don't remember anything I would describe as a welcome. I guess it would be more instruction.'[264] Like many boarders, 'Sam' (IDU) was far from home and 'it just felt utterly foreign and different'.[265]

Little changed over the years, judging by the experiences of younger applicants. Mackenzie and Dundas Houses were particularly cold

256 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.108.
257 Transcript, day 361: 'Sam' (IKA) (former pupil, 196x–8x), at TRN-8-000000077, p.137.
258 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.89.
259 Transcript, day 357: read-in statement of 'Gavin' (former pupil, 196x–7x), at TRN-8-000000072, pp.180–1.
260 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, pp.39–40.
261 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.140.
262 See John Brownlee chapter.
263 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.42.
264 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.43.
265 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.40.

and suffered from a shortage of hot water. 'Baxter' remembered that: 'There was old-fashioned, cast-iron radiators and they didn't deal very well with the Edinburgh east winds and the Edinburgh temperatures.'[266] 'Arthur' recalled that: 'it was freezing. I'm not even sure they had heating turned on. My overwhelming memory is of always being freezing.'[267]

Dundas House, said 'Thomas', was 'an emotionally cold place. The Academy advertised [itself] as family friendly. It wasn't family friendly. It really wasn't.'[268] For 'David' (INR), school and Dundas House together created 'a cold, unwelcoming, almost callous environment … it was not what you might term "child friendly", put it that way'.[269]

Pastoral care was lacking

'Baxter' thought

> there were support systems … in the form of matron, or possibly the house tutor or housemaster. But I suspect, also, that their patience might be tested if someone was crying all the time, needing mummy all the time, that in the end they want everybody to integrate and get on with the business of boarding. So I think there was some sympathy, some allowance, but it wasn't infinite.[270]

He also commented:

> If you had had issues over your prep … you could approach a master to clarify something that you hadn't completely understood … I mean, they were always there to consult with if you needed to consult with them … But I think issues such as pastoral care, or emotional difficulties … there would have been a less clear path … I'm aware of a colleague of mine, who … missed his family, he missed his mother a great deal and he told me that he was really asked to man up and get over it. So I guess he missed his mother for a little too long, and patience ran out, in terms of the authorities in the school.[271]

It was, said 'Baxter', a house tutor who told his friend to 'man up'.[272]

'Danny' was a boarder who described himself as 'not very suited to boarding school' and felt 'unloved'.[273] He was 'a child in difficulty because no one was looking after me properly. Me and my close friends felt that we had to escape into fantasy too much as a result, whereas we had hoped for a good education and a positive experience at school.'[274]

'Josh', a boarder from the mid-1980s to the early 1990s, confirmed that, even by then,

> there wasn't anything formally in place when it came to pastoral care. There wasn't a guidance teacher or someone like that. I don't remember anyone being specifically assigned to me. You could, should you wish, speak to your housemaster or your class master, but there wasn't a formal system or structure surrounding that. The onus was very much on the child seeking someone out to speak to.[275]

266 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.164.
267 Transcript, day 365: read-in statement of 'Arthur' (former pupil, 197x–8x), at TRN-8-000000081, pp.4–5.
268 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, p.137.
269 Transcript, day 361: 'David' (INR) (former pupil, 197x–x), at TRN-8-000000077, p.53.
270 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.134.
271 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.142.
272 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.142.
273 Transcript, day 358: read-in statement of 'Danny' (former pupil, 196x–7x), at TRN-8-000000073, p.178.
274 Transcript, day 358: read-in statement of 'Danny' (former pupil, 196x–7x), at TRN-8-000000073, p.182.
275 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, p.156.

Housemasters

Like other boarding schools in this case study, the culture of the boarding houses was significantly affected by the personality of the individual housemasters. Two housemasters, Hamish Dawson and John Brownlee, abused children within their boarding houses and also within the school. Others, particularly those in charge of the senior houses, by contrast, provided positive experiences; many applicants spoke warmly of them. There was a stark and troubling contrast there to be seen but the school did not see it.

Neil Russell described the boarding houses as 'fiefdoms' of the housemasters, which seems to have been an apt description. 'So Mackenzie was Mendl's fiefdom; Dundas, Dawson's fiefdom, and then the other two … I mean, I had three housemasters. A very strict one, a complete nutter, and a very weak one … by the end, it was just hellishness. It wasn't going to change … Just the way it was.'[276]

> 'I had three housemasters. A very strict one, a complete nutter, and a very weak one.'

The character of the housemaster was fundamental either way. Take, for example, the experience of 'Max':

> In my adult life, the way I have tried to deal with the experience of being at the Academy was by putting the whole thing in a box marked 'Don't go near' and, you know, 'Here be dragons', thinking that the whole thing was awful. And it is only in the last few months, when I have decided that I would come and speak here, that I … realised that it wasn't one experience at all; it was three very different experiences, depending on which house I was in. And the Mackenzie House experience was overwhelmingly a positive one. I think that I left Mackenzie House pretty much the same kid that I had been when I arrived, in other words a happy wee boy, really. That changed dramatically later on.[277]

Or 'Tom':

> I mean, you know, in Dundas House, with Mr Brownlee, you are sort of living under a tyrant, and you have to do it this way or not at all. Then when you move into Mackenzie House, you have a different housemaster, who has a different set of values, and you have a different matron and you have a different house tutor as well. The whole – your whole experience changes. And my experience in Mackenzie House was fine. You know, it was great. And, again, moving on to Jeffrey House as well.[278]

Housemasters' wives were important and could play a vital role in providing a positive and pastoral experience. They were expected to take responsibility for both the matron and the house tutor. It was, however, not a formal appointment. Their suitability for the role was not assessed, they were not trained, and they were unpaid.

Jeffrey House, however, was singled out for praise by a number of witnesses. 'Andrew' (IHA), for example, said:

> Mr and Mrs Evans were … running the house at that period of time … And to this day I felt that I was in a situation where support was given. She was very much the sort of mother hen who looked after lots of waifs and strays who probably didn't want to be there and were missing home. And the duty of care was good,

276 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, pp.105–7.

277 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.85.

278 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.39.

> and there was just a sort of quiet emotional support there. Mr Evans was a decent man, sort of quiet, honourable type. And so although I … had an awareness that there were bad stories coming out of some of the boarding houses and how it had affected various people … my own experience at that age was that's certainly not where the trouble happened for me.[279]

And 'Thomas' said: 'Scott House is different. Scott House was much more humane.'[280]

Appointment of housemasters – 'Buggins' turn'

When appointing a person to be in charge of a boarding house, getting it right for every boarder present and future was and remains vitally important. This requires regard to be had to a wide range of matters including the ability of the appointee to place the needs of the boarders at the heart of the performance of their role; the requirement for the appointee to be able to work together with their boarders' families; the need for the appointee to understand wellbeing in its fullest sense; the need for the appointee to ensure everyone is treated fairly; and the need for the appointee to provide the support needed by each individual boarder. The school does not seem ever to have had regard to any of the above when making the appointments.

There was no particular process for the appointment of housemasters and no evidence of any assessment of the individual's fitness or aptitude for the role. Further, the norm was for the appointee to serve as a housemaster for a 10-year period, which was plainly a high-risk strategy. In special circumstances the appointment could be extended for a further five years but there is no indication in the evidence of what might or might not amount to special circumstances.[281]

That said, there was some indication in the evidence that the period could be shortened if there was a problem. For instance, Rob Cowie remembered 'this master who was there for five years and wasn't a good fit, I don't think, for housemaster. There must have been some complaints about him to cause the change, because the normal stint was 10 years in the boarding house.'[282]

Teachers could not apply to become housemasters; they had to be approached by the rector. David Standley was not aware of there ever having been a process for appointment. Rather, the general rule was that the next senior master who was not or had not been a housemaster was offered the role: 'Generally speaking, if you will pardon the vernacular, it was Buggins' turn'[283] and he was never surprised if a particular member of staff was appointed as housemaster because he knew that teacher 'was next in the batting order'.[284]

Appointment as a housemaster was financially beneficial because it came with a higher salary and the appointee was provided with

279 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, pp.64–5.

280 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, p.131.

281 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 19 February 1946, at EDA-000000336, p.4.

282 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.90.

283 'Buggins' turn' is a reference to the principle of rewarding an appointment to members of a group in turn rather than according to merit.

284 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, pp.122–3.

'I think we relied a bit too much on seniority and the wrong people did get appointed to be a housemaster.'

free accommodation.[285] 'It was a financial gain, there is no question about that,'[286] said Colin Turner. David Standley expanded:

> My understanding was that you … lived free of rent and keep. So not only were your meals on duty found, but I believe there was assistance towards the general housekeeping that was provided. Your salary was not quite pocket money, but … I don't believe there were any payments for electricity, gas, rates, rents, whatever.[287]

It was also, according to Colin Turner, 'the best way of climbing the ladder, making progress'.[288]

Housemaster appointments were thus a matter of 'sheer seniority'[289] rather than aptitude, appropriate skills, or other criteria such as those I set out above. Whilst it was possible for someone to be passed over if the rector of the day did not have confidence in the person, the norm was that the next senior member of staff was offered the role. Colin Turner accepted that the system was far from ideal: 'I think we relied a bit too much on seniority and the wrong people did get appointed to be a housemaster, which should not have happened.'[290]

Also, rectors, such as H.H. Mills, were of the view that any teacher would be capable of doing the job. His approach, as explained by David Standley, was: 'If I have appointed you to the staff, you are capable of doing all jobs.'[291]

Tony Cook confirmed that assumption of capability was the general approach to most of the tasks which were allocated to staff in addition to their teaching role, and that included the appointments of teachers as housemasters: 'It would be assumed that you could do it'.[292] He went on:

> They would go down the seniority list of how long people had been there and I would think they would ask them if they wanted to do it … probably most of them did, and even if some of them weren't as qualified as others they still saw it as a good thing – it was a 10-year stint.[293]

As for whether other members of staff could have made or did make representations to the rector about any housemaster who appeared to be unsuited to the role, this generally did not happen, principally because of loyalty to colleagues and also because such a complaint would not have been considered. That, as Colin Turner rightly said, was misplaced 'if you take it from the pupils' point of view'.[294] One such pupil, 'Richard', said:

> I think the Academy could have done better. I think they could have made some younger

285 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 19 February 1946, at EDA-000000336, p.4.
286 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.22.
287 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, pp.121–2.
288 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.22.
289 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.23.
290 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.24.
291 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.125.
292 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.153.
293 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.154.
294 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.26.

> men housemasters earlier in their career, and thus got some and raised the standard … I think Jack Mendl was okay, but I think there were masters who taught me at school that would have been stronger candidates. I won't give all the names, but we had a master who taught us French and he'd had a career, first of all, in … the oil industry or something, and so had come into teaching aged about 30-odd and he was a very rounded individual and I think he would have been an excellent housemaster. But because he had only started at the school aged 30, he had virtually no chance of ever being a housemaster.[295]

The key points are that the offer of the role of housemaster could appeal simply because it was financially attractive and that the system could and did allow poor candidates to be appointed because of time served. Further, once they were in post, they might equally remain in their role for many years even if unsuited to it.

The position regarding house tutors was not altogether different.[296] The rector would offer a member of staff the chance to become a house tutor and, if they accepted, would simply tell the housemaster of the appointment. The housemaster had no input into the selection and no veto. For example, Colin Turner was provided with one house tutor whom his wife had concerns about, but the tutor was nonetheless appointed.[297] In the larger houses, the house tutor lived in the boarding house and had the same financial benefits.

No training

Housemasters received no specific training – there was no appropriately structured or formalised system for them to be trained according to the responsibilities involved in being a housemaster. All was very much left to the choices and preferred practices of the individual appointed to the role. Nor, it seems, was there any training for the role of the house tutor or an appraisal system; Wiliam Bain stated that 'the housemaster and the other house tutors gave … advice along the way'.[298]

It was thought there was no need to train housemasters:

> I'm not sure what the training would consist of. I mean, you are doing some pretty menial jobs. You are making sure they go to bed and making sure they turn their lights out and making sure they do this and they do that, but, I mean, there's not much training involved in that sort of thing.[299]

That was the evidence of Colin Turner, housemaster of Scott House for seven years. He did, however, accept that training boarding house staff to, for example, look out for children who were being bullied was a good idea. As to whether he was thinking about the welfare of the children when he took up his post, he said he was doing so in a 'very unstructured way',[300] referring to chats with pupils when checking whether lights were out at bedtime which might 'throw up

295 Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, p.151.

296 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 19 February 1946, at EDA-000000336, p.4.

297 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.31.

298 Transcript, day 366: read-in statement of William Bain (former teacher, 1976–9), at TRN-8-000000082, p.189.

299 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.27.

300 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.28.

problems that need[ed] solving'.[301] But with no structure, system, or, indeed, proper privacy, a child is bound to have been just as likely to say nothing even if he did have a problem which was in need of resolution.

Oversight

There was little if any oversight of the boarding houses, apart from in relation to financial matters which was led by the bursar. Inspections or even visits by school management were essentially non-existent prior to John Rees becoming rector in 1992. In his seven years as housemaster of Scott House, ending in 1982, Colin Turner was never visited or subject to an inspection by the rector.[302] His successor, Rob Cowie, felt that he could go and chat to the rector, Laurence Ellis, who lived close by, but added: 'I had a lot of freedom in my different jobs'.[303] David Standley was not surprised to hear that applicants' evidence was to the effect that they were not aware of there being any oversight at all. He thought this would have been typical of other UK boarding schools in his era, where boarding was 'delegated to the housemaster and the housemaster was responsible for the welfare of the boys in his charge'.[304]

There was little if any oversight of the boarding houses.

Colin Turner agreed that he was 'left to his own devices', adding 'if that produced a good result, what's wrong with that?'[305] In prefacing his observation with 'if', Colin Turner underlined the enormity of the assumption on which that practice of no oversight was based. It was a high-risk strategy which, as will be seen below, operated to the detriment of boarders at the Academy.

It was not just a matter of leaving housemasters to their own devices; the tenor of much of the evidence I heard was that, when it came to discipline and punishment, as Colin Turner said, 'there wasn't any policy'[306] relating to it at all.

Boarders do not appear to have been provided with house rules or any induction upon admission to their boarding houses. House notes, including rules, are available for Scott and Jeffrey Houses[307] from the mid-1970s, and others are available from the early 2000s,[308] but many boys were not made aware of them. Neil Russell thought there were none, so instead 'you just picked things up or were told the rules as you went along. It was all adapted behaviour. My mantra was to stay low and not be noticed.'[309]

Nor did 'Baxter' remember

> a set of rules, and certainly they would have been picked up as you went along. There were certainly rules that parents were made aware of, in terms of the standard of uniform that was required, or, you know, shoes with shoelaces, rather than slip-ons, your appearance, in other words, and the uniform that you wore, there were rules around those things. But, for the rest, it was kind of, you know, you learnt as you went.[310]

301 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.28.
302 The two senior houses were Scott and Jeffrey. They only took boys who were aged 14 or over.
303 Written statement of Robert Cowie (former teacher, 1963–2013), at WIT-1-000001302, p.7, paragraph 23.
304 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.133.
305 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.39.
306 Written statement of Colin Turner (former teacher, 1958–82), at WIT-1-000001314, p.8, paragraph 41.
307 The Edinburgh Academy, House rules, 1970s, at EDA-000000425 (Jeffrey) and EDA-000000443 (Scott).
308 The Edinburgh Academy, Jeffrey House rules, 2003–7, at EDA-000000412.
309 Written statement of Neil Russell (former pupil, 1964–74), at WIT-1-000001172, p.8, paragraph 32.
310 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.131.

That meant, for example, that it was common in the senior boarding houses for older boys (sometimes referred to in evidence as 'house ephors' as opposed to 'school ephors') to punish younger ones, including by hitting them, usually with a clacken. 'Henry' described them as 'a terrible lot'[311] who would interrogate younger boys before deciding on their fate, without supervision and in a manner that was 'terrifying'.[312] They had not formally been given authority to do so. There were no published rules and their use of that informal power was arbitrary. 'Sam' (IDU) said: 'They made rules and if you broke the rules, you got hit, for – I don't know what the offences were and I never understood the demarcation between when staff beat you and when other boys hit you. But staff obviously colluded and knew that boys were beating other boys.'[313]

Boarders, 'Sam' (IDU) went on, needed 'to know what would upset folk, that's part of the survival instinct. You have to know what would get their goat and that would lead to a punishment … it just happened, it just was. And they knew.'[314]

They would also be hit by housemasters, including for minor transgressions such as talking after lights out – which could come as a shock to any new boy who was unaware of what he was risking by doing so.

Such approaches to the provision of residential care were never going to be conducive to producing a good overall result that came anywhere near what was required to produce and maintain an abuse-free environment, and for many children the Academy did not produce a good result. Further, there was no system whereby boarders could raise concerns. If a problem did come to the notice of a housemaster, it was more by happenstance than anything else.

Regarding the raising of concerns, worryingly, Colin Turner said: 'There wasn't a culture of that at all … If there was a bit of bullying going on or anything else, I'm pretty sure that they would rather deal with it themselves, the boys, than tell me', although he added that there were occasions when they were a 'bit more open' in talking to his wife.[315]

Nor did the layout of Mackenzie, Scott, and Jeffrey Houses help:

> The staff-to-pupil ratio was not good enough. Particularly because the housemistress and the housemaster were kind of isolated from the rest of us in their wing of the house, and then the matron and the tutor just – they couldn't cover all the different floors. You wouldn't be able to. So you wouldn't know what was happening.[316]

'Henry' asked, reasonably: 'How can one man supervise a house full of boys?'[317]

'Richard', a boarder, was at the Academy in the 1960s and early 1970s and his evidence was ostensibly positive. At a time either when

311 Written statement of 'Henry' (former pupil, 197x–8x), at WIT-1-000001256, p.13, paragraph 58.
312 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.39.
313 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.59.
314 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.60.
315 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.36.
316 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, pp.142–3.
317 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.35.

he was head of his house or when he was a senior pupil he was aware of

> a bit of bullying, group bullying going on against one of the younger boys by the rest of the boys in his dormitory, and I tried to put a stop to it. But – and if it had carried on, I would have talked to the housemaster about it. I would have felt able to talk to him. I would have been 17 or 18 and these were 13-year-old boys.[318]

However, reflecting on the experience, he continued:

> It is interesting … the amount of authority we had, and we were encouraged to sort out stuff … I think that was the ethos … There was no real discussion about what the authorities ever, at any stages, were. There was no contract or even, you know, job specification … it's lack of oversight and lack of definition.[319]

It was not only that there was inadequate oversight of and within the houses, the expectation was that boys would just sort things out amongst themselves.

Accounts from those who were boarders suggest that housemasters generally did not intervene, despite being aware of problems. 'Henry' said:

> If it was going on and the teacher happened to be around, it would stop. He intervened in the fight. But it didn't strike me there was anything other than just stopping any immediate problem … there would be an intervention to that, but there wouldn't be a subsequent 'let's look at the dynamics that are causing this'.[320]

That was a significant failing. Questions should have been asked by those in positions of responsibility in the boarding houses, and they should have been provided with whatever resources were needed to address them. But, largely, that did not happen.

Survival

The lack of supervision of and interest in the daily lives of boarders in some of the houses had dreadful consequences between the 1950s and 1980s and even into the early 1990s. They needed to 'learn very quickly how to survive'.[321] 'Sam' (IDU) did so 'by amusing people'.[322] Others 'survived' by bullying other children, physically or emotionally, which could be worse. 'Sam' (IDU) became

> complicit in [the bullying] as well. So you stand on your own bed when someone else is going through it and hit them, which I think is very damaging indeed. In fact, I think … being complicit in some of the punishment culture and the bullying actually leaves a much greater scar than the bullying one received oneself.[323]

The lack of supervision of boarders in some of the houses had dreadful consequences.

That 'culture of boys on other boys persisted' throughout the 10 years 'Sam' (IDU) boarded at the school, right up until he left in the mid-1960s.[324]

Neil Russell 'learnt very quickly, there was no rhyme nor reason why things could happen. You just didn't know what was going to be

318 Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, p.166.
319 Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, pp.167–8.
320 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, pp.37–8.
321 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.46.
322 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.46.
323 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.46.
324 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.51.

round the corner at you … It was just part of … a feral atmosphere.'[325]

He was

> sure that I would have been part of whatever bullying went on, because if you didn't join them, you were bullied. So that would have just been a sort of feral survival strategy … again, there was no great thought given to it, it just was. And, you know, you were surviving.[326]

Survival was not a straightforward matter. Take 'Grahame', for example:

> My behaviour at school was sort of degenerating and I was getting into a lot of fights in the boarding house, and I wanted sort of, I suppose, nothing to do with it … The boarding house was a place where you had to negotiate, I suppose, survival, and it took a lot of effort to do that.[327]

'If you are part of the pack then you're not being singled out by it.'

As Neil Douglas put it, 'if you are part of the pack then you're not being singled out by it'.[328]

'Henry' also used the analogy of the pack:

> It's a pack mentality. You think: 'Well, at least it's not me. I'll join in, so I don't suffer this' … It's something … I'm very regretful of. I feel a bit ashamed for that. Knowing how unhappy I was receiving it; why did I have to give it out as well? But, again, that's the environment you're in, I guess … that was the norm.[329]

Giles Moffat boarded in Mackenzie House, which he described as 'an animal house. It was a madhouse. And people took turns to shun you, exclude you from groups, trash your stuff. We had these things called "dorm raids", where the older boys would come in and turn all the beds upside down and pull all your possessions out.' [330]

He went on:

> I bullied people. Not physically, because I wasn't particularly strong, but probably worse, psychologically. We all did – well, most of us did … At the time, it would just be the way the group was moving. So, if the group was starting to fall out of favour with someone, you would often just join in and jump on it … I became a, you know, problematic teenager, with incidents, and it's down to being unhappy. You've got to be unhappy about something for you to fight and rail against the system … We were just feral. It was a very harsh environment, yes.[331]

'Arthur' was a boarder in Mackenzie House and the picture he painted was of a world that swung from habits of quiet retreat to frightening, bloody aggression:

> The ante of the violence was upped because the strength of the boys was much greater … You could get badly hurt. There would be blood involved. You had to develop tools to avoid getting in the way of that. To hide in plain sight, to keep your head down, stay beneath the parapet and don't get noticed one way or another. Don't be cheeky, opinionated, just be one of the quiet grey ones that nobody notices and therefore doesn't come in for a kicking. If you did find yourself in a corner and

325 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.68.
326 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.84.
327 Transcript, day 362: 'Grahame' (former pupil, 197x–8x), at TRN-8-000000078, pp.40–1.
328 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.101.
329 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.37.
330 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.168.
331 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, pp.168–71.

> couldn't get out, then you had to hit hard and fast and get away as soon as possible. I do remember a slim boy, he wasn't a violent lad at all, but he had learned that. He punched his aggressor so hard that he shattered his nose. There was blood everywhere. I remember the boy was taken away in the ambulance but I don't remember there being any punishment, possibly because he had been the aggressor. I think it would have started over nothing, name calling or something equally meaningless.[332]

A grim picture of life as a boarder in Mackenzie House was painted by 'James' (IEE): '[It] was miserable. It was lonely and at best chaotic, with massive amounts of peer-on-peer bullying.'[333] He went on:

> There were numerous nights in Mackenzie House when I silently cried myself to sleep, trying not to let the other boys in my dormitory hear me or, worse still, have my abusers pull me out of the room and abuse me for making a noise after lights out. I was young, I was vulnerable and in an environment I never wanted or wished to be in … There were times all I needed was help. Someone to show some compassion or reassure me, but instead I got kicked, doors slammed in my face, and ignored.[334]

'Thomas', a boarder in Mackenzie House, said:

> You were absolutely not safe at all. Your food would be tampered with. Anything to kind of make you the butt of the joke amongst the group and make you appear as stupid as possible. It was non-stop … and there was no escape. When you are in a boarding school, it's 24/7. You can't get out of it.[335]

As this sample of descriptions of life as a boarder in some of the houses shows, vigilance on the part of the school was called for, but that call was not answered. It seems not even to have been heard.

No clyping

Supporting and facilitating the culture of fear and violence in both school and boarding houses was a long-standing and pervasive culture of 'no clyping', an expression well known in other institutions and organisations investigated by SCAI. It describes a culture where, no matter what happens, you keep your mouth shut and you don't tell. When 'Finlay' was in his first year in Mackenzie House, in the mid-1960s:

> The new headmaster of the Prep School wanted to make a movie with some of the boarders over some weekend afternoons. I was asked to join the cast … The film was to be entitled 'Clyping Doesn't Pay' and strongly reinforced the dire consequences of complaining to authority. The final cut was shown to other boarders.[336]

Not clyping was part of a wider culture in which 'your value or worth as a boy was intimately linked to secrecy' and which 'took various forms' including 'censorship. There was a general unwritten rule that one did not tell one's parents anything not acceptable to the school.'[337]

332 Transcript, day 365: read-in statement of 'Arthur' (former pupil, 197x–8x), at TRN-8-000000081, pp.25–6.
333 Transcript, day 360: 'James' (IEE) (former pupil, 198x–9x), at TRN-8-000000076, p.115.
334 Transcript, day 360: 'James' (IEE) (former pupil, 198x–9x), at TRN-8-000000076, p.116.
335 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, p.148.
336 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.5, paragraph 15.
337 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.5, paragraphs 11–12.

'James' (ICI) said: 'You were encouraged not to inform on people [by] … the staff and – your fellow pupils'.[338] The staff would say things such as '"Why are you coming to me telling tales?" … It was made quite clear to me on one occasion that, no, it would be better just not to complain about things.'[339] In short, no clyping.

'James' (ICI) went on:

> It was a very strange word for me when I first went there. But clyping was a word … being used within, probably, the first day or two at school and I didn't know what it meant, and either I asked somebody what it meant or it became quite clear from the context … It was being used by pupils [in the context of] … don't tell the staff what's going on.[340]

Tony Cook said: 'There was a thing called clyping … which you didn't do.'[341]

'Sam' (IDU), a boarder born in England, said: 'We had a word, I don't know if it is a Scottish word, but "you don't clype" – does that mean anything to you? … I wouldn't have remembered the word had it not been made constantly available to me at an early age.'[342]

'David' (INR) learned about clyping to his cost on his first night in Dundas House:

> My tie was taken and it was thrown around, as kids do, from boy to boy. And I was trying to get it and it was being passed to the next one, and I got upset and I went to Mr Brownlee and said that this had happened, and that's a lesson I learnt in boarding school life that lasted me the rest of my days – is that you don't tell tales … I can't remember what he said, but I know I got my tie back. But it impacted upon the relationship that I had with my fellow pupils … It's boarding school etiquette, yes.[343]

Fagging

There is evidence of fagging, which involved junior boys carrying out chores for senior pupils, having existed at the Academy until the mid-1960s. 'Sam' (IDU) said: 'When you moved into a senior house, as the younger member you were told that you would clean the shoes, and perhaps do some other jobs … I can't remember having a fag, but I can remember … being one.'[344]

Neil Russell, however, said that by 1965 'fagging, as in personal fagging, had finished'.[345] Boys were, at least in the 1970s,[346] expected to do 'duties in the boarding houses … These duties were bells, bags, dustbins, common room and such. There was a rota. Prefects supervised. It was not personal fagging.'[347]

Common theme

A common theme of the evidence was that a boy's later years at school were the most likely to be remembered positively. Giles Moffat said:

> They were the only good years … by then, you're big enough not to be bullied, you have kind of found subject matter that you like, you

338 Transcript, day 357: 'James' (ICI) (former pupil, 196x–7x), at TRN-8-000000072, p.15.
339 Transcript, day 357: 'James' (ICI) (former pupil, 196x–7x), at TRN-8-000000072, p.15.
340 Transcript, day 357: 'James' (ICI) (former pupil, 196x–7x), at TRN-8-000000072, pp.15–16.
341 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.141.
342 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.53.
343 Transcript, day 361: 'David' (INR) (former pupil, 197x–x), at TRN-8-000000077, p.51.
344 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.65.
345 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.71.
346 The Edinburgh Academy, Scott House rules, September 1975, at EDA-000000443, p.7.
347 Transcript, day 358: read-in statement of 'Danny' (former pupil, 196x–7x), at TRN-8-000000073, pp.182–3.

> are not doing a whole load of things you don't like and you're at the top of the tree … yes, I enjoyed the last two years.[348]

That is not, however, to say that the positive aspects of those years wiped out the memories and impact of earlier abuse where it had happened. Far from it; it simply highlights the crying need to protect younger boys which, for too many, was not met.

1992 onwards

Leadership change – John Rees

Significant change began at the Academy with the appointment of John Rees as rector. 'Mike' was delighted:

> When Mr Rees stood up at assembly and said that he was the new headmaster and told us how he operated, there was no one under any illusions. Things were changing big time. I think he was talking about respect for each other. He had come from down south and said this is how he was going to run the school – 'You will respect us and we will respect you'. It just seemed as a kid, I was sitting there thinking: 'Finally, thank God'. He wasn't just interested in the elite kids. He would listen to you. He would engage with you. Mr Ellis the old rector never so much as looked at you, he just walked past everyone with his head down away into his office … Mr Rees had a very positive impact on the school … [he] had everyone's respect straightaway and I think the teachers and the prefects followed his lead for the next three years … The school had been everything you had heard about old private schools and it was transitioning across to what was acceptable and what was not.[349]

Despite John Rees's rectorship being limited to three years, David Standley believes that history will judge it as having been essential in the evolution of the school.[350] He said:

> The scientific word is a 'catalyst' … by his very presence and his attitudes, he changed what was around him, and so he gave those of us who wanted to have more rigorous policies and so on – he gave us our heads … the embryonic development plan was knocked together by senior staff, but then it went to pupils to some extent, parents completely, the governing body, the teachers. And so what finally ended up in the development plan was a distillation of the thoughts of everybody, and something with which we could all buy into, to move forward. That all happened in John's time, and it was complete, the first development plan, prior to the inspection that arrived in 1994, late 1994/early 1995.[351]

Crucially, said David Standley, John Rees 'insisted on a culture of praise, a culture of challenging the staff to encourage the positive, rather than discourage the negative in pupils'.[352] He recalled that 'John Rees would get up at round about 5.30 each morning and would handwrite notes of congratulation or thanks until it was breakfast time, and then these were circulated to pupils and staff.'[353]

348 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, pp.125–6.
349 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, pp.110–12.
350 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.139.
351 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.140.
352 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.139.
353 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.139.

It was a world apart from the previous Academy approach, and a system of praising its pupils continues at the school today.

Process of formalisation – John Light

Written school policies, including pastoral care, were progressively formalised when John Light was rector between 1995 and 2008. Clear boundaries and expectations were set. David Standley became the first child protection coordinator (CPC) in 1994 and acknowledged having received considerable help from the Scottish Council of Independent Schools (SCIS).[354] The Academy's first child protection policy was introduced in 2002.[355]

Full co-education

'Mike', who left in the early 1990s, said:

> In my last two years at school there were girls introduced. That was the best thing that I could have hoped for. It changed the dynamic overnight. The dominant boys in your year or the year above all of a sudden had girls that they had to impress … they didn't know how to be with girls, how to speak with girls … For me it was a godsend having girls in the year. Everyone softened, everyone had to soften, because all of a sudden if three guys were putting a boy in a bin, a girl would be there asking what they were doing. It just didn't happen and they very quickly realised that they were being infants rather than grown ups.[356]

As was the case at Loretto School and Fettes College, 'Mike' also noted:

> I don't think much was done to protect the girls … if they weren't attractive or good at sport then my story would sound nothing compared to what theirs would be. You came to the Academy as a girl because we had a really good art school apparently and it was a good law feeder school. It was those types of girls we were getting. But if they got there and they didn't quite fit, their lives were made a misery by some boys who were verbally horrible to them.[357]

By the 2000s full co-education was the aim. Marco Longmore described the move as 'really a bit of a sea change in the history of the school'.[358] The school had to work hard to 'fully integrate the provisions for both boys and girls across all ages'.[359]

Staff changes

Despite David Standley's enthusiasm for the change introduced by John Rees, it is striking that a minute from the Court of Directors' meeting in October 1993 records that 'staff in the Senior School were resistant to change', although 'there was considerable support from the staff at [the Prep School]'.[360] That, no doubt, reflects a staffroom where many were content with the status quo and did not appreciate efforts to modernise the school. However, whether by coincidence or design, new members of staff replaced older, long-serving ones, with positive effect, and 'Buggins' turn'[361] ceased to operate. Change had begun, although it progressed slowly. 'Josh', who left in the early 1990s, noted:

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354 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.150.

355 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030, p.9.

356 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, pp.112–13.

357 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, pp.113–14.

358 Transcript, day 367: Marco Longmore (former rector, 2008–17), at TRN-8-000000083, p.13.

359 Transcript, day 367: Marco Longmore (former rector, 2008–17), at TRN-8-000000083, p.10.

360 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 11 October 1993, at EDA-000000382, p.14.

361 See The boarding houses section.

> The majority of staff members had arrived from an earlier time. There were more than ten staff members who had arrived in the 1950s, 1960s, and 1970s when I was at the school … However, there were new members of staff who came in with new ideas that did improve things to a certain degree.[362]

Structural changes

The first change, made in response to concerns about poor behaviour in the 1980s, was the creation of the role of second master with special responsibility for discipline.[363] In a departure from the Academy norm, the appointment of this second master 'was a question of picking the right man for the job'.[364] Policies on discipline followed. Other changes followed slowly. By 1983 Laurence Ellis had recognised the concept of pastoral care and there is some evidence of him musing over how staff could accommodate it in the context of tackling disciplinary problems, asking himself whether members of staff were the natural enemy or a source of help, and whether a variety of problems in relation to pupils (including bullying and being bullied) were 'needs to meet, personal choices to respect, idiosyncrasies to ignore, or heroism to admire'. He went on to pose other questions to himself which included: 'Why do they do it? Why should I care? Who should get help? How can one help? Is it "clyping"? How far can it remain confidential? How can public opinion help? What about parents?' and he also observed to himself: 'We do not want a police state with informants or a liberal state with no restraints but a concerned state with people who care.'[365]

Sadly, this highly relevant, forward-thinking, and potentially invaluable train of thought – particularly regarding the need for the 'state', i.e. the school, to be an entity characterised by people who cared – does not appear to have been translated into effective action at that time, in 1983.

In the 1990s the Court of Directors decided that a more coherent and structured approach to the organisation and management of the school was needed, and so in 1992 the school advertised for its first-ever deputy rector.[366] In doing so, the role of senior master, appointed purely on the basis of length of service, ceased. David Standley said that 'around about that time the school took upon itself to advertise head of department posts – advertise externally, which had never happened before'.[367] The Academy had begun to look outward.

The school's management structure also continued to evolve, with day-to-day operations being attended to by a senior management team comprising the 'Rector, deputy, Junior School rector, deputy, bursar, school … [and] which met, if not weekly, fortnightly'.[368]

Pastoral care

Awareness of and training in child protection was long overdue when it eventually began at the Academy, yet it is apparent there was some reluctance to recognise what was required, even from those appointed to key roles. David Standley was surprised at the approach adopted 'because there seemed to

362 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, p.147.

363 The Edinburgh Academy, Letters to parents and staff, 1982–3, at EDA-000000055, pp.1–2.

364 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 15 December 1982, at EDA-000000368, p.17.

365 The Edinburgh Academy, Letters to parents and staff, 1982–3, at EDA-000000055, p.4.

366 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.124.

367 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.125.

368 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.119.

be a presumption of problems which, in my own personal opinion … seemed to exaggerate before examining other options. I feared there was a danger of escalation.'[369] Rob Cowie was unsure when child protection began, but remembered a child protection in-service day in the late 1990s which staff found depressing because the emphasis 'was more on not laying yourself open to charges and being careful'.[370]

Awareness of and training in child protection was long overdue when it eventually began at the Academy.

The emphasis at that stage was not sufficiently on the children, as it should have been. In particular, it was not recognised that many abused children do not speak up. That was the reality at the Academy where the absence of complaints of abuse led to the complacent assumption that there was an absence of abuse.

Howard Haslett, chaplain of the Academy for 26 years from about 1973, was 'a listening ear',[371] and whilst boys did speak to him about bullying, about falling out with their girlfriends, and about family matters including bereavements, he was clear that that no boy ever reported physical or sexual abuse to him.[372] Whilst some applicants are critical of him, others remember him positively. However, many would never have considered reporting abuse to anyone at the school and it would, of course, have been contrary to the prevailing culture. The Academy did not help in that regard because Howard Haslett, despite his role as chaplain, did not have 'any official training from the Academy' whether on teaching or child protection. Rather, as with teaching staff, 'it was just assumed you knew what you were doing and you got on with it'.[373]

Pastoral care was at least spoken of as 'an explicit concept'.[374] In 1993 – 45 years after Seaman's proposals and 10 years after the thoughtful musings by the rector, Laurence Ellis, to which I have referred above – a discussion paper on the role of the class teacher suggested that: 'With the current set up of class tutors, we are in the position to develop a highly effective first line guidance/class tutor system … An allocation of non-contact time given to all class tutors would greatly assist here.'[375]

A programme for social and personal development was introduced from 1995/6[376] and in 2008, under the rectorship of Marco Longmore, a system of child protection training was established. Marco Longmore explained:

> The structures were there. What I would suggest is that the level of training and support for staff to exercise that duty was less sophisticated than it is now. There was less emphasis within the expectation on staff at that time to develop their skill sets in a pastoral area, unless they had a specific pastoral designated responsibility.[377]

369 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.151.
370 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.108.
371 Written statement of Howard Haslett (former chaplain and teacher, 1968–99), at WIT-1-000001354, p.10, paragraph 45.
372 Written statement of Howard Haslett (former chaplain and teacher, 1968–99), at WIT-1-000001354, p.10, paragraph 46.
373 Written statement of Howard Haslett (former chaplain and teacher, 1968–99), at WIT-1-000001354, p.8, paragraph 34.
374 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.142.
375 The Edinburgh Academy, Discussion paper on the role of the class teacher, November 1993, at EDA-000000442, p.4.
376 Transcript, day 365: read-in statement of Barbara Robertson (former teacher, 1994–2018), at TRN-8-000000081, p.34.
377 Transcript, day 367: Marco Longmore (former rector, 2008–17), at TRN-8-000000083, pp.15–16.

Greater oversight of the boarding houses

Change also occurred in the management of the boarding houses. As well as increased contact with the rector, the Court of Directors appointed one of their number to liaise with houses in 2005, although that was not until four years after an HMIe recommendation to do so.[378] The last HMIe inspection report in relation to boarding houses before they closed was in 2005 and included:

> The rector and housemaster in charge of boarding provided very good leadership. They were both highly committed to pupils' care and welfare. They worked well together to ensure continuous improvement. They were open and responsive to pupils' views. The rector showed an active interest in all aspects of the boarding provision … The school had developed effective links between the Court of Directors and the boarding houses … The housemaster was highly regarded by house staff … Overall, the school had a suitable range of policies and procedures in place to ensure the effective care and welfare of pupils.[379]

More recently, all staff have been trained in child protection, with refresher training taking place 'every two years'.[380]

Modern rectors: Marco Longmore and Barry Welsh

Marco Longmore readily accepted that he was appointed on a change remit from the Court of Directors, including with regard to co-education. He said:

> Some fairly obvious things … needed to happen for the move to full co-education. Some of them were physical, some of them were structural with regards to pastoral provisions, but out of that … there was a broader review that we took in terms of pastoral provisions and structures, operating vertically through the whole school. In doing that we were aiming to enhance … another level of care and support, which was designed to meet individual need and allow individuality to flourish.[381]

Those early decisions enabled change that remains in place today.

Barry Welsh, the current rector, acknowledged that

> for people to be genuinely engaged in pastoral work you have to give them time and so the way that we are now apportioning time in the timetable, the members of staff who have a significant pastoral responsibility don't have as much face-to-face teaching, and certainly the ones at the top end of the pyramid if you like may be only teaching one particular class and the rest of their day is then devoted to pastoral work. That is a significant investment, which was predominantly driven from Marco.[382]

He went on to say that, in the past

> no one was tracking and monitoring students' progress. We have … talked so many times about students falling off a cliff … and the damage and harm that was done … and no one catching that. And that's been a massive shock, so we do by nature spend a lot of time on that and we'll continue to.[383]

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378 The Edinburgh Academy, Letter from Chairman of the Court of Directors of The Edinburgh Academy to HMIe, 3 June 2005, at SGV-000101858.

379 Care Commission and HMIe, Inspection report, The Edinburgh Academy, 25 October 2005, at SGV-000097177, p.6.

380 Transcript, day 365: read-in statement of Barbara Robertson (former teacher, 1994–2018), at TRN-8-000000081, p.41.

381 Transcript, day 367: Marco Longmore (former rector, 2008–17), at TRN-8-000000083, pp.10–11.

382 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, pp.108–9.

383 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.124.

An evaluation of safeguarding and child protection carried out by Dr Sue Hamilton, a safeguarding and child protection consultant, dated February 2019, was positive:

> The evidence demonstrates that there is a school wide ethos that prioritises pupil welfare. From the Court of Directors and the Senior Management Team to the well trained staff, this permeates the practice of the whole school community and is central to self evaluation and improvement activities.
>
> The Court of Directors (Trustees) places a very high priority on Safeguarding and Child Protection. To this end, there is a Safeguarding Committee with a dedicated and committed Governor who provides regular feedback to the Court. The Committee has an Independent Advisor and has a broad representation across both schools, meets regularly and is responsible for the quality assurance and child protection systems.[384]
>
> …
>
> The procedures for making a wellbeing or child protection concern are well publicised and understood by staff who take seriously, and are committed to, their responsibilities for child protection. The school's approach to tracking health and wellbeing and child protection concerns enables early intervention. There is a strong, robust response by staff in response to wellbeing concerns, in particular the Pastoral Care Team (Senior) that reduces the risk of harm to children.[385]

The evaluation also noted that 'Child Protection concerns are reported (anonymised) to the Safeguarding Committee in the first instance and then to the Court of Directors'[386] and that 'A majority (65%) of pupils in the Senior School agreed that they could speak to a member of staff if they were upset or worried about something.'[387] Whilst that does indicate a marked improvement, it is nonetheless noteworthy that it also shows that 35% did not agree with the statement, thus demonstrating a need for further improvement.

I am satisfied that the Academy of today takes its duties in relation to child protection very seriously. Under Barry Welsh's rectorship, building on the work of previous rectors including Marco Longmore, it has introduced improvements to the ways in which its child protection system operates. The school has come to realise that if child protection and pastoral care are prioritised, the chances of a child fulfilling their potential, including in relation to academic excellence, are likely to be maximised.

Response to the evidence by the school

The Chair of the Court of Directors was present throughout the hearings. So was Barry Welsh, who provided oral evidence. He was an impressive witness and I can understand why applicants spoke well of him.

He was brutally frank about the Academy's shortcomings as a boarding school, finding the lack of supervision in the boarding houses, in comparison to his prior experiences,

> remarkable. Even the job I had prior to the Academy, I was in Canada, I was the head of student life and then the senior deputy. It was my job weekly to have all the housemasters and mistresses, houseparents we called them, around the table. We would go through one by one what was going on in the house, pick

384 Dr Susan Hamilton, Evaluation: Safeguarding and Child Protection, February 2019, at SGV-000097125, p.5.
385 Dr Susan Hamilton, Evaluation: Safeguarding and Child Protection, February 2019, at SGV-000097125, p.6.
386 Dr Susan Hamilton, Evaluation: Safeguarding and Child Protection, February 2019, at SGV-000097125, p.19.
387 Dr Susan Hamilton, Evaluation: Safeguarding and Child Protection, February 2019, at SGV-000097125, p.20.

up sort of common themes and I would then be reporting that to the head. You can't run a boarding school unless you've got that level of engagement.[388]

He continued:

> We used to do all sorts of inspections on a regular basis, probably once a month at least we would be in the boarding houses … And so the fact [that] hasn't seemed to be that talked about I find utterly remarkable. That's just not right. It's not a surprise we're not a boarding school any more. If we're doing it in that manner, that's not appropriate.[389]

I agree. Looking at the way the Academy allowed the boarding houses to operate until the 1990s, their demise was inevitable. Sadly, however, this was not before many children had suffered.

Looking at the school as a whole, Barry Welsh readily accepted its past failings and said:

> I think the impact of this is horrific at every level. One of my takeaways from this is young teachers coming into schools need to be exposed to this sort of stuff, this sort of information, the three weeks we have just had. It doesn't make for easy listening, worse if you are experiencing it, but because the large bulk of what we've heard is inconceivable. I can't imagine why people in my role allowed these things to continue and for young people and also our young teachers to learn from this sort of process would have enormous impact … especially in [the] modern day where our young people are so protected and so cushioned and we're constantly trying to make sure everything is okay. The risk of that is that they become unaware and they assume that these things can't happen. And I'm at the back end of my career probably now, unfortunately, and I've even got to this stage where I've learnt a vast amount through this process.[390]

Unlike his predecessors, who did not respond as well as they should have to reports of abuse from former pupils, Barry Welsh quickly learnt the need to engage properly. An example of that was the creation, after collaboration between school and survivors, of the Aegis Prize, awarded to a pupil for an outstanding example of wellbeing.

'Pupil voices were not listened to and, often, pupils were punished, or called liars, when they spoke up.'

Introducing the concept in a speech to Academy pupils in June 2023, Barry Welsh said:

> We are lucky enough to be working more closely now with a group of former pupils who suffered abuse at the school. Together we are determined to learn from the past and do our very best to ensure that things like that never happen again at the school. One of the most striking things that I have felt whilst listening to the horrific stories of abuse is just how powerless and alone our former pupils felt, and how they felt unable to come forward and tell other people what was happening to them … Pupil voices were not listened to and, often, pupils were punished, or called liars, when they spoke up.[391]

He explained:

> I've listened to feelings of guilt, feelings of shame and enormous feelings of anger and I've had three weeks listening to that and I'm lucky I've only had three weeks of that as opposed to

388 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.117.
389 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.118.
390 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, pp.134–5.
391 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.138.

> 50 years of having to live it … That has shaped probably every decision they've made and everything that they've gone on and done in life and for that to be a takeaway from a school I think is absolutely horrific, it's terrible … For a school to have that impact and to leave that as a takeaway is unforgivable.[392]

> Working with our survivor group therefore we are introducing a new award this year to be given out at exhibition from this point onwards … As the saying goes, doing the right thing isn't always easy, in fact sometimes it's real hard, but just remember that doing the right thing is always right.[393]

I accept that the Academy is trying hard to do the right thing under its current leadership.

As Neil Russell, who has been carrying the hurt of his abuse for half a century, said with much grace:

> I believe that in Barry Welsh, and the work that has been done by the Academy over the last seven months or so, they have an opportunity to make themselves a sector leader, and an outstanding example of wellbeing and care for those who are abused … And I think whilst there are incidents, there probably always will be, they are picked up and clamped down on very quickly. I think far more difficult to manage is pupil on pupil. In the same way as it had a catastrophic effect on me in Scott House, I think it – particularly with social media, I don't pretend to understand what goes on in that world. But I think by accessing the wealth of experience and knowledge, the lived experience and knowledge of what it's like to be on the wrong end of this stuff, and it not being dealt with, it not being transparent, it not being talked about, I think they could do a fantastic, fantastic job, and … I don't want to say it would have made all this worth it, because that's a very big statement, but it certainly would be a massive dividend out of this.[394]

Neil has set the school a challenge and I had the impression the school was taking it seriously.

392 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, pp.143–4.

393 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, pp.138–9.

394 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, pp.119–20.

4 Abuse at The Edinburgh Academy

Physical abuse was the most common form of abuse at The Edinburgh Academy, both in the school itself and in the boarding houses, particularly in Dundas and Mackenzie Houses. Considerable emotional abuse was associated with it due to the fear it engendered and the impact on children of being in an aggressive culture, within which some applicants described their own behaviour as having become feral.

There was sexual abuse by staff which, in the case of one teacher, Hamish Dawson, carried on for three decades. Other staff who perpetrated sexual abuse did so for lesser periods but in the cases of Iain Wares and William Bain, for example, the abuse was no less serious and was intense.

There were also instances of pupils being sexually abused by other pupils.

The following chapters consider evidence about such sexual, physical, and emotional abuse, by both staff and pupils. Many applicants felt, and still feel, that much of it must have been known about but was ignored by the school.

Separate chapters cover the extensive abuse perpetrated by three teachers in particular: Hamish Dawson, John Brownlee, and Iain Wares. In relation to Iain Wares, evidence about him was first provided during the Fettes College case study.[395] Following publicity of that evidence by the BBC and thereafter much more widely by the broadcaster and journalist Nicky Campbell, further applicants provided evidence in relation to the Academy. After the close of the hearings relating to the Academy, many more applicants supplied evidence in relation to Wares and his activities. The chapter relating to Iain Wares was first published in the Fettes College findings and is replicated here, with updates.

395 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 7: The provision of residential care in boarding schools for children at Fettes College, Edinburgh, between 1946 and 2021.

5 Sexual abuse

Introduction

I find that children at The Edinburgh Academy were sexually abused. Some were sexually abused by other children, in the 1970s and 1980s, but this does not appear to have been widespread. The same cannot be said for the sexual abuse that was perpetrated consistently by a number of teachers from the 1950s until the 1980s. In particular, the behaviour of Iain Wares and Hamish Dawson was widely known about by pupils. As for the school, complaints about Wares were made but brushed aside, and Hamish Dawson's supposed eccentricities, which were in fact clear warning signs, were well known but ignored. The conduct of the individual teachers mentioned below was also common knowledge amongst pupils, and red flags were clearly missed or ignored by staff and management.

Sexual abuse was perpetrated consistently by a number of teachers from the 1950s until the 1980s.

Sexually abusive conduct by staff

There were members of staff at the Academy who were prolific sexual abusers, including Iain Wares, Hamish Dawson, and William Bain, who went on to abuse boys at other schools where he was subsequently employed.[396]

Support staff

Two ancillary staff were mentioned as abusers in different decades.

'David' (INR) spoke of a groundsman in the 1970s who clearly sought to groom boys with a view to abusing them. As with a houseman who sexually abused 'Grant' at Fettes College in the 1950s,[397] he did so through a subtle and sly approach to engaging with pupils. The groundsman would come into the modelling room on the ground floor of Mackenzie House where 'David' (INR) initially

> thought he was just sort of friendly and helpful. But it became more sinister by things that he would do and say. He'd start to put his arm around you under the guise of helping you with the model, but it was just – it didn't feel very comfortable. And then he would sort of offer you cigarettes and things, and he invited me and some others to go to his house. In return, he would give us cigarettes and pornographic magazines and stuff like that.[398]

'David' (INR) and his friends did go to the man's house but, mercifully, he was out. However,

> he started talking about – and, again, these are his words, not mine – but he started talking about men renting out their bums in Edinburgh, which at that age just sounded horrible to me … but, thankfully, thankfully, my master plan

396 See Scottish Child Abuse Inquiry, Case Study no. 9: Volume 6: The provision of residential care in boarding schools for children at Keil School, Dumbarton, between 1959 and 2000, pp.51–69 and 171–5.

397 Transcript, day 251: read-in statement of 'Grant' (former pupil, Fettes College, 1953–7), at TRN-8-000000044, pp.110–11.

398 Transcript, day 361: 'David' (INR) (former pupil, 197x–x), at TRN-8-000000077, pp.82–3.

The tone of the account is indicative of a man who was skilled in grooming young boys. And the striking lack of supervision gave him free rein.

> of escaping the boarding school environment worked and so my contact with him ceased. I mean, he was really creepy. I remember him as just being really, really creepy and it's really – it's sad in a sense because, for me, going to the modelling room was supposed to be my place of escape and even that got infiltrated in the end.[399]

'Grant' had no doubt that the Fettes houseman also abused other pupils because he seemed so well practised in his conduct. Likewise, it is hard to believe that 'David' (INR) and his friends were the only pupils at the Academy targeted by the houseman in this way. The tone of the account is indicative of a man who was skilled in grooming young boys. And the striking lack of supervision gave him free rein.

It is redolent of the wider lack of supervision spoken of by Philip Dundas, who absented himself from official school activities. Having been abused by William Bain, he began leaving school early to kill time on Henderson Row. He caught the attention of a local man who began to groom him, enticing him into his bric-à-brac shop, although Philip stopped going there after he walked in and found him sexually abusing a boy from a different school. Nobody seemed to notice that Philip was not at the activity he should have been attending.[400] Lack of supervision was widespread in that period, it seems.

Neither 'David' (INR) nor his friends thought to report the activities of the groundsman. A culture of silence continued in the 1980s when, for instance, another boy replied to a member of staff who asked him about his face being bruised that it was 'nothing to worry about'.[401] The bruising was severe and had in fact been caused by a beating he had received from another pupil. Likewise, he told nobody that he had seen

> a technician one day trying to push a pupil into a metal cupboard which is used as storage. The pupil was just walking past and the technician made body contact and tried to push him inside and close the door on him. I felt he was being a bit amorous and fancied the pupil. The pupil didn't like it. The pupil pushed him away. It was the sort of thing that went on under the radar and if it was reported would have made you unpopular, so nothing further was said or done.[402]

Philip 'Pa' Heath

Philip Heath was a Latin teacher and a long-serving member of staff. He was employed by the Academy from 1934 until he retired in 1974. Tony Cook was a pupil at the Academy from 1951 to 1961 at the same time as his father was a teacher at the school. He said Heath had a reputation for being 'dodgy', explaining that

> in those days we had benches that could be triple benches … so sometimes [Heath] used to be explaining some conjunctive phrase and then would ask the child to shove up … he would … act what we – what would be inappropriately by putting his hand on somebody's knee, and he was known for this.[403]

399 Transcript, day 361: 'David' (INR) (former pupil, 197x–x), at TRN-8-000000077, pp.83–4.
400 Transcript, day 359: Philip Dundas (former pupil, 1976–8), at TRN-8-000000075, pp.99–100.
401 Transcript, day 363: read-in statement of 'David' (IBR) (former pupil, 198x–x), at TRN-8-000000079, p.196.
402 Transcript, day 363: read-in statement of 'David' (IBR) (former pupil, 198x–x), at TRN-8-000000079, pp.198–9.
403 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.143.

Heath's abuse certainly occurred throughout the 1960s. It went further than touching and had a profound effect on 'Colum', who said:

> It took me 15 years to get over what happened with Philip Heath … I was in the front row, on the left-hand side, and next to a wall, and he would leave his desk, come to where I was sat, and say: 'Shift along', and sit beside me. And then whilst still, as I said in my statement, ostensibly teaching, he would slide his hand along my upper leg and fondle and stroke my genitals, probably trying to arouse me. And on another occasion he put his hand under my seated bottom. He singled me out. I think he was trying to groom me. I was 13 years old. I did try moving to another seat at the beginning of the summer term. That didn't work – he made us all go back to the seats we had. And he was less visible there, but it was very regular and it was seen by other pupils. And I don't think he felt any kind of guilt about this. He used to talk about the ancient Greek thing, about pederasty, the relationship between an adult male and an adolescent youth, and he would smirk as though this was fine …

'I think he was trying to groom me. I was 13 years old.'

> I tend to think the school did know something. For instance, he was the longest serving master of the school, but he was never the senior master, which was very unusual … I remember 'D', a classmate, he tried the same thing with him and he put his hand down and said: 'No, sir, I will tell my Mum', and that seems to have worked. So you are going to ask why couldn't I do the same thing? My home situation wasn't good. My father was an alcoholic and could be violent, and my mother was a fairly fanatical member of the Christian Science religion, which reviles the flesh and, certainly, I didn't feel there was anywhere I could go for help.[404]

The abuse suffered by 'Colum' took place weekly, and others noticed what was happening. The impact followed him after leaving school when he met former classmates 'on the pretext of old times, kind of thing, and I was confronted with a group who brought this up, and there were girls there as well who said I must have enjoyed it because I hadn't done anything to stop it. And, I mean, yes, that really hit mentally.'[405]

He also believed a sympathetic teacher whom he respected thought that there were problems. The teacher mentioned bullying to 'Colum', who told him that was not the concern, to which he replied: 'I do have an inkling about what you are speaking about, but the problem is proof.'[406]

Given the regularity of this abuse by a teacher who was in post for decades, I infer that Philip Heath also abused other pupils in other classes. Sadly, the combination of inaction by the school, despite there being suspicions, and the unaddressed culture of silence amongst pupils who, in any event, had no one to whom they could report their concerns, meant that proof was never forthcoming.

Kenneth 'Wass' Armstrong

Kenneth Armstrong was a maths teacher at the Academy from 1962 until 1983. He is remembered with what came across in the evidence of a number of applicants and other witnesses as a mixture of pity and compassion.

However, Armstrong liked touching boys and he liked seeing them naked. He regularly did both. He was, put shortly, an abuser of the

404 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, pp.123–5.
405 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, pp.130–1.
406 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.126.

boys he targeted, no matter that some felt sorry for him. His conduct may not have involved the sexual touching and penetration engaged in by, for example, Iain Wares but it was abusive and inexcusable. There was and is no room for an approach that ranks abuse of children, including sexual abuse, in a hierarchy. It was all abuse, it all matters, and none of it should have happened.

Armstrong liked touching boys and he liked seeing them naked. He regularly did both.

'Andrew' (IHA) summed it up this way:

> His behaviour was just tragic. He was just like one of those gentle tragic old souls who was suppressed, a sort of suppressed homosexuality … he couldn't help himself. His way of doing that was to sort of – he was an extremely overweight man, he would just sort of press himself on you, and I was at an age when it was almost like – I was already at a point where it was like I in my own mind felt like I couldn't be hurt. This was just normal behaviour.[407]

Kenneth Armstrong joined outdoor activity trips, where he would share the pupils' dorm, join boys naked in the shower – 'a huge, fat naked character – and you would just shrink away to sort of another part of the shower'. He would 'go to bed early so he could touch himself as you were getting undressed', and would give boys 50p to swim naked when they were out on walks.[408]

In his classroom there were one-piece desks with fold-down seats. 'Tom' said: 'He would come and he would say: "Stand beside your table", and he would get you to get up. He would then squeeze into that seat and he would then have his knee sitting out and he would then gesture to you to sit on his knee.'[409] Whilst 'he never put his hands down your trousers or anything like that',[410] he clearly wanted contact with particular boys.

Armstrong lived at home with his mother, and 'Sam' (IKA) went there for private tutoring. During these lessons Armstrong rubbed himself against 'Sam's' (IKA) legs and body. 'Sam' (IKA) also remembered Armstrong showering with the boys at the school's outdoor activity centre in Glen Doll, Angus, but 'me, all my friends, kind of felt sorry for him'.[411]

In the case of Neil Douglas, however, Armstrong had every opportunity to abuse him but did not do so. That was in sharp contrast to his experience of Iain Wares, who sexually abused him repeatedly:

> I should be clear I'm grateful to the school for my education and the life of opportunities it has opened up for me and I have very fond memories of my other teachers, in particular Mr Armstrong who offered me exceptional pastoral support during the break up of my parents' marriage.[412]

Evidence of physical contact other than rubbing against children was provided by 'Colum' in the context of corporal punishment. Armstrong, he said,

407 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, p.103.
408 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, pp.103–4.
409 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.50.
410 Written statement of 'Tom' (former pupil, 197x–8x), at WIT-1-000001154, p.18, paragraph 87.
411 Transcript, day 361: 'Sam' (IKA) (former pupil, 196x–8x), at TRN-8-000000077, pp.151–2.
412 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.108.

> couldn't keep order and I think people were repeatedly talking and, yes, he pulled [a boy] out and he took his shorts down … and spanked him on the bare bottom … I wouldn't like to be too categoric about that, whether there was a sexual element in it … I have said it is hard to say there isn't. Yes. The only thing I would say, I don't think that was necessarily typical behaviour for Mr Armstrong.[413]

Rob Cowie worked with Kenneth Armstrong for 20 years and knew of none of the above. A former pupil did, however, tell him that Armstrong had admitted to homosexual urges, something Rob Cowie found 'believable'.[414]

Kenneth Armstrong's life as a single man who appears to have had to repress his own sexuality was, in many ways, a sad one, as was instinctively recognised by some of his pupils and alluded to in that part of his obituary which described him as 'a private and at times lonely man'.[415] He retired through ill health and died in hospital from a long-term illness in 1993, aged 59.

William Bain

William Bain was another member of staff who sexually abused boys. He did so at the Academy and he did so at other schools in Scotland. He has been convicted of prolific abuse perpetrated at three of the Scottish schools where he was employed. The charges of which he was convicted reflect only part of the campaign of sexual abuse he carried out against many pupils, as I found and explained in my case study findings in relation to Keil School, Dumbarton.[416]

When giving oral evidence in the Keil School chapter of this case study, Bain lied glibly when it was suggested he had abused children at other schools, insisting that his offending occurred only between 1991 and 1995, the period of the libel to which he had pled guilty in 2016 when sentenced to six-and-a-half years' imprisonment in the High Court. That was not true, as demonstrated by the further pleas of guilty he tendered when he reappeared in the High Court in June 2025. As well as admitting to further abuse at Keil from 1987 to 1999, Bain admitted having sexually abused boys at the Academy between 1978 and 1979, and at Robert Gordon's College, Aberdeen, in 1985. I have no doubt he abused boys at all three schools.

The Academy's Senior School was Bain's first teaching post after leaving university, and his abuse of children did not begin immediately. However, two things are apparent from his three years there. The first is that he was unable to control a class and the second that his tendencies became clearer as time passed. He began to engineer situations to be alone with boys, just as happened subsequently at Keil School for over a decade. When he became a house tutor at the Academy he was able to gain access to boys away from the classroom.

His inability to control his class was known about by other staff, including Rob Cowie, who I accept did not know of him abusing children at the time but did notice he was friendly with them. He remembered advising Bain that 'it would help him to have more control over the class if he actually stood behind the demonstration bench a foot above

413 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, pp.122–3.

414 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.115.

415 The Edinburgh Academy, Obituary, Kenneth Armstrong, 1992, at EDA-000000125.

416 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 6: The provision of residential care in boarding schools for children at Keil School, Dumbarton, between 1959 and 2000.

the class so he could see more of what was going on. Whereas he said he liked to be among the kids.'[417]

In hindsight, that seems telling and was a warning that passed unnoticed. Pupils, however, could not ignore his behaviour; it progressed in its gravity.

'Andrew' (IHA) encountered Bain in the mid-1970s when aged 15 or 16. He acknowledged that whilst he

> was probably quite a difficult pupil to deal with … [Bain] completely lost control … He literally went for me and, I mean, it was like a flash. He was sort of next to me and then he went for me, and he was holding me, and to a point where another boy dragged him off … And yet I was still called back later on to be beaten … I remember after having been beaten, you know, bent over and hit, and then turning round and, again, it was similar to the Iain Wares expression, bright red face, and at this stage, as someone who is of that age, I looked into his face and I just thought: this is really wrong. There is something really wrong here.[418]

'I looked into his face and I just thought: this is really wrong.'

He could not control his urges or emotions when in amongst his pupils. There was much wrong, as Philip Dundas discovered in February or March 1978, when he was told to go to Bain's class at the end of the day, at about 4 pm. It was getting dark:

> I remember being told to come up to the front of the classroom and sit on – it was a science lab, so if you understand those science labs had sort of high benches and stools, and they had sort of Bunsen burners and things, you know the set-up. And I remember he was sitting at the front of the class and he put me on a stool next to him and, you know, my recollections are somewhat blurry, but I remember him … saying: 'Now, what are we going to do with you?', and him parting my knees and sort of coming towards me, pressing himself very, very close to me. I have never forgotten the smell of his breath. It was that sort of smell of instant coffee that we all used to drink, which I've always found very off-putting since … I remember being very close to his shirt, you know, my – I just was – this all happened very quickly. And he started to put his hands under my shirt and so on. And I don't – my brain has just switched off after that, so I really don't know what happened. But I do remember afterwards being terrified because I had left my schoolbooks there.[419]

That incident was reflected in charge 5 on the indictment on which Bain appeared in the High Court in June 2025.[420]

Philip Dundas lost interest in his studies after this experience and began to absent himself from after-school activities he was supposed to be attending. That enabled him to avoid further abuse. He was then asked to leave the Academy altogether when he was found to be drawing spaceships in the shape of penises. Again, with hindsight, and as he noted when giving evidence, there were obvious signs that all was not well, but no one at the school thought to ask about or look into it. They saw Philip Dundas as 'a problem they didn't know what to do with' and made it clear to his parents they should find another school for him.[421]

417 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.110.
418 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, pp.107–8.
419 Transcript, day 359: Philip Dundas (former pupil, 1976–8), at TRN-8-000000075, pp.94–5.
420 HMA v William Bain.
421 Transcript, day 359: Philip Dundas (former pupil, 1976–8), at TRN-8-000000075, pp.99–101.

Thus passed another lost opportunity which, given Bain's subsequent behaviour and the number of children he harmed, was a tragedy.

Charge 7 on the indictment[422] related to abuse of a boy in 1979 which demonstrates that Bain was, by then, behaving in the same way as he did until his departure from Keil. The libel reads that Bain induced him 'to enter your study alone with you and touch his penis and masturbate him, and on one occasion you did compel him to touch your penis and masturbate you'. That victim did not provide evidence to SCAI but one of his friends ('Fred') did and remembered Bain and his abusive conduct very clearly.

'Fred' was asked by someone who had attended the Keil School hearings if he knew of William Bain. Even after a gap of 30 years, he immediately recalled him and responded that he did know and that he was 'a "kiddy fiddler" … And I used that expression because he was just one of those teachers that you stayed away from',[423] adding that he 'was a notorious toucher … That was his reputation at the time.'[424]

'Fred' contacted five of his close friends from school – all day boys – and two confirmed direct experiences with Bain. He also remembered the revelation by his friend, the complainer in charge 7,[425] that as a boarder he had been abused by Bain while in the teacher's room in the boarding house. He had broken down during a night out in sixth year. His friends rallied round, but he did not take it any further.[426]

'Fred' recalled events from the 1970s with clarity and described Bain as

> one of these teachers, he wanted to be liked … he took a cricket group I was in, and so if you did well at cricket you would get a prize. So I achieved some miraculous feat of getting someone out or something like that. And he said: 'Come and get your prize tomorrow at lunchtime', which was a Mars bar. I was talking to a friend of mine at lunch and I said: 'I have to go and get my Mars bar', and he said: 'I wouldn't do that if I was you. I had to go and get a prize the other day and it didn't go well. He tried to, you know, touch me', and he said: 'Really, I wouldn't go', so I didn't go.[427]

That account from 'Fred' was in keeping with those provided by applicants in relation to Keil School, where Bain abused boys after enticing them with some reward.

Moreover, 'Fred' knew of another friend who was touched by Bain under the dining room table, and that both the boy and his mother 'complained to the school [but] the school did nothing about it'.[428]

Given the Academy's reluctance to respond to complaints about other teachers, and considering this was after rector H.H. Mills had retired, I accept that a complaint was made but nothing was done. Thus passed another lost opportunity which, given Bain's

422 HMA v William Bain.

423 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, p.3.

424 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, pp.43–4.

425 HMA v William Bain.

426 Written statement of 'Fred' (former pupil, 197x–8x), at WIT-1-000001164, p.12, paragraph 50.

427 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, p.44.

428 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, p.45.

subsequent behaviour and the number of children he harmed, was a tragedy.

'Fred' remains angry about the school's inaction at the time and since, pointing out that the first time he heard of Bain's wider behaviour and imprisonment came from outside the school. He thought the school should have been more proactive: 'I cannot see how a responsible organisation can have one of its ex-teachers in prison and not contact the boys who he would have taught … There are a lot of victims who would have really benefited from the school reaching out and supporting them and helping them.'[429]

He also considered that a responsible organisation would have at least wanted to find out whether anything had happened to those pupils. His reactions are entirely understandable and I would not take issue with any of them.

John 'Jake' Young

Jake Young was the head of PE and was employed by the Academy for 30 years until 1993. Aged 91, he was prosecuted on an indictment containing 54 charges in 2025. He was not fit to stand trial and matters proceeded by way of an examination of facts.[430] The sheriff found 26 charges proved, all of which are set out in Appendix F. The majority related to violence or making derogatory comments, and are considered later, but 11 related to either charges of lewd, indecent, and libidinous practices, indecent assaults, or breaches of the peace while watching pupils shower.

A number of the charges focused on Young's determination that children were not allowed to wear underpants under their shorts during PE classes. He physically inspected boys by pulling out their shorts, thereby exposing their genitals, and in one case insisted a boy remove his shorts and continue gym without them, as well as having the other children throw things at him. He also flicked water at boys' genitals in the showers and hit another boy's genitals with a towel.

Evidence was provided to SCAI in relation to matters also covered in the charges.

Philip Dundas, in common with other boys, was forced to take his pants off in front of Jake Young after being called to his office. Never having been naked in front of anybody other than his parents before, he found this humiliating.[431]

'Eric' said that Young would line the class up 'and made you hold your shorts out to make sure you weren't wearing any underwear'.[432] He was also clear that the 'no pants' rule was enforced throughout school and remembered a female Junior School teacher would watch the children to make sure this was complied with.[433] Rob Cowie was familiar with the practice, including from his own schooldays, but did not think that Jake Young did it for sexual gratification. That may be correct, but it is not the point. For some boys, such as Philip Dundas, it was humiliating, and it was the subject of parental complaint. I can accept that there was a known practice in some schools of 'no pants' for certain boys' sports. However, in Young's case, it was not the rule

429 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, pp.50–1.

430 A procedure under section 54 of the Criminal Procedure (Scotland) Act 1995, where a person charged with the commission of offences is unfit for trial, and evidence is led before a judge only to determine, beyond a reasonable doubt, whether the person did the act or made the omission constituting the offence.

431 Transcript, day 359: Philip Dundas (former pupil, 1976–8), at TRN-8-000000075, p.85.

432 Written statement of 'Eric' (former pupil, 197x–8x), at WIT-1-000001541, p.7, paragraph 25.

433 Written statement of 'Eric' (former pupil, 197x–8x), at WIT-1-000001541, p.6, paragraph 24.

The Academy was more concerned about holding the line than accepting that there were obvious failings.

that was the problem. What was wrong was that it was entirely inappropriate and abusive to check the boys in the manner Young did, particularly as his behaviour then often moved into gratuitous humiliation. It is also troubling that the Academy, even at the end of Young's tenure, knew he was enforcing the rule when it had become outdated and did nothing to stop it.

A parent complained about the 'no pants' policy in 1992, pointing out that while she understood it was for hygiene reasons it was embarrassing for the boys and that the other Edinburgh private schools did not follow the practice. Jake Young replied in trenchant terms, defending his approach, to which the mother responded, presciently, that 'the practice could be open to misinterpretation and it is unlikely to be a wise policy for the school to pursue'.[434]

From the record it is not clear how the rector replied but it seems unlikely that anything changed, since Young is described as supporting the line taken. Instead, the final comment was that in future 'perhaps it would be better if [another staff member] wrote to the parents himself rather than asking John to write to the parents as tact is not his strong point!'.[435]

Even in 1992 it seems the Academy was more concerned about holding the line than accepting that there were obvious failings which were badly in need of being rectified.

'James' (ICW), the complainer in charge 1, said Young was known as 'Jake Spray' because he called the showers 'sprays' and would go into the showers and control the water temperature.[436] He also flicked towels at the boys' bodies which 'was sort of a bit of fun. Which obviously it wasn't.'[437] 'James's' (ICW) concerns about the behaviour arose later, in hindsight. At the time there was little discussion of it 'because at that age it was almost as if it was just a bit of fun. So it wasn't particularly – but then, yes, we did talk about it. We talked about it and then there almost came a point [we] expected it.'[438]

It would appear that Jake Young did not engage in the sort of voyeuristic shower-watching carried out by, for example, Hamish Dawson. Indeed, one applicant spoke to his relief that Young was present during showering. 'Hugh' said Young 'was a presence in the shower room. I'm aware that his presence made some feel uncomfortable. It didn't make me uncomfortable as it meant there was no misbehaviour in the showers. He was usually there encouraging people to get ready quickly.'[439]

However, again, that is not the point. His presence in the showers could be a problem for some boys and the school gave no thought to that being a possibility.

434 The Edinburgh Academy, Letter from parent, 5 July 1992, at EDA-000000330, p.4.
435 The Edinburgh Academy, Letter from parent, 5 July 1992, at EDA-000000330, p.4.
436 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, pp.137–8.
437 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, p.139.
438 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, p.140.
439 Written statement of 'Hugh' (former pupil, 197x–8x), at WIT-1-000001467, p.8, paragraph 31.

Thomas McCarron

Thomas McCarron[440] was the PE teacher in the Junior School from 1949 to 1979. He too checked boys' shorts to make sure they were not wearing pants. 'Finlay', talking of the early 1960s, said:

> A good example of the school's culture of normalising inappropriate behaviour of its staff occurred when I was in the Prep School during an encounter with the gym master … I would have been between the ages of eight and ten. This was the first year we were required to change for gym and we had been supplied with gym shorts. Mr McCarron instructed us, in a slow and deliberate fashion, to remove each item of clothing, in a specific order, until we had no clothes on. He then instructed us to put our shorts on. He lined us up and proceeded to go along the line pulling some boys' shorts open on the pretence that he was checking to ensure we were not wearing underwear. I thought that was a bit peculiar and so did other boys, but we did not comprehend its seriousness. We chatted about it afterwards, but as far as I am aware, no one reported it.[441]

That checking was, I agree, inappropriate. It was also unnecessary and gratuitous, and should not have taken place or been permitted.

Other teachers

Two members of staff were linked with the possession of pornographic material involving images of children. One, a probationary Junior School teacher and house tutor, employed in 2001, was dismissed in 2002. He was charged and it was initially thought that a prosecution would proceed. The General Teaching Council for Scotland was fully aware of the situation.[442] At that stage the rector commented that 'it seems inevitable that there will be another burst of publicity when the matter comes to a head',[443] but it appears that the case was not ultimately pursued in court. The manager of the Disqualified from Working with Children list contacted the Academy in 2009 requesting background information about that person's employment, which the school provided.[444]

The other, a Senior School teacher, had retired in 2000 but came to the attention of the authorities in 2004. The rector told the Court of Directors about the matter,[445] adding that staff had been made aware to avoid gossip. The teacher was ultimately ordered to perform community service.

In neither case was any attempt made to advise parents or pupils, past or present, of what had happened.

Sexually abusive conduct by children

Children were sexually abused by other boys. Sexual abuse of children by other children does not seem to have been as prevalent as it was in some other schools in this case study, possibly because there were proportionately fewer boarders at the Academy, but it did happen. It appears to have been an extension of the everyday violence and bullying that was endemic at the school.

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440 See Sexual abuse chapter.

441 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.8, paragraph 27.

442 The Edinburgh Academy, Rector's report to the Court of Directors of The Edinburgh Academy, October 2003, at EDA-000000676.

443 The Edinburgh Academy, Rector's report to the Court of Directors of The Edinburgh Academy, October 2002, at EDA-000000636, p.2.

444 The Edinburgh Academy, Letter from rector, 28 April 2009, at EDA-000000811.

445 The Edinburgh Academy, Rector's report to the Court of Directors of The Edinburgh Academy, September 2004, at EDA-000000702.

That was true for 'James' (KHL), who was still, decades later, traumatised by what he had experienced at the Academy. He succinctly described appalling sexual abuse by other boys in the boarding house:

> The bullying and abuse were extreme. I was sodomised by my peer group boarders, I was penetrated on three or four occasions, and I was forced to masturbate others. I was a boarder in Jeffrey House when this happened. There were a couple of brothers at the school … The younger one physically abused me when they were both boarders. I have a horrendous memory in Jeffrey House. The younger brother was a strong lad and he crunched me up into a ball one evening. I had a feeling of complete paralysed fear where I thought my back was about to be broken.[446]

'I was sodomised by my peer group boarders.'

A similarly harmful experience of boys inflicting sexual abuse on other boys and the profound consequences of this was described by 'Hugh'. When he was a pupil at the Academy, there was 'a lot of groping and grabbing of your private parts',[447] something he experienced in his first year at the Senior School:

> The main school toilet was in the basement of the science laboratory. It was accessed by going down a path, and boys used the expression 'going down the hill' to mean going to those toilets. Older boys went to those particular urinals to smoke and they were territorial about the use of those toilets. They became no-go areas for the teachers, partly because the sanction for smoking was so high. I went to this particular toilet to pee. It had been snowing outside. As I was urinating, three or four larger boys came in. Two or three held me by the arms while the other shoved snow down my trousers and over my genitals. I couldn't stop peeing. I found that very traumatic. I didn't tell anyone about it and couldn't identify any of my assailants. Following that incident … I generally avoided going to the toilet at school and trained myself to never need to use a sit-down toilet while there. Shortly afterwards, the incident led to me losing continence during a gym class. It was hugely embarrassing, but no one asked why. I remember Mr Young getting a mop and bucket to clear up the pee … By the time I went to university, I suffered from haemorrhoids as a result of stopping myself from going to the toilet at school.[448]

Angus Reid witnessed a boy regularly inflicting sexual abuse on another boy in his dorm when he was a boarder in Mackenzie House:

> I could tell that 'H' did not want him in his bed, but that didn't stop 'G' abusing him. I could hear 'G' being really aggressive and it was obvious he was forcing himself on 'H'. There was definitely nothing mutual about what was happening. This happened on a regular basis, once a week or so. 'B' had the bed between mine and 'H's', and I never recall him doing or saying anything about it. I was 'H's' friend but we never spoke about it. One night 'G' approached me after lights out. I was terrified and ready to fight him off as best I could, but he made do with mocking the way my bed smelled.[449]

'Spiro' experienced violence, including sexual violence, in his dorm. It was perpetrated by older boys. They would do dorm raids at night and

446 Transcript, day 365: read-in statement of 'James' (KHL) (former pupil, 196x–7x), at TRN-8-000000081, p.131.
447 Written statement of 'Hugh' (former pupil, 197x–8x), at WIT-1-000001467, p.16, paragraph 59.
448 Written statement of 'Hugh' (former pupil, 197x–8x), at WIT-1-000001467, p.16, paragraphs 59–61.
449 Written statement of Angus Reid (former pupil, 1979–84), at WIT-1-000001391, pp.4–5, paragraphs 16–17.

> would sometimes take it a bit too far. They would hit us or smash our stuff. Some of the boys got a bit sexual. They would follow me into the bathroom and would try and grab me between the legs. I didn't really know how to respond … On one occasion at night time, a boy jumped onto my bed and put his hands under the covers and grabbed my privates and started laughing. I pushed him off, got up, and ran out, and spent the rest of the night in the bathroom. By then I knew where all the safe spaces were in the building. Nothing was ever said about that incident. Some of the boys were sexually aggressive but most were just bullies. It was almost like that sort of culture was expected.[450]

'Some of the boys were sexually aggressive but most were just bullies.'

That was also the experience of 'David' (IBR), who boarded after the death of his father. His account details so much that was wrong about the Academy. While in Mackenzie House, he discovered that some of his personal possessions, including a pen his father had given him, had been stolen. He caught one of the three boys responsible and 'gave him a bit of a thump' but one of the other boys then beat him up. He was

> younger than me but very violent and very aggressive and he could have been a boxer … After he had beaten me up another boy came along. I thought he was rescuing me from being beaten up any more, but he sexually abused me. He gripped my testicles, sort of held on and told the other boy to go away. I was left alone in the study area with him and the intimation I took from it was that 'I have stopped you getting beaten up, but I will sexually abuse you instead.' After that I got left on my own feeling bruised and bashed. I don't know if he ever did this to anyone else, because some of these people were quite private about what they do. I had severe bruising on my face and that was noticed by Mr Lister, but he never bothered to do anything about it. He asked me what had happened. I was too scared to say, as there would have been expulsions. There was a strong peer-group pressure not to tell tales. I just told him it was nothing to worry about.[451]

These boys also gave him 'wedgies', an unpleasant form of bullying that also occurred at Gordonstoun.[452] As 'David' (IBR) explained, it meant

> they put their hands down your trousers and pulled your pants up … It was common and one that used to do it, he was a very angry boy and I think he had issues with his father. He later joined in a full sexual abuse on me when we were at school. This happened when I was about 16 or 17 years old and was in the sixth form … Two boys who were in the same year as me jumped me when I was in the classroom and put their hands down my trousers and groped my testicles. One of the boys was the same boy that had grabbed my testicles in Mackenzie House. I suppose by this stage I was a bit numb, oppressed, and suppressed not to disclose these things and I didn't tell anyone because some of the teachers just thought that you were not telling the truth or that you were just causing trouble and they didn't want to hear it.[453]

Homophobic bullying

Homophobia was rife at the Academy, notwithstanding the sexualised behaviour

450 Written statement of 'Spiro' (former pupil, 198x–x), at WIT-1-000001529, p.19, paragraphs 78–9.

451 Transcript, day 363: read-in statement of 'David' (IBR) (former pupil, 198x–x), at TRN-8-000000079, pp.196–7.

452 See, for example, Scottish Child Abuse Inquiry, Case Study no. 9: Volume 3: The provision of residential care in boarding schools for children at Gordonstoun, Moray, between 1934 and 2021, p.114.

453 Transcript, day 363: read-in statement of 'David' (IBR) (former pupil, 198x–x), at TRN-8-000000079, pp.196–7.

of some, as described above. 'Spiro' found that 'there was also a homophobic culture, so anyone who was that way inclined ended up without any friends'.[454]

In the Senior School, 'Andrew' (IBO)

> experienced toxic masculinity for the first time and realised I didn't like sport because it tended to be aggressive and intimidating. If you were slight, a bit camp, because I realised I was gay by then, I got bullied for all of that. It was just awful. I needed to stay away from the sporty types as it wasn't good for my mental health.[455]

'Thomas' described being called a 'poof', which caused 'complete social ostracism, social death,'[456] so he masked his own sexuality as much as he could. In his second year at the Senior School there was

> this other boy who came in from … a different culture, much more touchy-feely, would like to hug people. People didn't know how to react or respond to that. He came on to me quite a few times … I did not know how to respond to that, and I saw that as a real threat … And so we were all shoved in there together. It's a bit of a pressure cooker environment. And they did not like this guy. They felt threatened by him. And they could see that he was trying to get close to me, and so they asked me what I thought of him, and, of course, you know, I was the Judas. I sold him out. And, you know, I'm ashamed of that, but you had to do what you had to do in order to survive.[457]

Homophobic bullying, which he saw as part of a wider problem of bullying that was endemic at the Academy, perplexed Angus Reid. His earlier childhood had been spent in London where the culture was different and more accepting of homosexuality. He witnessed the sexual abuse of a boy by another boy in his dormitory and felt the

> culture of routine homophobic bullying was extreme and tolerated throughout the school. Coming as I had from a primary school in London, where homosexuality had been de-criminalised in 1968 and where a charismatic drama teacher was openly gay, this was at first a shock to me. This attitude towards homosexuality was a sort of neurotic contradiction as it turns out that teachers were involved in sexual abuse of same-sex pupils and there were members of staff who were gay, I suspect … The widespread climate of homophobia in Scottish culture at the time is, in my view, no excuse. There was a pupil … who was rumoured to have kissed another boy. I have no idea if this was true, but [he] was totally ostracised. This culture of scapegoating a vulnerable individual was endemic and damaging [to him]. I have no idea what his subsequent life was like, but the school owes him an apology.[458]

454 Written statement of 'Spiro' (former pupil, 198x–x), at WIT-1-000001529, p.19, paragraph 78.
455 Transcript, day 363: read-in statement of 'Andrew' (IBO) (former pupil, 196x–7x), at TRN-8-000000079, p.8.
456 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, pp.145–6.
457 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, pp.146–7.
458 Written statement of Angus Reid (former pupil, 1979–84), at WIT-1-000001391, p.6, paragraphs 18–20.

6 Physical abuse

Introduction

I find that children at The Edinburgh Academy were physically abused. They were physically abused by members of staff, and by other children as part of a wider problem of bullying. It was all part of a culture of violence and aggression that became normalised. That culture included a regime in which some members of staff routinely meted out excessive and unjustified corporal punishment. One applicant, 'Finlay', thought it 'probably led children to accept abuse more readily', and believed

> boys were encouraged to bully each other by the atmosphere of fear and punishment within the school. They were being punished or physically hit under the excuse of punishment by some of the teachers. Not surprisingly they would go on to replicate the behaviour on their peers. I think that this bullying led to boys becoming acclimatised to lawless violence in the school.[459]

Some members of staff resorted all too readily to violence in the classroom and in the boarding houses; it was part of Academy life. Such behaviour was replicated by ephors before their permission to administer corporal punishment was withdrawn, and was in turn practised by the pupils in everyday life. It often went hand in hand with emotional abuse. Violence on the part of pupils was exacerbated by factors including the culture of 'no clyping', the school failing to be observant, and the widespread reluctance on the part of staff to get involved if they did become aware.

Some members of staff resorted all too readily to violence in the classroom and in the boarding houses.

As for abusively violent behaviour by staff, it was common. In the Junior School in particular, excessive and entirely inappropriate beating became normalised. Extreme violence was the province of John Brownlee and Iain Wares,[460] but other members of staff resorted to striking children in circumstances that amounted to abuse. In the Senior School, there was less corporal punishment but a consistent theme of members of staff losing control through anger, annoyance, irritation, and frustration. The efforts of some school leaders in both the Junior School and the Senior School to stop corporal punishment were rejected by staff. That attitude allowed a storm of violence to build.

Physically abusive conduct by teachers

The culture between boys and members of staff was described by Philip Dundas as 'like a constant state of conflict', with few teachers demonstrating 'any kind of vocational interest', and, whilst acknowledging that there were 'loud, noisy, entitled young boys … making it a very difficult job for the teachers', he

459 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.7, paragraphs 22 and 24.

460 See the chapters on John Brownlee and Iain Wares for the details of my findings of abuse by these two men.

justifiably added that it was the teachers who were 'responsible for creating the culture of the school'.[461]

There were some good members of staff at the Academy who never abused any child, and almost every applicant remembered one or more of them. They were not always unanimous in their praise – for example, some witnesses spoke well of the school chaplain, Howard Haslett, while others criticised him for his lack of awareness of the abuse that was happening. Other members of staff, such as Alan Jarman, Mark Cheverton, and Rob Cowie, were universally praised. Nevertheless, it is striking how many appear to have been prone to becoming angry, irritated, and frustrated, and resorting to violence far too quickly and easily.

That was no way to deal with any difficulties they may have been encountering, and their behaviour was bound to harm the children to whom they owed a duty of care. Nothwithstanding that, their abusive conduct persisted throughout careers which in some cases spanned decades.

The Prep School

The culture that prevailed in the Prep School was characterised by extreme and inappropriate violence even during the era when corporal punishment was permitted.

A number of female teachers teaching in the Prep School in the 1950s and 1960s were mentioned, including Miss Broad, described by 'Sam' (IDU) as 'keen on corporal punishment … a stern woman, very intimidating'.[462]

Many thought the headmistress Miss McTavish was 'absolutely wonderful',[463] but she was nonetheless criticised. When she tawsed children, according to 'Colum', she 'probably, mentally, thought that she was doing the right thing'[464] but her tawsing could cause injuries. A boy who was a Prep School pupil at the same time as 'Colum' was left with welts up his arm after she had tawsed him. Even allowing for the standards of the time, she went too far:

> One of the problems in the Inquiry … is you have to link to the era as it was then. It is very easy to look at things nowadays and say: 'Well, you would lose your job if you did that nowadays', which you would. I still think it was excessive, given the age of the children, and I became even more aware of that when I had children of my own, and at similar ages, you know, that really this was wrong, what we were put through there.[465]

Falling back on the 'standards of the time' is not the answer, particularly when a permitted form of discipline was used in an abusive manner, as happened at the Academy Prep School.

Falling back on the 'standards of the time' is not the answer.

Miss Ogilvie

The Academy magazine, *The Edinburgh Academy Chronicle*, records that 'Miss Ogilvie joined the Staff in October 1932, taking over Class I, where she soon proved successful in encouraging her young pupils to leave the baby stage and become schoolboys. Her

461 Transcript, day 359: Philip Dundas (former pupil, 1976–8), at TRN-8-000000075, pp.73–4.
462 Written statement of 'Sam' (IDU) (former pupil, 195x–6x), at WIT-1-000001205, p.5, paragraph 18.
463 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.92.
464 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.96.
465 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.94.

quiet, firm manner, and the high standard she set, did much to encourage their future scholarship.'[466] That does not remotely capture the cruelty she meted out or the fear she engendered. 'Colum' spoke not only about his own experiences at the Academy, but also about those of his dentist: 'My dentist used to say his experiences with Ms Ogilvie still give him nightmares. I mean, there were boys who actually – I mean, she was very reluctant to let people leave the room to go to the toilet. And I remember once or twice boys actually wet their trousers.'[467]

'William', a pupil in the 1960s, remembered one boy regularly wetting himself in her class out of fear his pencils would not be sharp enough. He explained:

> One thing that was really bizarre was that we had to parade in front of Miss Ogilvie every morning with two sharp pencils and a rubber. She would touch the top of the pencils and if they weren't sharp enough, you got the tawse. You didn't get the tawse there and then – she got everyone to parade with the pencils and then sit down. Then you would be called forward to get the tawse if you were one with blunt pencils. I can remember one of my peers who regularly wet himself in the queue with his pencils. He would get the tawse for that as well … It was a most agonising time for kids who were eight or nine years old … there was an atmosphere of fear. Some were more robust characters and just laughed it off, and my classmate who wet himself was the other extreme. Most of us just dreaded school.[468]

Neil Russell also found her 'terrifying. Small but terrifying. She once beat me for my pencils being not sharpened correctly. I didn't even know there was a correct way to sharpen a pencil.'[469]

'There was an atmosphere of fear.'

'William' was troubled that even in the 1960s, when he was a pupil, boys were beaten for

> not doing well in class. I was off school with mumps or something and I came back, and the class had been taught how to use a ruler. It was basic, primary school stuff. I came back not knowing how to use the ruler for measuring. I obviously frustrated Miss Ogilvie, and I got the tawse for that too.
>
> We had to bring in to school a model of a house. A friend of mine … brought in a model he made out of Lego with a windmill on the side. We had to put all the models on the windowsill, and Miss Ogilvie saw [his] model and said: 'What's this? Where have you seen a picture of this house?' [He] replied that he had just made it up, and Miss Ogilvie went absolutely ballistic. She either threw or knocked the model onto the floor and [he] got the tawse. It was irrational. I think Miss Ogilvie was quite a disturbed lady.[470]

Her use of physical punishment was not justified and was abusive. 'William's' mother complained about Miss Ogilvie, having noticed how unhappy he was on Sundays, and discovered how children were being treated so badly. She spoke to other parents and discovered they were similarly concerned: 'In the end, my mother went to the headmistress, who just said that I was a troublesome child

466 *The Edinburgh Academy Chronicle*, December 1966, p.147.
467 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, pp.91–2.
468 Written statement of 'William' (former pupil, 196x–x), at WIT-1-000001509, p.8, paragraphs 41–3.
469 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.63.
470 Written statement of 'William' (former pupil, 196x–x), at WIT-1-000001509, pp.8–9, paragraphs 44–5.

and there was no issue … nothing ever changed. Miss Ogilvie remained the same all the time.'[471]

So nothing was done about a teacher who was harming young children; the attitude was that it was the child who was the problem, not the teacher. Nobody stopped to consider the situation through the eyes of the child.

Male teachers

In P5, life became more serious; most members of staff were men. As 'Fred' said, 'the mood of the change to this more male environment, slightly more brutal environment, where discipline was imposed, rather than expected, by a severe word, immediately moved you into a world of corporal punishment'.[472]

There was usually an intake of new pupils in P5. 'Henry' was one such child, and he found the Academy very different from his previous school: 'It was quite a harsh kind of environment … the fact that everybody was called their second names and there was a bit more teasing going on … a harder edge to the whole thing. You definitely felt there was less … tolerance.'[473]

Some members of staff, like Mr Benson, were remembered kindly, but many others in addition to John Brownlee and Iain Wares were described as having been prone to loss of temper and inappropriate and excessive punishment. There was also a wholesale lack of clear guidance and training which, together with inadequate oversight, facilitated rather than prevented abusive practices.

Anthony (Tony) Dyer

Tony Dyer joined the Academy in the 1960s and remained there for 36 years. On arrival, there was no guidance about how and when to use discipline. He explained that:

> I discovered early on that there was one class that I took was playing me up. I felt that I needed a little bit more than lines or staying in. The clacken was used in the school but I did not want to use that. I thought that was over the top. I saw another member of staff use the side of their foot on a bent over backside and I thought that would suit my purpose. I saw it happening and I thought the school must accept that. The first I knew of any change was when I was told in 1987 to stop using the side of my foot towards children, which I did. Corporal punishment was very much accepted at the school.[474]

The teacher he copied was a very poor role model. It was John Brownlee.[475] Tony Dyer accepted that he did kick boys as a means of punishment. He insisted that he never used anything other than the side of his shoe and did not remember the accounts of some of the applicants that were shared with him. But he was, nonetheless, a teacher who kicked children for many years.

Many boys recalled his kicking. Some said it was a full kick and not simply done with the side of his foot in a controlled manner, but others did not view it as abusive. 'John', for example, said:

471 Written statement of 'William' (former pupil, 196x–x), at WIT-1-000001509, p.10, paragraphs 53–4.

472 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, p.20.

473 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, pp.7–8.

474 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.9, paragraphs 50–2.

475 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.14, paragraph 87.

> [He] was my form teacher in Year 5. I remember that if … you were caught out of the classroom, he gave you a single kick on the backside. As far as I can remember, it was a side-footed kick … always administered in the classroom and in front of other boys … It didn't, from my memory, reduce anyone to tears, knock them flat, or make them go bright red in the face. I think as a pupil you'd know you'd done something you shouldn't have and that was that … The side-footed kick didn't happen often. In my recollection Dyer wasn't the predatory kind of person that I have read about in other statements. While I wouldn't now say that it is an appropriate form of punishment, I have never thought that the way it was administered was abusive.[476]

However, others, such as 'Gavin', were clear he would give you 'a full kick'.[477] A number of witnesses agreed. 'Henry' thinks that, unlike Brownlee, it was not done out of badness but that 'it was out of frustration, rather than a particular – I'm thinking of other teachers. It was just – I guess bad practice. I don't think he particularly took any pleasure from it. It was just what he did. You know, you got kicked.'[478]

Giles Moffat said Tony Dyer

> was, probably still is, quite a charming chap at times, but he had a violent streak. He was a small man … and he used to drop-kick us when we were nine … he would boot you up the behind, basically. And sometimes hold you by the hair to boot you … I don't think he took pleasure in it. He was just a little bit violent … Side of the foot, for sure.[479]

'Drop-kick' was a description also used by 'Cameron':

> His way of punishing someone was to basically drop-kick them up the backside. I sat at the front of his class. I can remember a boy … he must have done something, but I don't know whether it was academic, cheek or lateness … He had to come out to the front of the class and basically bend over. Mr Dyer sat at an old-fashioned high desk. The door out of the classroom was next to it. [The boy] had to bend over with his hands on his knees, pointing at the door. Mr Dyer slipped off his desk and drop-kicked this boy on the backside, like he was trying to get a ball over the posts from 40 yards away. He wasn't a big man, but he put his weight behind it … I can still to this day see the look on [the boy's] face when that foot made contact. He just burst into tears, which I'm sure he was trying not to do.[480]

'Douglas' said:

> You would be told to bend over and he would kick you so hard that I used to – because I was quite light, I used to leave the ground … he kicked me so hard I ended up with blood in my underpants, because he used to use the toe of his shoe.[481]

'He kicked me so hard I ended up with blood in my underpants.'

A number of boys also remembered him kicking boys when he supervised the playground.[482]

476 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.5, paragraphs 21–3.

477 Transcript, day 357: read-in statement of 'Gavin' (former pupil, 196x–7x), at TRN-8-000000072, p.176.

478 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.13.

479 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, pp.161–2.

480 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, pp.26–7, paragraphs 85–6.

481 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, p.24.

482 See Written statement of 'Eric' (former pupil, 197x–8x), at WIT-1-000001541, pp.11–12, paragraph 49, and Written statement of 'Billy' (former pupil, 197x–8x), at WIT-1-000001511, p.18, paragraph 91.

James Burnet, who was head of the Prep School for most of the time when Dyer was a teacher there, had no recollection of having seen or heard about him abusing children and although he was 'probably fairly strict, in no way did I think excessively'.[483] However, contrary to his recollection, there is documentary evidence showing that a boy's mother complained to him about Tony Dyer kicking her son. Further, in a letter he wrote to her dated 29 September 1982, he advised her:

> I took the matter up with Mr Dyer. He readily admitted that he had 'given him a kick on the pants'. He also told me why. I suspect [your son] may not have told you. The fact is that in spite of four reminders he has failed to hand in a piece of written work and did not turn up to Mr Dyer's classroom in break to finish it, as instructed. Having found verbal punishment to be of no avail, Mr Dyer applied swift and I hope effective remedy. Having said that, I agree it is an unconventional punishment and not one that should be encouraged in any way.[484]

James Burnet evidently did know about Tony Dyer kicking children by at least September 1982, by which time it had been going on for many years.

It is also evident that, despite the clear shift in societal thinking that had developed by the late 1960s, which would have regarded it as wrong to inflict corporal punishment for 'failure due to inattention, carelessness or laziness',[485] James Burnet apparently had no difficulty countenancing it being administered for such failures. That might explain why he had no recollection of having to address any incidence of abuse.

However, I am satisfied that Tony Dyer's kicking children was abusive even though he adopted this practice against a background of trying to find a means of corporal punishment which was less severe than beating boys with a clacken. It also happened in circumstances where the school failed to provide staff with guidance, training, or adequate supervision so as to protect children from being exposed to abusive corporal punishment. Further, a system in which a teacher could look to John Brownlee's practices for guidance on how to discipline his own class was a bad one. It led to Dyer mimicking the style and practices of a harsh and abusive member of staff.

Tony Dyer denied going beyond the kicking he described. Moreover, he very properly acknowledged that the forceful kicking described by some applicants would have been abusive. He said: 'The thought I might have harmed [them] in this way fills me with horror. If I did harm anybody then I am truly, truly sorry.'[486]

Despite his mode of corporal punishment of choice being the kick, Tony Dyer accepted that he was reputed to be a disciplinarian and that he did also use the clacken, though he stated: 'I didn't use the clacken a lot.'[487] 'Sam' (IKA), who was not beaten by Dyer, said: 'He hurt boys badly … I heard it because my classroom was next door' and referred to him as 'quite a vicious clackener',[488] relating that to the fact that Dyer was a skilled squash player. Tony Dyer didn't 'recognise the scenario'[489]

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483 Written statement of James Burnet (former Prep School headmaster, 1973–87), at WIT-1-000001568, p.21, paragraph 76.

484 CFS-000021056, p.5.

485 See Corporation of Glasgow, Education Department, Meeting of Schools and School Welfare Sub-Committee, 6 May 1968, at GLA.001.001.0703. The booklet was sent to all education authorities in February 1968.

486 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.18, paragraph 110.

487 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.20, paragraph 121.

488 Written statement of 'Sam' (IKA) (former pupil, 196x–8x), at WIT-1-000001260, p.20, paragraph 72.

489 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.21, paragraph 124.

being described but did remember 'Sam' (IKA), and showed compassionate concern for him, saying he was 'really, really sad about what happened to the poor guy. He has had a miserable time of it.'[490]

As regards an allegation that he would clip boys around the ear in the playground, Tony Dyer had no memory of ever doing so, adding that he thought it unlikely as 'my mother was a nurse and she was always going on at me to not ever do anything to the head and therefore I didn't'.[491]

In 2026 the Crown prosecuted Tony Dyer on an indictment which included 11 charges of assault. After a trial at Edinburgh Sheriff Court, which ran from 15 September to 7 October 2026, the jury acquitted him of all charges.

Norman Jack

Norman Jack taught at the Academy for 35 years and, despite accounts of physical abuse, was also viewed well by former pupils and teachers alike. Some were entirely positive. 'Max' said: 'He was a very kindly man. He was – he had a very strong religious faith. In fact, he ran religious groups throughout his career at the Academy. And he was – very empathetic.'[492] 'Max' knew him as a tutor and described him as 'someone you could go to' for pastoral care.[493] 'John' remembered his humour, for

> he had something that he called 'La Machine' which was kept in a small storage room behind his desk. 'La Machine' wasn't real but if you had committed a misdemeanour you might be taken … for an encounter with 'La Machine'. I was only taken in … once, together with another pupil. When Norman Jack took us into the room, he closed the door behind us and asked us to make sounds as if we were being scared or frightened. That was it, and we were let out of the storeroom back into the class. It seemed a bit of a game and in my case was harmless.[494]

However, others remember him losing control at times. Philip Dundas agreed he was 'usually a nice guy', but recounted an incident where he had made him see stars:

> Completely out of the blue, my head was bashed off a desk, and I've never forgotten it … as far as I recollect, I had sneezed in the classroom rather loudly during a test, which, of course, you know, made other boys titter and caused a bit of a disturbance, and he came up behind me while I was doing the test and that's what ensued.[495]

Similarly, Giles Moffat remembered an occasion when Norman Jack, uncharacteristically, became violent towards a boy when they were on a bus trip. Boys were singing and Norman Jack was getting irritated by it. He told them to be quiet, but one boy continued. Giles said that Jack pinned the boy to a seat where he lost control and 'was punching him in the chest and shaking him and screaming at him'. He went on: 'I can imagine the sound of 20 boys singing constantly could annoy anybody, but the beating was extreme.' It was unexpected because 'he was very meek and mild-mannered'.[496]

Jake Young said: 'I never actually saw Norman discipline the children, but from what I know they would play up and he reached a stage

490 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.21, paragraph 121.
491 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.25, paragraph 154.
492 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.78.
493 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.80.
494 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, pp.5–6, paragraph 25.
495 Transcript, day 359: Philip Dundas (former pupil, 1976–8), at TRN-8-000000075, p.78.
496 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.163.

where he got very angry. I never witnessed how he dealt with that, but I can see he was getting to the point of boiling over.'[497] 'Fred' remembers going to the store room and being spanked for some misdemeanour.[498]

Norman Jack did not accept the specific allegations shared with him and made the point that there were four complaints out of an estimated 2,800 pupils he had taught. He did acknowledge that he had once disciplined a boy sent to him by another teacher for punishment:

> I'm afraid to say I walloped him with a short stick during a break in the classroom. It was a broken pointer stick and I whacked him on the backside over his clothes. He was about 10 years old and that would have been around 1971. It was as a result of that incident that the then headmaster, James Britton, held a staff meeting about corporal punishment. I believe that boy told his parents and they made a complaint to the headmaster. Mr Britton didn't want corporal punishment, but most of the staff did so it remained at that time, but Mr Britton did tell staff not to use wooden sticks to administer corporal punishment.[499]

That was candid of him, but I am satisfied that there were a few occasions on which he lost control and what then ensued was abusive to the children involved.

In 2026 the Crown prosecuted Norman Jack on an indictment which included six charges of assault. After a trial at Edinburgh Sheriff Court, which ran from 15 September to 7 October 2026, the jury acquitted him of all charges.

Thomas McCarron

Thomas McCarron[500] was the PE teacher in the Junior School for 30 years from 1949. There were a number of complaints that he was abusive in his punishment, for example using 'Jemima' the boxing glove and 'Stingray' the table tennis bat.[501] He used the former to teach the boys to box. Whilst I can understand that some would not have enjoyed it or wanted to do it at all, I am unable to find that it amounted to abuse. The evidence of 'Cameron' seemed to sum him up accurately:

> He was a bit tough. He had a sort of military bearing. He had a pair of big old army boxing gloves. We were encouraged to spar with them, but I don't remember it being to any great level of violence. My sense was that boys quite enjoyed that because we got to lamp somebody with permission. He had a stick that he would tap the floor with to keep people moving as we did obstacle courses round the gym. Beyond that, I don't have any sense at all of him being anything other than old-fashioned and authoritarian.[502]

Nor, on the evidence, do I find that his use of a table tennis bat amounted to abuse.

Jack Mendl

Jack Mendl was at the Academy between 1950 and 1977. Originally a Senior School teacher, he moved to the Prep School in 1965. It was as housemaster of Mackenzie House that he featured in the evidence. Norman Jack said: 'We weren't quite the same. He would sometimes punish the boys and wasn't always a very kindly sort of man. He would quite

497 Transcript, day 365: read-in statement of Jake Young (former teacher, 1966–93), at TRN-8-000000081, p.156.
498 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, p.27.
499 Transcript, day 365: read-in statement of Norman Jack (former teacher, 1965–2000), at TRN-8-000000081, pp.183–4.
500 See Sexual abuse chapter.
501 Transcript, day 361: 'Sam' (IKA) (former pupil, 196x–8x), at TRN-8-000000077, p.132.
502 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.5, paragraph 16.

severely tell boys off when I wouldn't have thought it was really necessary.'[503]

That approach may have been beneficial for some, like 'Max', who thought him strict but decent and kind. In his view the absence of bullying in the house was down to Mendl and his character.[504] That view was not, however, shared by Neil Russell. Mendl beat him and others with a broken clacken that had a ragged edge. In his case it left him with lacerations and bruising because the beating was with trousers down. Neil Russell felt that, although corporal punishment was still permitted, this had crossed a line.[505] I agree. Beating with a such a weapon was plainly abusive. An aspect of the impact of that abuse was that Neil lost trust in his father, who knew Mendl through playing cricket and remained friendly with the man, despite him having 'beaten the shit out of me'.[506]

Albert Venter

A Care Inspectorate document mentioned Albert Venter, a South African teacher who was at the Prep School between 2002 and 2003. School records simply note that he left his role as a P6 teacher for 'personal reasons'.[507] In fact, he was dealt with under disciplinary procedures after an allegation of 'assault against pupil'.[508] This was not shared with other staff. Whilst the reasons for that are not known, it would fit with the Academy norm of prioritising its reputation above all else. Further, when Rob Cowie's wife offered to take Venter to the airport 'the headmaster said no', which Rob Cowie thought was because 'obviously he didn't want my wife talking to him or him talking to my wife' about the reasons for the man's departure.[509]

Senior School teachers: too many angry men

John 'Jake' Young

As already noted, Jake Young, employed at the Academy for 30 years until 1993, principally as a PE teacher although sometimes requested to fill in as a geography teacher, appeared on an indictment containing 54 charges in 2025. Aged 91, and after an examination of facts due to his poor health, the sheriff found 26 charges proved, all of which are set out in Appendix F. Ten involved assaults of various kinds: punching, slapping, throwing basketballs, and, in one case, attacking a pupil using a megaphone.

Some of these charges referred to matters also covered by evidence provided to the Inquiry, and it was apparent that, while Young was well regarded by some past pupils, who were outraged at the prosecution, two of his colleagues said that his aggression was a known quantity. Norman Jack said: 'Jake … had a reputation for being a little bit handy with his hands, as regards corporal punishment',[510] while William Bain agreed he had a temper.[511] If they knew, then it seems highly likely that rectors and those in other leadership positions must also have known, yet nothing was done. The fact that he was popular with many former pupils and a useful stand-in for geography teaching is no excuse or explanation.

503 Transcript, day 365: read-in statement of Norman Jack (former teacher, 1965–2000), at TRN-8-000000081, p.187.

504 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, pp.77 and 83.

505 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.77.

506 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.78.

507 The Edinburgh Academy, Headteacher's report to the Court of Directors of The Edinburgh Academy, December 2003, at EDA-000000567, p.2.

508 The Edinburgh Academy, Summary of Child Protection Files shared with the Care Inspectorate, at SGV-000097083.

509 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.120.

510 Transcript, day 365: read-in statement of Norman Jack (former teacher, 1965–2000), at TRN-8-000000081, p.187.

511 Transcript, day 366: read-in statement of William Bain (former teacher, 1976–9), at TRN-8-000000082, p.204.

Most of these episodes of physically abusive behaviour took place in open view.

All the assaults referred to in evidence reflected a loss of temper which was not managed properly by the school, whether by guidance, training, warnings, or further disciplinary steps. Young gave 'Gavin'

> six with a full-sized wooden cricket bat. There wasn't anybody else in the office when he did this. That was a shocking episode for me. It was unbelievably painful. It was on my bare bottom. He told me to lower my trousers and my pants. I was bent over a desk or a table. I was physically sick after it.[512]

Young was angry because 'Gavin' had been skipping games for weeks. That may have merited punishment but not by assaulting him with a cricket bat; that was brutal and disgraceful.

A similar fury was described by 'Josh', who, aged 13, had put his name down to run the 800 m on sports day, but then changed his mind and scored his name off the list without asking Young. Sometime later Young appeared in 'Josh's' French lesson, interrupted it, and told the French teacher he wanted to see 'Josh'. He took him outside to the corridor. 'Josh' was in a state of trepidation, it being very unusual to be taken out of a class:

> I remember standing in front of him and seeing pure anger in his eyes and facial expression. He then said something along the lines of 'Who the hell do you think you are, crossing your name off the list?' That was the sort of way that he would talk to pupils. From the perspective of discipline, when thinking about the other things you could get into trouble for at the school, crossing my name off a list probably wasn't the biggest transgression in the world. The only thing I remember after being told off is Jake Young punching me in the face. He punched me once to the side of my face. It was quite hard. I remember being really scared. I then walked back into the class with a clear red mark on the side of my face.[513]

'Josh' also said that pupils 'would be constantly on edge around him because of the way he handled certain situations. You were constantly in fear of what he might do next, because he was quite unpredictable.'[514]

'Andrew' (IBO) was on the receiving end of this when he told Young that he did not have his sports kit:

> He absolutely blew up. In his anger he took his megaphone and thrust it into my stomach. Whether he meant to hurt me I don't know, but he winded me and I collapsed on to the ground. He was shouting at me to get up but I couldn't. I was on the ground for 10 to 15 seconds and he walked away. I got up and walked off the fields in tears.[515]

'Mike' thought Young would definitely take things too far. For example, he would 'chest pass a basketball into someone's face, which would be sore'.[516]

Most of these episodes of physically abusive behaviour took place in open view, such as in front of a class of pupils or in a corridor, resulting in visible injuries. Young's behaviour spanned his whole teaching career

512 Transcript, day 357: read-in statement of 'Gavin' (former pupil, 196x–7x), at TRN-8-000000072, p.174.
513 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, p.168.
514 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, p.165.
515 Transcript, day 363: read-in statement of 'Andrew' (IBO) (former pupil, 196x–7x), at TRN-8-000000079, p.16.
516 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.127.

at the Academy. It says much about the regime up to the early 1990s that it passed apparently unnoticed.

An unfair beating

A boarding house tutor beat a number of pupils with a cricket stump on one occasion. It was summertime. 'Max', who was in Mackenzie House and playing with some friends outside on the grass at the time, is still angry about what happened. The tutor of Scott House suddenly

> came storming out of the building and beat us with a cricket stump. He struck me three or four times on the bum. He struck me really hard. So much so that it left marks for days. I remember feeling outraged by this incident because we were perfectly within our rights to be doing what we were doing.[517]

And he added:

> That wasn't fair. I mean we were absolutely outraged at that, because we had been doing nothing wrong at all. And this guy had just lost his temper … I think it was a summer, yeah, it would have been probably May/June, and I guess they had their windows open when they were doing their homework, and we were outside in the playing fields just having fun. But we weren't doing anything wrong.[518]

Colin Turner

Colin Turner taught at the Academy from the late 1950s to the early 1980s, when he was appointed to the headship of another school. He was both a housemaster and a senior teacher and is remembered by some former pupils and staff as another man whose anger and frustration could turn to violence.

Five boys who were at the Academy in the mid-1970s were consistent in their evidence about him. 'James' (ICW) said he 'was pretty physical … He would just clatter you. Again, it was all sitting in desks and you would just get thumped, not just a wee clip across the head, it was a full blown thump across the head.'[519]

'James' (ICW) remembered one such occasion after a test paper was handed out. He had tutted on receiving his. Overall, he remembered that a few times every term 'there would be some form of physical hitting'.[520]

'Douglas' agreed, and said Turner

> would love to come up behind you … you would be aware he was coming up the row behind you, and you'd think: who's he going to hit? And then it would be you. And he'd just hit the back of your head so hard, and at one time … I remember my head being slammed on to the desk and you know that point where – I saw stars. It was huge force. And he hated me. But I don't think he – I think he hated everybody.[521]

'I remember my head being slammed on to the desk.'

'Douglas' thought that the effect of treating such 14- and 15-year-old boys in that way was that they became increasingly rebellious: 'I can think of a group of us and we just got worse and worse'.[522]

517 Written statement of 'Max' (former pupil, 196x–7x), at WIT-1-000001270, p.13, paragraph 59.
518 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.96.
519 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, p.142.
520 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, p.144.
521 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, pp.31–2.
522 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, p.33.

'There was something uncontrollable about the school.'

'Andrew' (IDL) said Colin Turner was 'like a ticking time bomb of angst'[523] and that when he lost his temper, he lost it

> in a big way and would get very cross indeed, a lot of screaming and shouting. And, again, for those people who only know white boards, if anyone knows a board rubber when it's thrown at you, it's effectively like throwing a clothes brush at you, big wooden thing and heavyweight felt, and it could easily take you out … Like all the others, he was good at hitting and throwing things. He would throw it so it sort of brushed your ear. It was like a circus act almost. I don't ever remember anyone being actually hit. You know, really accurate throwing, and he knew what to do when he was throwing a board rubber.[524]

'Charlie' also witnessed Turner throwing blackboard dusters: 'They were heavy bits of wood and although I never got hit it would undoubtedly cause some damage if it hit you in the head.'[525]

When he was 14 or 15, Nicky Campbell was missing from a class Colin Turner was supervising; he was out in the yard looking at a noticeboard. Suddenly Turner was there, 'running towards me, grabbing me, dragging me, punching me brutally, and kicking me and pulling my hair and it was a flurry of violence'.[526]

Nicky Campbell went home sobbing and told his mother, who complained to the school. Turner 'phoned with a mealy-mouthed apology'.[527] A friend had written to Nicky Campbell a few days before he gave evidence, recalling that he saw the incident; he had described it as an attack that was like a 'mugging' and that it was 'the ferocity of the beating that was so shocking'.[528]

'Hugo' recalls that

> news of the attack went round the school. I have an undefined memory … of a disturbance in the summer of 1975. I recall my form being outside our first year classroom, in which Scripture Union took place. Everyone was nervous and frightened at the news which had just gone around that a Scripture Union master, emphatically not our form master Jeremy Fenton, had severely beaten up a slightly older boy. I believe this to be the violent incident referred to by Nicky Campbell in his statement. I didn't see it happen, but the secondary effect on boys around about that part of the premises of the school was one of fright. It left me with a feeling that there was something uncontrollable about the school.[529]

Colin Turner did become cross with pupils. Their accounts of experiencing him losing his temper are credible and I accept them. Turner himself accepted, when he gave evidence, that he could get cross with and annoyed or irritated by pupils if, for example, they were not paying attention.[530] He denied throwing dusters or having a short fuse.[531] Regarding the accounts provided by applicants of him losing his temper, he said they were

523 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, p.87.
524 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, pp.87–8.
525 Transcript, day 363: read-in statement of 'Charlie' (former pupil, 196x–8x), at TRN-8-000000079, p.44.
526 Transcript, day 364: Nicky Campbell (former pupil, 1966–78), at TRN-8-000000080, p.39.
527 Transcript, day 364: Nicky Campbell (former pupil, 1966–78), at TRN-8-000000080, p.45.
528 Transcript, day 364: Nicky Campbell (former pupil, 1966–78), at TRN-8-000000080, p.43.
529 Written statement of 'Hugo' (former pupil, 196x–8x), at WIT-1-000001360, p.14, paragraph 63.
530 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.47.
531 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, pp.45 and 47.

'misunderstood really. I felt – one way of gaining control back was to pretend to be angry, which I used as a method, but not very often. I mean, I did, on occasions, get quite cross … inattention and chatting, those sort of small-time irritating things.'[532]

Even if he was pretending – which I do not accept – how would the children have known that? The plain and obvious answer is that they wouldn't.

Regarding Nicky Campbell's account of having been assaulted by him, he said:

> I didn't assault him, that's for sure … It was at the time of the year when we were doing either exams or mock exams and for that time, timetables were messed around a bit … I was doing one of the supervision classes and two or three pupils were missing. I went to look for them and I found them outside the sixth form common room pretending to look at [the noticeboard] and work out where they were. This is a good 10 minutes into the period. I was so cross with them that I just said: 'Get over to my classroom, get over there', and I pushed them off, or this particular person. It was no more than that. It certainly wasn't a punch and it certainly wasn't kicking and it certainly wasn't beating up … That particular case led to the pupil going to the rector and complaining. The rector called me in and said he has had this complaint and … he wanted me to ring up the parent of the boy and make my apology. I was happy to do that and I did it and I got a fairly good reception from the parent. And that's where it ended.[533]

Colin Turner was not disciplined by the school, which is hard to fathom given the circumstances.

I have no doubt that he did assault Nicky Campbell and although the exact nature of the assault is not entirely clear, it is apparent that it was an occasion on which Colin Turner was cross and annoyed with a pupil, he definitely laid his hands on him in a violent manner, it was serious enough to lead to a complaint which was taken seriously by the rector, and, as a result, the rector required him to apologise to the boy's parents and kept a record of the event. On his own admission he was 'so cross', it involved pushing or pulling[534] and grabbing Nicky Campbell.[535] It was certainly not anything minor which is how Colin Turner sought to present it. William Bain, who worked with Colin Turner, thought he did a good job as a housemaster but added that he 'did rise quickly. I did see him sometimes blow a fuse. He would turn red in the face and shout, but he would also come down again quickly too.'[536]

Rob Cowie said Colin Turner 'could become frustrated and cross and angry … I gave a trivial example in relation to my dealings with him, where he threw his briefcase in the wastepaper basket'.[537] More importantly, I suspect Rob Cowie was describing the assault on Nicky Campbell when he gave evidence about Colin Turner coming into the common room upset and saying 'that he'd hit somebody and basically he knew that he shouldn't have done, that he had lost his rag or lost his temper, whatever'.[538]

532 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, pp.46–7.
533 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, pp.48–9.
534 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.49.
535 Written statement of Colin Turner (former teacher, 1958–82), at WIT-1-000001314, p.25, paragraph 173.
536 Transcript, day 366: read-in statement of William Bain (former teacher, 1976–9), at TRN-8-000000082, p.204.
537 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.117.
538 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.117.

He added that Turner was not proud of it. Nor should he have been.

Colin Turner subsequently applied for promoted posts at other schools and the rector initially alluded in references to him having had an altercation with a boy, because he 'felt it was his duty'[539] to do so. However, Turner 'wasn't making any progress down the road of promotion' because of the reference to his 'uncontrollable behaviour',[540] so the rector stopped mentioning it. Colin Turner was then successful in securing the next post he applied for. That is, whilst the school started out doing what was absolutely the right thing to do, the interests of children in other schools were subsequently put to one side for the sake of helping a teacher who had in fact abused pupils at the Academy to be appointed to a promoted post in another school.

Michael 'Ratty' Richards

Michael Richards was another teacher who could not control his temper. His classroom behaviour was similar to Colin Turner's. 'Andrew' (IHA) described haing a battle of wills with him when he was in Geits. He assumed any misdemeanour was 'Andrew's' (IHA) fault, and that led to extreme behaviour on occasion. 'Andrew' (IHA) said: 'The chalk duster incident was one where he was just clearly completely out of control. He was literally – I was down on the floor and he was hitting me with this duster, and I ended up crawling underneath the chalk board.'[541]

Nicky Campbell recalled his anger when the teacher 'approached a boy who was wearing a woollen hat because he'd had brain surgery and his head had been shaved. Richards roared: "What the hell are you wearing that for?" and ripped the hat from the boy's head. He quickly realised what he'd done, but it was horrible.'[542] He went on: 'Richards lost it with me one time and started whacking me over the head after he asked the class to name a great work of fiction and I said the Bible. The whole class laughed, but he tore into me and slapped me over the head several times.'[543]

'Eric' was subjected to dreadful violence by Richards:

> Mr Richards used to stand behind my right shoulder as I was sitting at my desk. The next minute he would smash my head off my wooden desk and I'd feel dazed. He did it to other boys. I'm sure there were kids who were concussed. He also used to make you stand in front of the class and face the wall, and then you were told to put the bin over your head. The bin would have had stuff in it … You were expected to stand like that all through class. You would have done nothing to make him do that to you. Mr Richards was a horrible man. He would also stand in front of you, shouting at you and spitting into your face at the same time. He would do similar things to all the children in the class.[544]

In a fit of temper, Michael Richards ripped a boy's shirt and the school had to buy him a new one.[545] He beat 'Henry' with a clacken

539 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.50.
540 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.51.
541 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, p.97.
542 Written statement of Nicky Campbell (former pupil, 1966–78), at WIT-1-000001264, p.16, paragraph 86.
543 Written statement of Nicky Campbell (former pupil, 1966–78), at WIT-1-000001264, p.16, paragraph 87.
544 Written statement of 'Eric' (former pupil, 197x–8x), at WIT-1-000001541, p.25, paragraph 108.
545 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, pp.34–5.

when he misheard a comment the boy had made; it 'hurt like hell' and led to 'Henry' running away the following day.[546]

The man's behaviour must have been known more widely. When, for example, he beat 'Henry', the boy ran out into the school yards and told a teacher who was there about what had happened. However, the school did not address it. Rob Cowie acknowledged that Richards had a reputation for being a 'bit keen on using the [gym] shoe',[547] but nothing was done to address that either.

David 'Granny' Robertson

Neil Douglas remembered David Robertson, a history teacher, from the shooting range at the school: 'Sometimes he would have a gun sling on him. He used a gun sling to hit you if you were doing something wrong.'[548] 'Sam' (IKA) remembered the teacher using a gun sling on him after he refused to do cross-country. It was made of leather, and Robertson whipped him with it three times with such force that his hand became very swollen. He recalled that Colin Turner, who

> was very nice to me because he lived 50 yards from me and used to take me to swimming and stuff … said: 'Why are you not writing?' … I said: 'I can't hold a pen, sir', and I held my hands up and he looked appalled, and he said: 'What happened?' and I said: 'Mr Robertson hit me with a gun sling.'[549]

Bob England

Bob England was the woodwork teacher, and a number of applicants remembered how he behaved when angry. 'Robert' witnessed him throwing offcuts of wood at boys if they upset him. While he enjoyed his classes, that took some of the enjoyment away.[550] 'Andrew' (IDL) remembered that Bob England

> could get pretty stroppy with people. He would threaten to hit people with tools … He would threaten to stick a chisel up your nose. I remember he would put the blade right up against your nose so it was touching … There was so much of that kind of behaviour in his classes. You just thought: 'Well he's not harming me so it must be alright.' You didn't think that it wouldn't have taken much for something like that to go sadly wrong.[551]

'He would threaten to stick a chisel up your nose.'

It could, of course, have gone horribly wrong – beyond the fear and emotional harm that would, inevitably, have arisen.

Rob Cowie remembered a caricature of Bob England in a school performance by final-year pupils where a figure ran around in a bloodstained lab coat with an axe looking for boys who were Geits. He agreed England could be 'shouty' and 'intolerant'.[552]

'Cameron' recalled the skit. It was mentioned in the press:

> It said that we knew about abuse because we were joking about one of the teachers. *The Times* had the video of it. It was our woodwork teacher, Mr England. If I remember rightly, we weren't saying that he was weird in that way. We

546 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, pp.43–5.
547 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.116.
548 Written statement of Neil Douglas (former pupil, 1967–79), at WIT-1-000001247, p.16, paragraph 60.
549 Transcript, day 361: 'Sam' (IKA) (former pupil, 196x–8x), at TRN-8-000000077, p.157.
550 Written statement of 'Robert' (former pupil, 197x–x), at WIT-1-000001226, p.9, paragraph 42.
551 Written statement of 'Andrew' (IDL) (former pupil, 196x–7x), at WIT-1-000001196, p.21, paragraph 72.
552 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.116.

were just saying that he was kind of lonely and a strange old man. There were lots of strange old men.[553]

Brian Cook

Brian Cook, a maths teacher from 1951 to 1980, was another long-serving member of staff who could be abusive in his classroom. 'William', a pupil in the 1960s, said he

> could be excessively violent. He used to hit you on the head with one of the wooden blackboard rubbers. There was one day – I was probably talking to the guy in front of me. I didn't notice that Mr Cook had come back into the classroom. Mr Cook hit me on the back of the head with a book. I think I was concussed from that. I had a headache for a day and a half. That was quite normal. If you stepped out of line, it was physical punishment. Mr Cook in particular did that, but it could be any teacher. Mr Cook would throw the blackboard rubber at people. It was a six inch long piece of wood with felt. By the time it hit you, it was going quite fast.[554]

Other teachers who threw dusters or chalk

Throwing chalk or wooden-backed blackboard dusters was common at the Academy, certainly until the end of the 1980s. Neil Douglas recalled that Jock King,[555] another long-serving teacher, would throw dusters: 'If you weren't watching the front, the big heavy wooden blackboard dusters, he would lob them at you. And I remember being hit on the side of my head with one. You don't forget the pain of something heavy like that hitting you.'[556]

'Sammy', when aged 11 or 12, was in a class with a small, dark-haired teacher whose behaviour was violent, thoughtless, and petty:

> I can't remember what prompted it, if anything. I got a big lump of chalk launched at me. It hit me just in the corner of my left eye. It just missed the eye itself. I cannot remember why. I was so shocked. It wasn't a small piece of chalk. It was a lump of chalk. I don't think the chalk left a bruise or a mark, but I can remember it being sore. After that, I thought I needed to try and listen to what the teacher was saying … I can remember putting my hand up in the class and just being ignored. I waited after class had finished and went up to the teacher. I asked him why he was ignoring me and he made up some reason. I think I told him that I was going to tell my dad if he carried on ignoring me … To be fair to the teacher … it did change after that. I think what happened to me with that teacher was probably symbolic of some of the stuff that went on at the Academy.[557]

'Josh', a pupil from the mid-1980s to the early 1990s, remembers similar behaviour: 'I can't remember which teacher it was, but they would occasionally throw board rubbers across the classroom at boys who weren't paying attention. I saw instances of that over the years.'[558]

A house tutor

'Arthur' described a house tutor in Dundas House. He stated that he drank – he thought it was sherry – and that he was frightening. He would shout and there was an occasion on which the house tutor, according to 'Arthur's'

553 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.32, paragraph 103.
554 Written statement of 'William' (former pupil, 196x–x), at WIT-1-000001509, p.17, paragraphs 89–90.
555 Jock King was employed as a teacher by the Academy between 1939 and 1978.
556 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.99.
557 Transcript, day 360: read-in statement of 'Sammy' (former pupil, 197x–x), at TRN-8-000000076, pp.191–2.
558 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, p.165.

recollection, assaulted a boy who wore a bootlace around his neck by grabbing him in a way which twisted the bootlace, and almost lifted him off his feet.[559]

Both the house tutor and the boy left after that, although the circumstances of their departures are not known.

Another teacher

A teacher beat boys with a wooden stick and possibly also with a hockey stick. 'Colum' witnessed him beating boys with a broken hockey stick. He concluded he had narrowly escaped the same fate, having, along with another boy, avoided a cross-country run. Knowing they were likely to be beaten by the teacher, he and the other boy claimed they had to go to meet their parents and left. The following day 'Colum's' housemaster, Mr Lister, said that the teacher 'had spoken to him and … had told him that he had planned to make a – to thrash me and make a complete fool of me'.[560]

The teacher accepts that he kept an old hockey stick in his room but denies he used it to beat boys, albeit he did use to threaten boys and accepts he had a reputation for beating them with it. He states that he sometimes beat boys with a wooden stick. Some boys complained to their housemaster about him doing so and the housemaster advised him he should discontinue that practice. It seems likely that, had it not been for Mr Lister's intervention on the day after the cross-country run, the teacher, who was still angry about what had happened, would have proceeded to beat the boys that day, just as, had it not been for the intervention of the housemaster referred to above, he would have continued his practice of beating boys with a wooden stick.[561]

Peter Williams

Peter Williams was a German teacher and was nicknamed 'Hitler' by the pupils. Rob Cowie confirmed that and added:

> He was also probably quite cross, enraged and maybe he shouted at times … He maybe behaved in a bit of a *Fawlty Towers* way in class. He'd do John Cleese kind of behaviours when he was driven to distraction by his class, but I don't think he would have hit people.[562]

'James' (ICI) had a different experience. On one occasion he had not been listening in class and didn't hear a question:

> The result of that was that I heard somebody running down the aisle behind me and then I received a very hard blow to the back of my head, on the right-hand side of my skull. At the level of my ear, but on the skull. This knocked me forward over my desk and on to the floor. The desk fell with me on to the floor, the lid flipped up. The books scattered on the floor and I was left lying in the middle of that wondering what had just happened. Because, as he hit me, it is the only time that I have ever seen lights flash in my head, but that's what happened.[563]

Williams picked 'James' (ICI) up, put the desk back into position, and returned the books. He 'seemed to be distraught and then he calmed down and went on with what was left of the lesson'.[564] It left 'James' (ICI) feeling that 'it was a reminder to me that I wasn't safe in

559 Transcript, day 365: read-in statement of 'Arthur' (former pupil, 197x–8x), at TRN-8-000000081, pp.13–14.
560 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.132.
561 WIT-3-0000006306.
562 Written statement of Robert Cowie (former teacher, 1963–2013), at WIT-1-000001302, p.48, paragraphs 177–8.
563 Transcript, day 357: 'James' (ICI) (former pupil, 196x–7x), at TRN-8-000000072, pp.33–4.
564 Transcript, day 357: 'James' (ICI) (former pupil, 196x–7x), at TRN-8-000000072, pp.34–5.

that environment and that I had to be careful'.[565]

> 'I wasn't safe in that environment and I had to be careful.'

Against the background of all the violence set out above, it is entirely understandable that that is how 'James' (ICI) felt. The overall scale of unchecked violence indicates that staff at the Academy, long-serving teachers in particular, were able to behave in a way that was abusive. Appropriate guidance was absent, appropriate training was absent, and supervision was lacking. I accept that, at times, teachers may have been irritated, angry, or frustrated, but the school should have been aware of that being exactly the time when children would be at risk from them and should have forestalled the ensuing abuse by addressing that risk, with protection of the children being treated as paramount. But it didn't.

Physically abusive conduct by pupils

Official and unofficial sanctions

Ephors had the power to beat boys, and it is plain that beatings were often either inappropriate, for matters that never merited corporal punishment, or excessive, given, for example, the celebratory recording in their 'Beat Book' of instances when clackens were broken in the course of a beating and red diamonds marked, in the margin of the book, to denote the breakage.[566] Clackens were used 'for maximum pain'.[567] 'Callum' said:

> The prefects … would often give you a beating. They had a desk in their office and they would bend you over the desk and one would pull at your legs, and another at your arms, so you were in a V shape. They would then grab a bat and run the length of the room and whack the bat down on you. The other one would then take a shot. This would go on for as many times as they deemed necessary. That happened to me on several occasions.[568]

Unofficial physical punishments by ephors continued after permission for them to administer corporal punishment was effectively withdrawn by rector H.H. Mills in the late 1960s. 'Mike' remembered an example from his first week at Senior School as he crossed the playground:

> Two ephors picked me up and took me into the ephors' room, which was directly underneath the teachers' common room at the corner of the play yard … There was a big thing at the school which was being binned. You had the big refuse bin in the corner of your classroom and if your own classmates were doing it to you, you had a relative chance of survival, being able to fight it off. If it happened, typically they would help you out of the bin after it happened. It was a bit of a laugh. When guys are doing it and they are seven or eight years older than you it's not the same. These guys put a chair on a desk and put me on top of that in a bin, which was on the chair. They forced my bum into the bin so my feet and arms were pointing up and then left me there for the rest of the break. Until the bell went. The whole time people would come in and just be throwing stuff at you, making you wobble so you would maybe fall. I doubt they would have let me fall but you don't

565 Transcript, day 357: 'James' (ICI) (former pupil, 196x–7x), at TRN-8-000000072, p.36.
566 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, p.68.
567 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, p.64.
568 Transcript, day 359: read-in statement of 'Callum' (former pupil, 196x–8x), at TRN-8-000000075, p.206.

> know that as a 10- or 11-year-old kid, you are just terrified.[569]

'Gavin' provided another example of gratuitous violence carried out by an ephor:

> In the worst case, one of the ephors slashed the back of my neck with a steel comb as I was walking into morning assembly. I felt something cutting the back of my neck. When I turned round one of the ephors, I don't know his name, had done it. I'd had dealings with that ephor before. He was one of the worst in the group. I put my hand to my neck and there was blood. One of my classmates told me that it was a steel comb that had been used. I didn't see the comb … I don't remember if my parents noticed the cut on my neck or … [the] blood on my shirt.[570]

What is striking about both events is their public nature – one in front of the staffroom and the other at assembly, where staff would have been present. Yet that did not deter the ephors, and nothing was done to stop such behaviour. The same was true as regards the everyday violence commonly experienced by some pupils.

Violence perpetrated by other boys in the boarding houses

There were violent initiation ceremonies practised in the boarding houses, as well as consistent violence in some. Five boys from Mackenzie House provided evidence about initiations and similar practices which, combined, spanned four decades.

'Sam' (IDU), arriving at the Academy in the mid-1950s, discovered there was

> quite a lot of bullying and violence going on between pupils, lads at Mackenzie House. I do mention the odd ritual, this thing they call 'tunnels', where you had to crawl under the beds, around the room, on both sides of the room, and as you went through a gap between the beds people would be standing on the beds and would be hitting you with things, like that. That happened quite a bit. I mentioned somebody urinating on my bed. I remember being pushed under the bed clothes, with people piling on and suffocating me in the bed, which was – I think that was the worst experience of all. But everyone did it to everyone else – so a coarse and violent atmosphere: when it came to things like rituals and tunnels, I wasn't the only one to suffer that. And at that age – and I can only speak for myself – you become complicit in it as well. So you stand on your own bed when someone else is going through it and hit them, which I think is very damaging indeed. In fact … being complicit in some of the punishment culture and the bullying actually leaves a much greater scar than the bullying received oneself.[571]

Neil Russell remembered joining Mackenzie House a decade later. Instead of an induction or a warm welcome from the housemaster, there was initiation by older boys that involved putting new boys' heads down the toilet in a practice known as 'bog washing'. And apple pie beds. Both continued and were part of 'a feral atmosphere.'[572]

He described the atmosphere in the boarding houses as being one of brutality, all instigated by the staff 'through corporal punishment at one extreme but just the casual lack of caring that was perpetual'.[573]

569 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.130.
570 Transcript, day 357: read-in statement of 'Gavin' (former pupil, 196x–7x), at TRN-8-000000072, p.178.
571 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, pp.45–6.
572 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.68.
573 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.71.

'Danny' spent two years in Mackenzie House under both Jack Mendl and Hamish Dawson. He also described

> a tradition and culture of 'bog washing'. Most people might be bog washed once or twice while boarding at Edinburgh Academy, but others … seemed to suffer a lot more. I felt that there was no way to take these matters up with the staff, or to persuade my parents to do something about it. The prefects were there to help maintain order. This was sometimes how that was done. Other bullies would bog wash kids too. It was quite a common thing in Mackenzie House.[574]

Life only improved for 'Danny' when he was in Jeffrey House, where Colin Evans was housemaster. Nothing changed at Mackenzie, however, as 'Arthur', a pupil there a decade after 'Danny', described:

> The ante of the violence was upped because the strength of the boys was much greater in Mackenzie House. You could get badly hurt. There would be blood involved. You had to develop tools to avoid getting in the way of that. To hide in plain sight, to keep your head down, stay beneath the parapet and don't get noticed one way or another. Don't be cheeky, opinionated, just be one of the quiet grey ones that nobody notices and therefore doesn't come in for a kicking. If you did find yourself in a corner and couldn't get out, then you had to hit hard and fast and get away as soon as possible.[575]

'Stephen' was in Dundas House for two years whilst John Brownlee was its housemaster but has no recollection of when he was nine years old, something his therapist explains is a protective measure to close off traumatic memories. He does, however, remember Mackenzie House, where, although 'the housemaster was better, … the violence had been set. The violence that happened between the pupils at that point was far worse, as we are getting older, bigger, stronger.'[576]

'The violence between the pupils at that point was far worse, as we are getting older, bigger, stronger.'

It was also exacerbated because he was in a dormitory of ten or twelve boys, rather than four. He was the youngest and smallest in the group, which made him an easy target. There were fights at night time

> [for] a made-up reason. Someone … decided that they were going to – it would be fun to attack someone. Or they decided that person was a bad person, they were going to attack them. And it would be a group, very rarely was it individuals. There would be three or four attacking one person, until it got to the point where, you know, you got – if you wanted to defend yourself, you know, you would have a fight one on one with your bully … And that happened several times.[577]

He did not recall any effort being made by any member of staff in the house to stop this. Although they 'may have heard … noise going on in the dormitories … they pretty much left it. They didn't – they may come in and say: "Get back in your bed" or "Stop the noise", or whatever, but it was not – you know, it was not monitored as such, no.'[578]

Gap year students

In common with many boarding schools, a number of students who had just left their

574 Transcript, day 358: read-in statement of 'Danny' (former pupil, 196x–7x), at TRN-8-000000073, pp.185–6.
575 Transcript, day 365: read-in statement of 'Arthur' (former pupil, 197x–8x), at TRN-8-000000081, p.25.
576 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, pp.141–2.
577 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, pp.142–3.
578 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, p.143.

own schools were employed to work in the boarding houses as tutors. 'James' (IEE) had bad experiences with three such students, one of whom was a former Academy pupil, the second from Canada, and the third from Australia. All were overly physical in their approach to discipline. The former Academy pupil made boys stay in a stress position for far too long, such as requiring them to be in a 'wall sit' for up to 25 minutes.[579]

The Canadian

> would take you to the games room doors and he would stand you with your back against a wall, facing into the corridor and he would [take] the swing [spring-loaded] door and … pull it round into the games room so he was standing there and with his two hands he would basically pull it round and it would come right back round and slam in your face.[580]

On one occasion he did it with such force that the door broke one of 'James's' (IEE) teeth. When 'James' (IEE) went to the matron 'she said she would get me a dentist appointment to get my tooth repaired, and she did … but she also told me: "I've spoken to the house tutor. Don't tell anyone about this. Don't tell anyone how this injury happened"'.[581] In due course, 'James' (IIE), then aged 12, explained it away as having been a rugby injury.

The Australian was at school for four terms in the early 1990s. His approach to punishment was to give boys what he called 'a kick in the ring' which meant

> you had to put your hands on the wall in front of you, your legs spread apart as well, and basically lean into the wall. Then he would come up behind you and kick you, like kicking a rugby ball, like if you are punting a rugby ball, and basically kick you up the arse. Now, that was sore. And there were some times he would mess it up and miss, and he would catch you across the back of the thigh, in which case you would just end up in a heap on the ground. And the backs of my thighs were black and blue.[582]

This was known about by the housemaster who adopted the description, telling boys they 'would get a kick in the ring' if they didn't behave. 'And he would say it in Australian – in that Australian accent, so he knew. One hundred per cent he knew and he did nothing.'[583]

That culture of silence described by 'James' (IEE) confirms that the lack of oversight in and of the boarding houses continued into the early 1990s. 'James' (IEE) complained to the police in 2017 but believed nothing was done. In fact, despite the school having no files for the tutors, the police contacted seven witnesses 'James' (IEE) thought might confirm his account but they were unable to do so.[584]

Violence perpetrated by other boys in the school

'Andrew' (IHA), reflecting, saw how violence perpetrated by adults could and did lead to violence amongst children:

> I think one of the tragedies, looking back, is that when, from a fairly young age, as you move into adulthood, through puberty, you are witnessing in some cases extremes of violence from adults to children and that becomes normalised … I have no doubt that it created an atmosphere where violence was an accepted

579 Transcript, day 360: 'James' (IEE) (former pupil, 198x–9x), at TRN-8-000000076, p.94.
580 Transcript, day 360: 'James' (IEE) (former pupil, 198x–9x), at TRN-8-000000076, p.100.
581 Transcript, day 360: 'James' (IEE) (former pupil, 198x–9x), at TRN-8-000000076, p.103.
582 Transcript, day 360: 'James' (IEE) (former pupil, 198x–9x), at TRN-8-000000076, p.106.
583 Transcript, day 360: 'James' (IEE) (former pupil, 198x–9x), at TRN-8-000000076, p.107.
584 The Edinburgh Academy, Email from Police Scotland, 10 July 2017, at EDA-000000094, p.2.

> part – particularly of the sort of playground life. There was a huge amount of aggression … more from the start of the upper school … you witnessed a lot of fairly vulnerable boys, quieter boys, boys who would ironically now be looked at as weaker at the time. Often smart kids. Tragically, quite often kids who themselves were being abused and hit by the teachers, or had been sexually abused prior to this point, being picked on by other boys.[585]

That was borne out by the evidence of many former pupils whose time at the school spanned the 1950s to 1990s. Any perceived difference could trigger abuse.

Neil Douglas confirmed that matters were made worse by the culture of 'no clyping':

> I rapidly became the object of bullying at school as time went by … I was the youngest in my year … so I was younger, smaller, lighter, didn't have much strength so I couldn't punch back. Probably just a target of convenience … I don't remember it ever stopping.[586]

He did not remember any effort being made to stop such bullying and thought the mindset was 'the school were there to make men out of us, weren't they? So "stand up for yourself" I think would have been the attitude of the school and … you couldn't clype … if you did say something bad has happened you would just get punished for clyping.'[587]

'Andrew' (IBO) explained he

> was a soft target. I was small for my age, a bit effeminate. I was everything they weren't. They would call me by my nickname, and that morphed into a gay slur that then went into homophobic bullying. I experienced physical and emotional bullying for the next six years. Those were the worst years of my life. There was so many of them, maybe seven or eight in my year, that abused me. I do not want to name them. It would be indiscriminate casual violence. I would get hit from behind, punched, or jostled or shouted at and called names.[588]

'Those were the worst years of my life.'

'Hugo' described 1977 as a particularly bad year for bullying. After he returned from a visit to London, his

> most assiduous prosecutor … whom I prefer not to name, had collected spit and phlegm in a small syringe over the course of some days. And in the morning class he sat directly behind me, held up the syringe and squirted this filth down the collar of my jacket. Three things went through my mind. The first was not to show any reaction. The second was disbelief that, less than 48 hours earlier, I had been chatting to John Gielgud. The third was that the master had seen this happening, and didn't bat an eyelid.[589]

Hierarchy mattered, and those at the lower end suffered. 'Billy' gave a candid account of its impact:

> There was definitely a hierarchy at Edinburgh Academy and a 'survival of the fittest' mentality. Some people have likened it to *Lord of the Flies* and some have likened it to the African savanna where you have the hunters and the hunted. To a degree the teacher and prefects would let you sort it out for yourselves because it was less grief for them to deal with. I'm not blameless in all of this. I did sit in the middle of the heap.

585 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, p.71.
586 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.88.
587 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, pp.88–9.
588 Transcript, day 363: read-in statement of 'Andrew' (IBO) (former pupil, 196x–7x), at TRN-8-000000079, pp.18–19.
589 Written statement of 'Hugo' (former pupil, 196x–8x), at WIT-1-000001360, pp.21–2, paragraph 95.

'Anyone who was stronger than you would bully you.'

> I got picked on by some and I picked on others. I must use the word bullied because I did bully other people. That was not acceptable and I have now reached out and apologised to others.[590]

He remembered specific examples:

> It's all too easy to wipe these things from your memory. You remember what was done to you, but you don't always remember what was done to others. I was reminded by one of my peer group that a large number of us lined up one particular guy against a wall and threw stones at him. That was awful. That was the guy I reached out to and he took that incredibly well. Anyone who was stronger than you would bully you, year group didn't really matter. There were some pretty bad things that got done. I can remember a guy in my year getting rolled up in a carpet and dumped in a refuse bin. He was left there for about half a day. People were often chained to radiators and if the radiator was on that wasn't a great place to be. People were often put into large classroom dustbins. They would be kind of folded so their legs and knees were up near their chin, then the dustbin would be lifted onto a window ledge about four or five feet off the ground and if they struggled to get out they could fall and seriously injure themselves. Another thing that happened was desks could be arranged in a line with all the lids open. A guy would then be held down on the first desk and people would hold his arms and drag him along the desks so that his head bashed into all the other desks. That would happen in my year group.[591]

He continued:

> There was a huge amount of peer abuse at Edinburgh Academy. I suffered it more in my younger years when I was quite podgy. I did what most people would do who were at the lower end of the heap, which was to just remove myself from any potential harm. There were known places for hiding out, the most notable being the school library. Nothing ever happened in there and there was always someone there to maintain peace.[592]

'Sam' (IKA) went to the library to avoid being beaten up by groups of five to seven boys who went hunting for other pupils.[593] From his perspective, 'masters just weren't visible. The people that patrolled the yards, if you call it patrol, were the ephors … They were just guys who were 16, 17 and couldn't care less. Would confiscate cigarettes off you, probably to go and smoke them themselves.'[594]

'Cameron' experienced much verbal and physical bullying but said:

> It's really hard to say how frequently this was happening because, for at least two terms, I was basically hiding. I would go into the school library, which was not a place any of them frequented. I would sit in there at break times. I don't know whether I read books, but I just hid.[595]

No member of staff realised that that was why certain boys were habitually retreating to the library.

590 Written statement of 'Billy' (former pupil, 197x–8x), at WIT-1-000001511, p.15, paragraphs 74–5.
591 Written statement of 'Billy' (former pupil, 197x–8x), at WIT-1-000001511, pp.15–16, paragraphs 77–80.
592 Written statement of 'Billy' (former pupil, 197x–8x), at WIT-1-000001511, p.15, paragraph 76.
593 Transcript, day 361: 'Sam' (IKA) (former pupil, 196x–8x), at TRN-8-000000077, p.137.
594 Transcript, day 361: 'Sam' (IKA) (former pupil, 196x–8x), at TRN-8-000000077, pp.139–40.
595 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.35, paragraph 113.

'Mike' explained:

> When the bell went we all moved classes at the same time, but there was a ridiculous bottleneck that they had between two buildings between Donaldson's and the main school yard, which was called the hole in the wall. The hole in the wall would just be populated by older delinquents. You would go through there and get kicked, pushed over, spat at, all sorts of things. There would be teachers walking through there, but they would just be minding their own business.[596]

Inaction by staff who should have been maintaining order was mentioned by others. 'James' (ICI) said the school was not under control as 'you do not know when something may escalate. You do not know when you are in a position where, for reasons which are not clear to you, you are either going to be criticised, punished, or assaulted.'[597]

'James' (ICI) remembers one particular assault, shortly prior to his leaving the school. Sitting in the common room, waiting for an exam to start, another boy poured boiling water into a cup and then poured it over 'James's' (ICI) left foot. A teacher was told and shown the growing blister. He offered 'James' (ICI) an aspirin and encouraged him to sit the exam. After an hour 'James' (ICI) could stand it no longer and was taken to hospital where he was told he should have come in immediately. The school arranged for him to be taken home but did nothing further. No action was taken against the other boy.[598]

'Cameron' gave a very clear account of one experience of violence by bullies at school and its aftermath, which demonstrates how insidious bullying can be and how poorly the Academy dealt with it. 'Cameron' was badly bullied in S3 and S4 after he

> fell in with a couple of guys who were terribly respectable boys trying to be very naughty. They played on the edge and smoked and that kind of thing. Through them, there were a few guys who were a little bit more out there … At one point, they basically decided that I was too square, boring, unexciting or whatever. They made my life hell for probably a year. I started to absent myself from school as much as possible. I would hide at break and go home at lunchtime. A lot of that was really to avoid those boys. A lot of the bullying was just verbal. They would make fun of me half the time. They would harass me and make fun of me in front of others. There were a couple of times when I got pushed about. They used to try and provoke me into lashing out … At one point, I was pushed into a classroom to have a fight with this kid. I was about 14 at the time … He wasn't part of the group of bullies, but he was sort of drafted in. The other bullies were present. I can't remember exactly how it was arranged, but they'd decided this thing would happen. I can't remember if I was jumped or pushed into the classroom. I think it caused much hilarity amongst this little group. Before this fight even started, I had to bend over. Something fell. I must have dropped something. He just kicked me when my head was down. He whacked me in my face. I can remember nothing of it except I put my hand to my face and my face was cold. I couldn't see because my eye had shut. Apparently, I left red handprints around the classroom because I was trying to find the door … I staggered out of the classroom into the playground, bleeding from my face … A guy … said that I needed to come with him. He then took me to whichever Victorian nurse was at the school. I was then taken to the Western and

596 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.131.

597 Transcript, day 357: 'James' (ICI) (former pupil, 196x–7x), at TRN-8-000000072, p.39.

598 Transcript, day 357: 'James' (ICI) (former pupil, 196x–7x), at TRN-8-000000072, pp.44–5 and Written statement of 'James' (ICI) (former pupil, 196x–197x), at WIT-1-000001182, pp.13–14, paragraphs 53–4.

The school was primarily concerned about not risking damage to its reputation.

> I got my face sewn up. By then it was purple on one side. Well into my twenties, I had quite a distinctive scar on my face. I can still feel it now. The doctor said to me at the time that I had been lucky. He said that it could very easily have taken my eye out. The kick just caught me under the cheekbone.[599]

Given the severity of the injury the school must have been aware of the gravity of the assault, but its response was telling. 'Cameron' recalled that there

> were quite a lot of investigations into the incident … because there had been blood and hospital treatment and that kind of stuff. My class teacher, Mr Orr, was a kind man … He came to see me at home. I think they knew that something was up. I can remember him standing beside my bed with my mum. My face was purple and I couldn't see out of one eye … It's the only time that I can ever think of, not compassion, but interest in my welfare being shown. To a certain extent, the chat in my house may have been him making sure that they weren't in trouble as a school. I think I may have been called in to see Mr Evans, the senior master, as well. The school basically said that there had been a fight and someone had got hurt. There was no attribution on either side. The end result, which was clearly a disappointment to me and certainly to my mother, was that no action was taken against either of us.[600]

It seems more than likely that the school was primarily concerned about not risking damage to its reputation, but the lack of action was remarkable. Matters did not, however, end there. The same bullies then started visiting 'Cameron's' house to taunt him:

> One time, the bullies rang the doorbell at home and I went to answer the door. My mum asked who it was. Something in me must have made her realise what was going on. She basically got me to tell her what had been going on for a year. It was 9 pm on a Sunday night and she marched down the road to Henderson Row on the Monday morning. I'm not sure who she spoke to, but I suspect that it might have been Mr Evans. I was called in by a teacher and I was pretty teary. I told them that these guys has been bullying me for about a year. I think it was after the incident when I had been kicked in the face. I was mortified when my mum marched down to the school. I was relieved 24 hours later because there was a sense of release that the whole awful period was somehow over, although it made me even more lonely for a while. I would never have initiated that moment myself. After my mum complained, at least two of the people who had rang the bell were suspended. I think it probably added to what was a growing charge sheet against a couple of them. Eventually one of them, who was rather slippery, wasn't implicated and two of them were expelled. After my mum reported what was happening to the school, I think the others thought it had been a lot of fuss about nothing and they backed off. The bullying ended anyway, partly because [the leader], amongst others, was expelled. There was never any follow-up with me from the school to check how I was doing after that. Once it was done, it was done. It was an issue that needed dealt with and it was dealt with.[601]

599 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, pp.32–4, paragraphs 104–7.

600 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, pp.35–6, paragraph 114.

601 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.36, paragraphs 115–16.

So even once action had finally been taken, the Academy was still more concerned with self-preservation rather than looking after the continuing welfare of the child in its care. It is a woeful picture of the school, and 'Cameron' summed it up well when he said:

> There was a stand-offish attitude to discipline generally at the Academy. I think they thought that boys will be boys and therefore peer-on-peer stuff was pretty much ignored because boys will do that kind of stuff. The idea that boys might pick on people because they were weak or because they weren't high-profile enough at school just wouldn't really bother them, I don't think.[602]

'Cameron's' experiences were in the late 1980s, and problems with bullying continued after that. However, even in the 1990s, when changes occurred after John Rees became rector and the need for pastoral care had become more widely understood nationally, the Academy was slow to make progress. 'Saul' was a pupil in the last decade of the twentieth century and experienced behaviour that echoed the physical abuse that had been happening 20 years earlier. He remembered, for example, that

> there was a lot of violence in the French class before French lessons. Someone in the class, usually me, would be picked on, beaten up, and then stuffed into a bin so you couldn't get out. Then the bin would be put up on a desk. When the teacher came into the classroom, it would be part of the game that everyone would look studious and ready for the class. I would be this person wedged in the bin on the desk. The teacher would ask what had happened and say they couldn't do things like that but there was never any sense of acknowledging this was something that was happening repeatedly and that something had to be done about it.[603]

There was an occasion when he tried to fight back against a bully who regularly 'used to beat me up' and the bully 'just pinned me to the ground and bent my finger back until it broke. There was a loud snap sound.'[604]

'Saul' also described a number of assaults taking place in classrooms when no teacher was there and injury followed, yet none of the perpetrators was ever suspended. That was in contrast to boys being suspended 'because of their hair', leaving him feeling that what mattered most to the school was not that boys were being physically abused by others but 'to look presentable, not to speak back, be polite, have good manners, be where you were meant to be on time'.[605]

'Saul' reported his bully to the school nurse following the attack in which his finger was snapped. The bully received a detention but that was the only outcome. In particular, no one had a conversation with 'Saul' about what had happened and whether it was part of a pattern of similar behaviour. He felt the school was not concerned about him and whilst that bully stopped hitting him, others carried on doing so.[606]

He twice saw a friend of his being assaulted. On the first occasion, the boy's head was slammed against a door, and when 'Saul' intervened the same happened to him. On the second occasion his friend, who had made a joke about another boy's dandruff, was

> grabbed by the hair and had his face smashed on the desk so hard that his front teeth

602 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.37, paragraph 117.
603 Written statement of 'Saul' (former pupil, 199x–200x), at WIT-1-000001481, p.23, paragraph 113.
604 Written statement of 'Saul' (former pupil, 199x–200x), at WIT-1-000001481, p.23, paragraph 114.
605 Written statement of 'Saul' (former pupil, 199x–200x), at WIT-1-000001481, p.13, paragraph 66.
606 Written statement of 'Saul' (former pupil, 199x–200x), at WIT-1-000001481, p.25, paragraph 123.

> shattered. He had to get emergency dental work done to replace his teeth. Again, that was a detention, no one was suspended for that. I can remember seeing bits of [his] teeth all over the desk. That was another pre-class situation before the teacher came in.[607]

Finally he saw a boy break another boy's arm by smashing into him, but again no suspension followed.[608]

He was feeling that the school's whole approach was this:

> In some ways Edinburgh Academy's attitude was that if you came out with three As at A-level and had the shit kicked out of you for twelve years, [it] was better for you than coming out with three Bs and being left alone.
>
> There was talk about bullying being bad, don't bully people, if you see someone being bullied, make sure you report it to a teacher. I think I may have laughed one time it was being said. To me it was like one of these signs in a train station where it says 'no smoking in this area' and someone is literally standing under the sign smoking.[609]

Yet in the letter rector Laurence Ellis wrote in 1982, in which he set out the need for a second master and the value of suspensions, he had recognised there was a pressing need to tackle the problems the school was having with discipline not only by investigating 'trouble' when it arose but just as much with 'forestalling it' and encouraging 'behaviour that reflects concern for other people, self-restraint, and responsibility to the community'.[610] Prompt action was required but was not taken. The approach of John Rees may have achieved some impact by the later 1990s and into the 2000s, according to a 2022 report detailing incidents of abuse perpetrated by boys between January 1930 and 2022:

> Rector John Light had inherited a system of discipline without corporal punishment and one more aligned with modern schooling. The letters and file notes to staff that remain show a more centralised approach to briefing members of staff when discipline issues arose, thus seeing the 'bigger picture' and a more open style of conversation with parents of wrongdoers, rather than instant punishment being given in the form of the tawse … The 'red mist' of youth is still something we discuss today – students get upset, have heightened emotions, and can be very cruel to each other – and need adults in charge who show compassion, understanding, and regard to the bigger picture – do not meet violence with yet more violence.[611]

That latter comment must have been prompted by a long-overdue recognition that members of staff needed to model non-violent behaviour, not its opposite.

Members of staff needed to model non-violent behaviour, not its opposite.

The same document acknowledged and made reference to a very serious case in 2014:

> It is important to note that despite changing discipline procedures, students can still resort to peer-on-peer abuse, and it remained a feature of school life as John Light's rectorship ended, and Marco Longmore's tenure began. The most significant instance of peer-on-peer

607 Written statement of 'Saul' (former pupil, 199x–200x), at WIT-1-000001481, p.24, paragraph 117.
608 Written statement of 'Saul' (former pupil, 199x–200x), at WIT-1-000001481, p.24, paragraph 118.
609 Written statement of 'Saul' (former pupil, 199x–200x), at WIT-1-000001481, p.26, paragraphs 125–6.
610 The Edinburgh Academy, Letters to parents and staff, 1982–3, at EDA-000000055, p.3.
611 The Edinburgh Academy, Report on peer-on-peer abuse, 2022, at EDA-000000764, p.3.

> abuse in his rectorship occurred in 2014 on an Easter CCF Camp where serious allegations of peer-on-peer abuse from senior NCOs at the camp to junior cadets were raised. These involved the forcing of students to fight and allegations that students had been struck with coat hangers and mops. The allegations were of sufficient seriousness that Police Scotland were called in by the school, and the matter handed over to them … The incident had lasting impacts on procedures and protocols for residential CCF camps, and increased child protection training for all NCOs and student leaders. It also included a change in accommodation arrangements and supervision, which was agreed and overseen by 51st Infantry Brigade. In this instance there was an abuse of power and rank, with senior pupils striking junior pupils, something that in investigations was suggested to have been a historical pattern of behaviour, passed from juniors to seniors over time in the CCF. The school invested time in breaking this historical 'culture' in the pupil body through education and a zero-tolerance policy. The use of Police Scotland and the subsequent court action added great weight to this process. Sometimes this 'historical' behaviour can only be addressed by such a dramatic and impactful use of outside agencies and expulsions.[612]

Those events at CCF camp in 2014 were alarming, and it is troubling that practices which should have been stopped long before were still carrying on. However, it seems clear the Academy's response was serious and sensible, and represented a significant step in the right direction.

Improvements

Concerns about violence in the school were drawn to the attention of directors of the Academy Court from time to time. In 1982, for example, it was reported by the rector that the 'most disturbing and sensitive area had been incidents of "internal violence" ranging from accidents, horseplay that got out of hand, and bullying, to deliberate attack'.[613] That focused on the behaviour of pupils and did not consider the behaviour of members of staff or how the culture of the school might be influencing these problems.

A great deal has changed since then, driven by awareness of the need for pastoral care, a practice of staff appraisals, and the experience of listening to the mass of disturbing evidence from past pupils.

The 2022 report referred to above explained that

> the current discipline code has clear guidelines for the school's responses when our students are involved in peer-on-peer abuse and the school keeps detailed records of incidences of bullying and poor behaviour between our students … Monitoring of this sort within a register began in 2016 when the School appointed a Pastoral Administrator. Prior to that date, incidences were reported within pupil notes but not recorded in one place as they are now. The advice to establish a register comes from 'Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People'. Respect for All was originally conceived in 2010 but the review in 2016 (publication 2017) is the up-to-date advice.
>
> In all cases we try to have restorative conversations between individuals or groups and set regular future touch points where members of the Pastoral Team re-visit both/all parties to see how things are going. All of this is discussed at our regular weekly Year Group Meetings for our pastoral team. In August 2022, following an extensive consultation

612 The Edinburgh Academy, Report on peer-on-peer abuse, 2022, at EDA-000000764, p.3.

613 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 25 March 1982, at EDA-000000368, p.2.

> and professional learning session using the book 'When the Adults Change, Everything Changes', the Junior School introduced a Positive Behaviour Policy so that the approach to all discipline was more focussed on character education, of understanding how it was to behave well and positively, rather than on a scheme that is based on punishment. This year (2022/23) the Senior School is undergoing the same process and will introduce their own version of this Positive Behaviour Policy in August 2023 … The consultation period with our students has been incredibly positive, with them liking the fact that we are focussing on explicitly giving them guidance and pointers towards good, positive behaviour. Time will tell how effective this innovative approach will be. Given the evidence being presented of peer-on-peer and staff-on-pupil abuse, it is our deep shame that this new policy was not in use decades ago.[614]

That recognition and insight expressed signal change which has been long in coming but is positive in nature and represents real progress.

614 The Edinburgh Academy, Report on peer-on-peer abuse, 2022, at EDA-000000764, pp.4–5.

7 Emotional abuse

Introduction

I find that children at The Edinburgh Academy were emotionally abused. In the boarding houses and in the school, bullying was part and parcel of daily life for many, and boys were subjected to physical and sexual abuse by other boys and by members of staff, all of which also involved emotional abuse. As a result, there is considerable overlap in the accounts given below. The emotional abuse, however, was – as seen in other schools in the boarding schools case study and in other case studies – often more insidious and just as, if not more, damaging. As one applicant said: 'The beatings, you know, bruising goes away, but the actual damage to your spirit is probably the worst thing.'[615]

> 'Bruising goes away, but the actual damage to your spirit is probably the worst thing.'

As with other schools, where a child was different in some respect that difference could be viciously exploited to a disturbing degree. There was no central and compelling vision of the dignity of difference[616] at play. Rather, there was humiliation, intimidation, criticism, and enforced social isolation. The word 'feral' was used by several applicants in describing their own behaviour; they explained that it was triggered by the Academy's culture and the behaviour of some of the staff. That explanation made sense, given the failure of those individuals to model behaviour that demonstrated respect for all pupils, and their abuse of children carrying on unchecked by the school.

Emotionally abusive conduct by staff

The behaviour of two of the housemasters, John Brownlee and Hamish Dawson, included emotional abuse which traumatised many children, as explained in more detail later in these findings.[617]

Separately, there were a number of members of staff who emotionally harmed children by deliberately undermining their confidence. Others achieved the same result by failing to act in the face of abusive behaviour by other pupils. Those who were thus abused can only have felt hopeless and helpless.

Abuse by commission

Jake Young was loud, aggressive, and abusive. He was a PE teacher. Whilst a case may be able to be made for PE teachers being firm, it is clear that he overstepped the mark repeatedly. 'Henry' witnessed him humiliating a boy who couldn't use a trampette. He 'berated and humiliated and forced and shouted, and this poor boy couldn't do it, was physically unable. And he got so flustered and so upset and Mr Young didn't stop. It wasn't

615 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.175.

616 See, for example, the former Chief Rabbi Jonathan Sacks' proposal for reconciling hatred, as explained in *The Dignity of Difference* (Continuum: London, 2002).

617 See John Brownlee and Hamish Dawson chapters.

– he didn't suddenly go: "Goodness, I've reduced this boy to a quivering wreck".'[618]

'Billy' did not think Young was really violent, but

> more psychological and very intimidating and belittling. He constantly used inappropriate words of unkindness, that is what I would say about Jake Young. He displayed behaviours which nowadays would be wholly inappropriate and have you up on a disciplinary as a teacher. He would just say people were a 'pile of shite', 'waste of space', 'fat', 'lazy', all that sort of thing. If you didn't do well at rugby or weren't good at other sports that was his modus operandi, to make people feel utterly worthless … [He] wasn't brutally unkind to me. I was podgy and not very able in my teens but I became a lot more physically active in my later teens which meant his focus was off me and he'd go for other people. He was looking for vulnerable easy targets.[619]

'Eric' echoed that, describing the emotional abuse that arose from Jake Young's verbal assaults. They translated, for the boys concerned, into isolation, humiliation, and rendering them vulnerable to being assaulted by classmates. He explained:

> There were climbing frames that used to come out from the walls. There were ropes to use to climb the frames. The big issue for me in gym class was being told to climb up a rope and I couldn't climb it to save myself. Jake Young would scream at me to climb the rope and I'd just slip down it. This happened at least twice. I just wasn't physically strong enough. Then, at the end of the lesson, he'd say to me: 'You, go to the end of the hall'. He then told me to strip naked to have the rest of the class pelt beanbags at me because I couldn't climb a rope. He humiliated me, as a 13-year-old boy standing naked, while the class pelted beanbags at me as punishment. It happened twice to me, and I remember it happening to someone else.[620]

In the case of Neil Douglas, the abuse was dangerous as well as terrifying. He described his experiences of Jake Young:

> If you weren't sporty – I remember he called one of my friends fat and a bloody liar … he would insist on you doing whatever the stupid exercise was that he wanted you to do. His worst one with me was swimming. Glenogle Baths … I was still at the stage where I couldn't swim and I remember him saying: 'Jump in at the deep end, Douglas'. And I said: 'But, sir, I can't swim'. He said: 'Jump in at the deep end and swim down to the bottom', and I was pulled out of the pool by a lifeguard after I had been under for however long. I remember water coming into my mouth and being terrified. Actually the terror, it had gone past the point of terror to actually I was just relaxing into the fact that I was dying.[621]

'Mike' thought there could also have been a racist element to Young's behaviour. He remembered he was disdainful to a boy two years below him who wore a turban, and he recalled Young's approach to an Asian student in his year:

618 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.57.
619 Written statement of 'Billy' (former pupil, 197x–8x), at WIT-1-000001511, pp.22–3, paragraphs 116–19.
620 Written statement of 'Eric' (former pupil, 197x–8x), at WIT-1-000001541, p.26, paragraph 111.
621 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.98.

> This one guy just wasn't good at gym … We were trying to run and jump and do a forward somersault in the air and land on the mat. If you landed on your back it was fine, but if you landed on your feet then that was the desired effect. It was a big deep mat. Every time this kid ran up he would bail out halfway through and rotate to the side. This infuriated Mr Young and he told the kid if he did that again he would kick the mat away. The boy said he was trying, but next time he did it Mr Young kicked the mat away and the boy landed on the floor on his back.[622]

Other members of staff involved with sport at the Academy must have seen the harsh way in which Jake Young berated pupils. If the attitude was 'It's just Jake being Jake' – as is, I accept, possible – that simply won't do. Their duty was to the children and excusing a colleague's abusive treatment of them should not have featured. Sadly, there is also no evidence of any realisation that encouragement as opposed to humiliation might have achieved better results, as was finally understood in the 1990s.

Some classroom teachers habitually humiliated pupils and took the opportunity to deploy sarcasm and ridicule to emphasise differences. Again, some might have claimed this was simply 'banter' but that was not how it felt to the recipients. 'Victoria', for example, had joined the school after a period at Fettes College where she had been abused by other pupils for being English:

> At The Edinburgh Academy, only the teachers shared their anti-English sentiment. I cannot remember specific comments, but it was politically driven. The statements were about politics, history, football, and rugby. Comments such as 'You're English. You should know everything. You should know this.' That felt derogatory to me. It did not make me feel good about myself or the teacher. There were often throwaway comments that made me feel uncomfortable. I was already coming off a base of anxiety from Fettes.[623]

She also thought that:

> Some of the teachers enjoyed a sense of power. I was dyslexic. My handwriting was possibly illegible at times. My English teacher said it was totally illegible. The same teacher wrote my spellings and handwriting on the board so that it looked like hieroglyphics and asked the class: 'What does this say?' Everyone looked at the board. It was embarrassing and it was intended to be humiliating. It did impact on me … It was unnecessary. I trained as a teacher and I know that is something you do not do to pupils, especially in teenage years. Public humiliation seemed to be a common thread in Edinburgh schools at the time. There was a fearful disrespect of the teachers amongst the boys.[624]

The mention of disrespect would suggest that the Academy was a place where conflict was normalised, pupil to pupil, pupil to staff, and staff to pupil. 'Victoria's' disbelief at the jubilation she witnessed when a particular teacher, known to throw dusters and chalk, was injured on a school trip, is understandable:

> In my first term in lower sixth, [the teacher] was seriously injured when a large boulder crushed his leg and pelvis on a … field trip … When the news of the accident hit the school, the boys were jubilant. Their response horrified me. [He] had been badly hurt. This typified the feeling of discord between the boys and the masters. I thought their reaction was terrible. It

622 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.128.

623 Written statement of 'Victoria' (former pupil, 198x–9x), at WIT-1-000001553, p.8, paragraph 25.

624 Written statement of 'Victoria' (former pupil, 198x–9x), at WIT-1-000001553, p.9, paragraphs 28 and 29.

didn't make sense that they would celebrate his accident.[625]

Abuse by omission

Failure to take positive steps to stop emotional abuse may have been deliberate on the part of the rector in the 1960s and 1970s and borne of an ill-founded belief that the boys would somehow address it themselves. 'Colum' said:

> Bullying was a huge problem at the Academy when I was there, particularly in fourth year. Mr Mills … used to have this thing about … work hard in the term time and play hard in the holidays and he thought bullying was just best left to sort itself out. And I mean some boys were physically stronger than others, and also once you get the intimidatory aspect of bullying you get a jeering mob surrounding you. I found in fourth year I was literally paralysed by fear sometimes.[626]

'I was literally paralysed by fear sometimes.'

That approach fits with Mills' response to formal complaints – preferring them to go away rather than dealing with them himself – and it appears to have been a response shared by staff, both at the time and since, in the face of obvious abuse. 'Colum' experienced examples of that culture from a teacher and from an ephor. He thought those who were abused were

> either unwilling or unable to go for help. And I am not 100 per cent sure how much you would have got help. I mean I certainly mentioned to [a teacher] … he knew I was being bullied before going out for the rugby, he was the rugby master, and he just smirked at me. And … another situation where I was in the library, being reduced to tears because they were trying to get me out, an ephor appeared and told us all to leave, and I refused to leave, saying I was being bullied, and he just smiled and did nothing. Clearly, you know, there weren't many remedies.[627]

'Fred' spoke of a similar lack of interest, but with a perverse twist on the part of an unnamed teacher, who

> came into a class – and I remember this vividly – and there was this poor guy … he had been put in a bin and put on top of the cupboard, in the corner of the classroom. So ten foot off the ground. And the teacher came in and said: 'Get down and put him on detention', because he had been put in the bin. There was no 'who has done this to …?'. It was: you are at fault because you have been bullied.[628]

'Fred' thought that mentality never really changed, though he did recall that Mr Bevan's response to the same scenario was much better:

> He came in, found this situation with somebody in a bin on the desk, and he was the only person who I remember intervening. Sort of – he came in, said: 'Get him down. Who did this?' Everybody else stood around, I stepped forward and he said: 'Well, I know he didn't do it on his own, so the rest of you are in trouble now'. That's the only time I recall there not being victim blaming, if you like, to do with that, at the school.[629]

625 Written statement of 'Victoria' (former pupil, 198x–9x), at WIT-1-000001553, pp.9–10, paragraph 30.
626 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, pp.105–6.
627 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.111.
628 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, p.40.
629 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, p.41.

Emotionally abusive conduct by pupils

The boarding houses

Poor day-to-day management of some of the boarding houses allowed emotional abuse to flourish. Matters were not helped by the failure of teaching staff to recognise the particular needs and vulnerabilities of those who did not go home at the end of the school day or by the lack of liaison between teaching staff and the boarding houses. Day boys had no idea what was happening within the boarding houses either.[630]

Poor day-to-day management of some of the boarding houses allowed emotional abuse to flourish.

Neil Russell was one of many who suffered deeply damaging emotional abuse:

> The peer abuse in the Senior School was over a protracted period, probably close to three years. It was far more insidious than the teacher abuse. There was name calling, public shaming, beating up, sabotaging of belongings, and total invasion of privacy. Boys would often ransack lockers, steal stuff, or even wreck it. Kit might be trashed or your study turned over. Nothing was sacred. Every day when I returned to the dorm or latterly my study I had fear of what had been done to my stuff that day.[631]

There is no doubt that that should not have happened. As for whether staff in the boarding house knew what was happening, Neil Russell had 'no idea how they couldn't know', and as for whether they cared about it: 'They didn't care. They didn't – I mean, I just have no idea how these people, as human beings – forget anything about duties of care and safeguarding and wellbeing … I have no idea what those people were thinking.'[632]

For Neil Russell the educational side of school was, by comparison, a relief – 'a doddle'.[633] He explained: 'The boarding houses and the school were two totally separate environments. I went to school for a holiday. Each day. Each day I had to go back into that shithole that was a boarding house, whichever one it was.'[634]

'Stephen' was emotionally abused because he was the youngest and smallest in his boarding house and he lived abroad:

> That went on through my four years … In that first year … I was labelled as the baby. Even though, you know, we moved on years, I was no longer the youngest, I was the baby in that year … they would find a reason, no matter what. Bullies find a reason to pick on you.[635]

He 'pretty much lived in fear the whole time'.[636]

'Henry' and three other P6 boys were bullied in rotation by older pupils. They had to run a gauntlet when going through the Geits' dorm. Whilst staff put a stop to bullying if they saw it, no one tried to change the culture. There was no 'let's look at the dynamics that are causing this', and the bullying would recommence as soon as the adults left.[637]

630 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.113.
631 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, pp.111–12.
632 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.112.
633 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.113.
634 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.113.
635 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, p.140.
636 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, p.153.
637 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.38.

'First year was complete hell … a litany of psychological, emotional, physical, and mental abuse.'

'Henry' frankly admitted that he, in turn, bullied others – as can easily happen in such a culture – but for him that brought matters to a head:

> I was hit for the bullying, two boys in particular. And on this occasion, they quite violently attacked me. I can remember it clearly. I was in a foetal position on my bed and it would be the second year … and I remember them hitting and punching me. And then one of them, you know those kind of grey waste bins? Picked one of them up and started hitting me around the head with it … This is a metal bin.[638]

'Henry' had had enough. He decided to run away. He saw no point in telling any member of staff, so he left the school on a Sunday, in his kilt, intending to walk to Falkirk. He had got as far as Barnton before a police car stopped, the officers spoke to him, and they drove him back to the Academy. His housemaster, Mr Lister, appeared to take it seriously and it seemed that those who had been bullying him were spoken to, which took the pressure off him.[639]

The school did not tell his parents, who only discovered what had happened some weeks later when 'Henry' spoke to them. They withdrew him from boarding and he returned to being a day boy.[640] The school's failure to tell 'Henry's' parents what had happened is staggering. Nor was there any evidence of the school seeking to learn from his experience, despite the fact that it was not the first time a boy had run away.[641]

An older boy bullied 'Thomas' badly in Dundas House but, thanks to the intervention of the house tutor, an Australian exchange student, he was moved to a separate dorm and that helped. However, when 'Thomas' moved on to Mackenzie House he and the older boy were again put in the same dorm. As a result, even though his new housemaster, Mr Stirling, was a kind man, 'Thomas's' first year

> was complete hell … a litany of psychological, emotional, physical, and mental abuse … There was no one you could say anything to. First off, you couldn't say anything because you would be regarded as a clype, and that was totally unacceptable … social ostracism would beckon … And the other thing … maybe this is part of the spartan culture of the school – you had to be stoic and you had to bear it and you had to see it through.[642]

'Thomas'

> came up with defence mechanisms, like getting dressed after lights out, so I could go to sleep wearing my school clothes so I could get out of the dorm absolutely first thing and get away from them, so I could at least have some time and space to myself … Where our dorm was, on the top floor, there was a toilet and set of baths on a sort of half-landing … and I used to go and sleep in the bath. Even though it was absolutely freezing, wrapping yourself up in a downy in the bath was preferable to being in this dorm where I constantly felt under threat.[643]

638 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.40.
639 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, pp.45–7.
640 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.48.
641 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.47.
642 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, pp.149–50.
643 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, p.150.

That was understandable given the circumstances, which included the older boy telling 'Thomas' at prep 'exactly what he was going to do to me that night … It was basically the same again, more humiliation.'[644]

Unusually, matters changed for the better because other boys in the dorm were concerned. Those boys met with 'Thomas' in

> the basement of Mackenzie House, and they tried to convince me then to go and see Mr Stirling and do something about this guy's behaviour, because [it] was just completely out of control by this point. And I refused to believe them, and I just thought it was yet another kind of psychological game that they were playing on me and that this guy was somehow manipulating the situation … if I had said yes, I would go with them, the veil would drop and he would be there going: 'Ha ha, I orchestrated all of this; now we know that you're a clype'. I was convinced it was like that and refused to have anything to do with it.[645]

Despite that, someone clearly did speak up on behalf of 'Thomas' because he was given to understand that the bully had been removed from the school. After this, 'Thomas' was distressed to meet him on a footpath in the school grounds where he

> caught me, pulled me off the path, and gave me this very public dressing down in front of a crowd of boys, in which he told me that I was basically the worst person in the world and that I had brought all of this upon myself, that none of it was his fault, and that I would have the most dreadful life as a consequence of what I had done because, you know, I was a complete failure as a person … that was almost worse than the actual bullying in the dorm, where you couldn't escape, because it was the public humiliation aspect of it in the school, and it was the fact that it was such a shock that he was there and I thought he had gone, and suddenly it is all being rubbed in your nose again.[646]

The boy did leave permanently after that but the failures on the part of the school are striking. The abuse in all its forms remained undiscovered for far too long. Once exposed, it seems it was not used as a lesson from which to learn and it was never openly addressed. 'Thomas' had not been told his abuser was in fact returning to the school and, moreover, his parents were never informed about what had been happening to their son.[647]

One former day pupil and then boarder at the Academy had hoped to engage with the Inquiry but sadly died before he could do so. He had, however, told his sister 'Victoria' about his experiences. She had been a pupil at Fettes and moved to the Academy for sixth form. She made a written record of what he told her; it constitutes hearsay evidence which I find to be admissible and I accept it. Her evidence of what happened to her brother as a day boy and as a boarder are yet further examples of a troubling lack of awareness on the part of the Academy. 'Victoria' said:

> My brother told me that it only got worse when he started boarding. He would come back from a shower and there would be faeces on his bed. He said that someone would either poo on his bed or smear poo all over his bed. That happened to him many times. It was not a singular event. He told me: 'My clothes were taken and hidden so that I had to run around the boarding house naked to find them.' He said that he was humiliated. Surely this was noticed by teachers and boarding staff or those

644 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, p.160.
645 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, p.162.
646 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, pp.163–4.
647 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, p.166.

> staff members responsible for the laundry? I told my brother about my food being ruined when I was at Fettes. I asked him if that had happened to him. He said that his food had been tampered with all the time. He told me that his meals were ruined with salt, pepper, and vinegar in the dining room. The boys would spit on his food. It was an inside joke, to see how long it would take him to notice it. He said: 'The side effect of that is that you can't go and ask for more.' I understood that this was traumatic after my experiences at Fettes. It doesn't possibly sound traumatic, but for my brother it was an ongoing thing. He told me that at one point, he struggled to find food because his meals were continuously and completely ruined.[648]

'The boys would spit on his food. It was an inside joke.'

Like 'Thomas', 'Victoria's' brother found sleeping difficult, such was the constant fear of the next attack. In his case, attacks sometimes involved the use of weapons, including one occasion when he was stabbed with a screwdriver.[649]

Giles Moffat, who was also in Mackenzie House, described it as 'an animal house. It was a madhouse.'[650] He, in common with others, had bullied other boys psychologically there.[651] The tone had been set by John Brownlee and the abuse he perpetrated in Dundas House so Giles had arrived in Mackenzie House unhappy. That affected him so that he 'became a … problematic teenager, with incidents'.[652] He asked and answered an interesting question: 'What if he'd been a really kind, compassionate guy? Would we have been happier children? Probably.'[653] From which I infer that he felt he would have behaved differently if he had not been abused and had to live in an abusive environment in Dundas House.

Despite adequate staffing, problems persisted:

> Partly because we probably didn't tell them. You might, in a serious case, tell them. I think that's probably the only reason I can think of. There was certainly no consultative process about how is everybody? What is going on? Talk me through the mood of the house. It was just – we were unleashed.[654]

Again, the lack of pastoral care meant problems went unaddressed and dreadful emotional abuse persisted unchecked. Neil Russell provided a remarkable example of failure on the part of boarding house staff when he explained how he repeatedly absented himself from the house and nobody asked him why:

> The worst years were between 15 and 17. It was a very difficult, lonely time and was horrific. I started to protect myself by isolating myself away from everyone. This was my way of coping. I wasn't sporty, I was geeky, I was lonely and just wasn't in the 'golden circle'. I was very much alone … So I would absent myself from the boarding house, and a very good friend of mine, in the last two years, his mother was a part-time teacher … I used to go to his house. And I am absolutely sure that she would phone the housemaster and say: 'Don't worry,

648 Written statement of 'Victoria' (former pupil, 198x–9x), at WIT-1-000001553, p.22, paragraphs 73–4.
649 Written statement of 'Victoria' (former pupil, 198x–9x), at WIT-1-000001553, p.21, paragraphs 70 and 71.
650 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.168.
651 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.168.
652 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.169.
653 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.169.
654 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.170.

The school playground was 'misogynist, pretty homophobic, probably anti-Semitic, and certainly racist'.

> he's here and I will make sure he is back by' whatever time.[655]

Emotional abuse of staff by boys in the boarding house

The school's failure to engage with and question the way that so many boys behaved is surprising given how boarders sometimes behaved towards some of the boarding house staff. Giles Moffat candidly shared how two tutors were treated:

> My God, they had a hard time. There were two in that time that I remember. [One] was from Northern Ireland, and he just – first job, we destroyed that man. Another guy … who had a very bad stutter … And he's not in teaching any more, I can tell you. We were just feral … It was a very harsh environment, yes.[656]

'David' (IBR) mentioned similar behaviour towards boarding house staff, also in Mackenzie House, which he thought had

> a rather unpleasant culture … The boys even harassed [a tutor] and the matron and they made her cry once. They were picking on her and bullying her. Matron and [the tutor] once went on a trip to the beach and the boys followed them. They went to extreme lengths to make life unpleasant for them. On Bonfire Night they even aimed fireworks at [the tutor's] window that faces onto the garden. They were out of control. I was trying to keep a low profile and keep away from it all, but there was the threat of reprisals at every stage, to be honest.[657]

Giles Moffat thought that 'maybe it was accepted that it's a stage of teenage development?'.[658] Perhaps he was right about that, but it did not make it right to refrain from addressing the harmful way in which boys were behaving. More fundamentally, the regimes within both boarding houses and school simply did not involve such concern for the emotional wellbeing of pupils as was so plainly needed. Some boarding houses were undoubtedly better than others thanks to the efforts of individual sympathetic and caring housemasters, but what was completely lacking until the 1990s was any coherent system that ensured consistency of approach. As a result, many children 'were just unhappy'[659] and others were emotionally abused to the extent of being dreadfully miserable.

The school

Unfortunately, the mood of the school itself was no better, and emotional abuse was just as widespread there. Difference or vulnerability of any kind was taken advantage of to extreme and cruel degrees. And the Academy failed to take action in the face of what was – or should have been – obvious. For example, staff must have been aware that the school playground was 'misogynist, pretty homophobic, probably anti-Semitic, and certainly racist',[660] yet for decades chose

655 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, pp.110–11.
656 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.171.
657 Transcript, day 363: read-in statement of 'David' (IBR) (former pupil, 198x–x), at TRN-8-000000079, p.194.
658 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.171.
659 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.171.
660 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.17, paragraph 56.

not to engage with or attempt to address such obvious problems.

Belittling, mocking, and terrifying

Some emotional abuse was essentially passive. 'Saul' said that

> social ostracism was something that went on through the years … I remember it happening frequently. I didn't wear a watch and would ask someone for the time and they would often pretend that I didn't exist. I would ask three or four times and in some cases be completely ignored. It became a bit like a game, where they would say to their friends: 'Is it windy? I can hear this noise.' I guess it was to publicly humiliate me, to be clear they were ignoring me and not even looking at me. They would just pretend I didn't exist.[661]

Some emotional abuse relied on physicality to achieve humiliation. 'Henry' described how a bully in third year

> used to come in and chase me around the desks, grab me, and hilariously give me a wedgie … so severe that he would hang me up on one of the coat hangers – and leave me. And it would be all hilarious for everybody else to see you struggling by your underpants and it was humiliating, to say the least. It was really difficult. And it lowers your standing among others, because you are seen as being weak and you are seen as … letting this happen.[662]

School-imposed authority, the ephors, could also belittle younger boys. 'Andrew' (IBO) remembered the day Queen Elizabeth visited the school:

> It has been the subject of an emotional flashback for me and used to trouble me right up until I was in my 50s … We were all dressed in our kilts because it was a special event. She walked in with the rector and two of the ephors were following. She stopped and asked me a question, and I got tongue tied. I could not for the life of me get anything out of my mouth. I stuttered and I stuttered. It was just awful and maybe eventually I said something and she moved away. One of the ephors came up to me after the visit and said: 'You stupid boy'. That single event traumatised me, one of the many things that traumatised me, and it was me being stupid. I had the one chance to impress Her Majesty the Queen and I completely blew it. It was ultimately tainted by that horrible aggressive ephor that criticised me as well.[663]

Some boys terrified their victims in the absence of proper supervision by either ephors or staff. 'Sam' (IDU), already ostracised because he was small and came from London, described how he genuinely believed the threats made by his abusers, as he and his class sat on the athletics field aged 15:

> One of them brought a castrating knife and I was sitting on the ground, as we all were, and I heard them, this guy, saying: 'Oh, I will move slowly', and I saw them coming towards me, and I realised something was afoot. I got up and ran … and I was chased by two guys who the school would have said would have been able to catch me easily … Well, they didn't. Obviously I would have adrenaline … one of them the next day told me what they had planned, and they thought kind of being expelled or a couple of weeks in borstal would have been worth it. It stayed with me my whole life, actually, that incident. I am quite visual in the way I can kind of visualise being chased by these two across the training field.[664]

661 Written statement of 'Saul' (former pupil, 199x–200x), at WIT-1-000001481, p.19, paragraph 96.

662 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.55.

663 Transcript, day 363: read-in statement of 'Andrew' (IBO) (former pupil, 196x–7x), at TRN-8-000000079, pp.10–11.

664 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.114.

Nicky Campbell thought emotional abuse encompassed the school:

> It was a brutal environment. We were – I was a delinquent. I was made feral by it. It was a feral environment. We – some people had violence as their weapon. I had my tongue, I had my wit and my quick thinking. It was not the empathy Academy and we were in an unpleasant world – with some good teachers.[665]
>
> …
>
> Those men who helped to shape our lives in the most heinous way, Wares, Dawson, Brownlee, [IDO, IBP, IDR, IDT, IPT, ICQ], and others, they created a feral environment and many of us were made feral by it.[666]

'I was a delinquent. I was made feral by it. It was a feral environment.'

Following the evidential hearings an applicant who, as a boy, fitted the perceived Academy mould – academically strong, good at sports, became an ephor, and went on to win awards – provided a statement which set out how he was abused for years, and was as vulnerable and in need of care as any other child. 'John' explained:

> I doubt that my experience at school was unique. I was struck by Nicky Campbell's use of the word 'feral' in describing how he was at school. I want … to give some sense of what it was like to be on the wrong end of someone being 'feral' and the lasting impact it could have. It was a very unpleasant place to be.[667]

'John's' vulnerability was that he suffered very badly from a skin condition. Problems began in his fourth year, although 'abusive name calling had started before then, and by the time I left school I was so sensitised that any reference to [my skin] caused hurt and humiliation. What had been a benign nickname … at the Prep School became "Syphilis" or "Syphilitic" at Senior School from some.'[668]

In his fourth year he had an English class with Jack Bevan, at the end of which he had to walk through a group of boys from an older class who would be outside the room and would engage in dreadful bullying:

> There were two pupils in particular in his form class who made leaving the classroom a complete nightmare for me. The lead was an accomplished sportsman … with an accomplice … Every time I left that classroom, day after day, week after week, I had to endure those two making sounds of disgust and revulsion, to and about my face, as I walked past them, with other pupils laughing … It was hurtful and utterly, utterly, humiliating. I became very good at smiling to pretend it was a joke, but that was all a pretence.[669]

The abuse went wider, however, because during much of the time he was in the Senior School, a particular group of the 'lead' boy's contemporaries taunted and tormented him about the state of his skin. They

> also joined in. One instance in particular sticks in my mind, though there must have been many others … It was during a lunch break. The BBC had used the opening of 'Also sprach Zarathustra' by Richard Strauss as their theme music for their coverage of the Apollo moon landings … [They were] humming that music, [they] made as if to land on my face amongst

665 Transcript, day 364: Nicky Campbell (former pupil, 1966–78), at TRN-8-000000080, p.47.
666 Transcript, day 364: Nicky Campbell (former pupil, 1966–78), at TRN-8-000000080, p.65.
667 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.21, paragraph 84.
668 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.14, paragraph 59.
669 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.13, paragraph 56.

> the acne spots and scars. They were laughing in my face as they did it.[670]

He added that, together with the name calling, it was the kind of thing the group would do to him quite regularly. Such 'bullying behaviour happened most days, in one form or another' involving the same boys or others 'who just picked up on the name calling and imitated it. In the end, I became paranoid that almost everyone was mocking me, even if they weren't.'[671] He feared reporting it in case doing so made matters worse, so he looked

> for 'safe places' to hide, at least before I became an ephor (though that didn't prevent all the trouble). There would be times when I would hang around at the bottom of the stairs up to the staff room because it was a relatively safe space. People wanting to make fun of me would come looking for me but wouldn't do anything near the staff room. Another place was the library. In hindsight, the fact that I hung around outside the staff room as often as I did should have been a signal to staff that there was something wrong. I'd like to think that teachers are now trained to recognise some of these signs, but they didn't recognise them then.[672]

The impact of this particular form of bullying was profound. 'John' describes himself at the time as 'ground to bits inwardly', looking in the mirror and it making him 'want to scrape his face off in disgust', and as having suffered 'times when [he] felt suicidal'. He has been 'living with the effects of this for fifty years' and is 'still working through them'.[673]

The response of the teacher Jack Bevan to daily abuse by the older boys taking place is disturbing:

> He was the bullies' form teacher, and he must have heard what was happening because they weren't quiet about it, yet every single time he did nothing. I can't excuse that. The bullying was going on a short distance from his desk, but he did absolutely nothing. When I needed to be protected, when he should have intervened to challenge the bullies' behaviour, he completely failed. What was going on was unmissable … The bullies would sometimes even come into the classroom to see why I hadn't come out, because I would find excuses to stay behind. When Jackie Bevan died the obituaries were full of his qualities as an English teacher. He may well have been a very good English teacher, but he let me down terribly. He had a chance to intervene in a situation … but he didn't. I felt utterly betrayed and abandoned.[674]

'When I needed to be protected, he completely failed.'

Nicknames

Using nicknames as a form of emotional abuse was a common theme. It is not unusual to describe the use of nicknames as simply banter, but commonly it is, instead, the hallmark and first defence of the bully. At the Academy, it was all too often far removed from simply banter, and many applicants continue to suffer from the harm that name calling inflicted. 'Sam' (IDU), who joined the school in 1954 aged nine, was given a nickname on his first night. He did not disclose what that nickname was, beyond explaining it 'was a derogatory one, which was … part of the sort of putting-you-down I experienced throughout my school career. It was not a nice nickname. It was one which

670 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, pp.14–15, paragraph 62.
671 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.15, paragraph 64.
672 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.15, paragraph 65.
673 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.16, paragraph 67.
674 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.13, paragraphs 57–8.

made me feel small and weak and all the rest of it.'[675]

What made matters worse was that the name 'stuck and it not only stuck with the pupils, it also stuck with several members of staff who would address me with it. So that kind of putting down – what's the word? – derogatory approach was a constant for me in that sense throughout my schooling, right to the end.'[676]

One boy was called a disgusting name by his classmates,[677] and such crude behaviour remained a constant for many years. 'James' (IEE), a pupil at the Academy until the mid-1990s, was called a particularly rude and suggestive nickname. He

> hated it. I dreaded someone shouting me because they would often use one of these names and I found it deeply embarrassing especially being around my parents or others outwith the Academy. To this day I have a complex about my name and … these nicknames were widely used in the boarding houses throughout my entire school career. It made me feel embarrassed and feel very low especially as I had no one to help me.[678]

A dreadful example of such abuse was given by Angus Reid, a pupil in the 1980s, who said an 'ethos of bullying was endemic in the school'.[679] He described the treatment meted out to his brother, who had suffered serious illness which affected his appearance:

> This vulnerability meant … he was uniquely a target for aggression, and neither school [he attended] cared remotely about it nor was equipped to deal with it. Pastoral care wasn't on the map. When he attended [another Scottish independent school] he was physically and verbally abused by those around him … he had been christened … on arrival, and this way of taunting him spread to the entire school and followed him to Edinburgh Academy. Pupils from all years, senior and junior, used that abusive name to taunt him, and by association me, and some still refer to him like that even today. He was regularly chased, his school case thrown over fences or its contents sprayed across the schoolyard, as well as physically abused by other boys. At that time, he had suicidal thoughts. I cannot remember a single instance of such bullying being called out or punished. Rather, it was the ethos that thrived in the school.[680]

Angus Reid added that his brother, who had deliberately avoided contact with him so as to prevent his time at the school being made worse by association, died in the 2010s. As he observed, 'the school's apology comes too late for him'.[681]

Misogyny

In common with some other boarding schools, the admission of girls to the Academy became a financial necessity. Some applicants viewed the change as having a civilising influence. As 'Mike' said, the introduction of girls

> was the best thing that I could have hoped for. It changed the dynamic overnight. The dominant boys in your year or the year above all of a sudden had girls that they had to impress …

675 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.69.
676 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.69.
677 Transcript, day 363: read-in statement of 'David' (IBR) (former pupil, 198x–x), at TRN-8-000000079, p.196.
678 Supplementary statement of 'James' (IEE) (former pupil, 198x–9x), at WIT-3-0000005470, p.1.
679 Written statement of Angus Reid (former pupil, 1979–84), at WIT-1-000001391, p.5, paragraph 21.
680 Written statement of Angus Reid (former pupil, 1979–84), at WIT-1-000001391, pp.5–6, paragraphs 22–4.
681 Written statement of Angus Reid (former pupil, 1979–84), at WIT-1-000001391, p.6, paragraph 25.

> they didn't know how to be with girls, how to speak with girls … everyone had to soften.[682]

It was not a universal view, however, and Angus Reid thought the 'impact of admitting girls to the sixth form was negligible from my perspective, and did nothing whatsoever to counterbalance the culture, as is claimed in the Closing Submissions for the Edinburgh Academy of 28th August 2023'.[683]

What is clear is that the arrival of girls was not well managed and little, if any, thought was given to their welfare. 'Mike' did not think

> much was done to protect the girls … if they weren't attractive or good at sport then my story would sound nothing compared to what theirs would be. You came to the Academy as a girl because we had a really good art school apparently and it was a good law feeder school. It was those type of girls we were getting. But if they got there and they didn't quite fit, their lives were made a misery by some boys who were verbally horrible to them.[684]

'Cameron' said:

> When girls started in the sixth form, it was like a bizarre social experiment. They dropped six girls into a boys' school for their last year of school. Those who hadn't had sisters or girlfriends just weren't wired for that at all. They didn't know what to do with them but they couldn't allow them not to follow the rules like everybody else so they were sent to Glenogle to swim. There were seven of us, six girls and me, going up and down.[685]

The initial intake was of only a small number of girls. Being suddenly immersed in an overwhelmingly all-male environment, which was coarse, ill-mannered, and poorly managed, can only have been extremely challenging for them. The risks of them being abused are bound to have been high but I heard no evidence that the school planned for this or addressed it.

Racism

The Academy thrived on being an elite Scottish school. Anyone who was different was likely to be abused, and not just on the basis of colour. Anti-English sentiment was a factor even in the Prep School. 'John' remembered an early encounter with a classmate who 'called me a Sassenach, and not in a friendly way, because of my English accent'.[686] In the Senior School, the abuse became much more vicious, as 'Victoria', who had also been abused for being English at Fettes, explained when describing her brother's experience on joining the school in 1988: 'Being English, with an awkward gait and choirboy looks, made him a target for bullying. During my brother's early years at the school, we were aware that he was being bullied by other boys. He cited reasons such as "being English".'[687] He was given a derogatory nickname. He 'was a late developer, and he had a high-pitched voice. The other boys

682 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.113.
683 Written statement of Angus Reid (former pupil, 1979–84), at WIT-1-000001391, p.6, paragraph 24.
684 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, pp.113–14.
685 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.14, paragraph 47.
686 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.4, paragraph 17.
687 Written statement of 'Victoria' (former pupil, 198x–9x), at WIT-1-000001553, p.12, paragraph 38.

thought that this was hilarious. He didn't say as much, but I think that started from the time he went into the school.'[688]

Similar behaviour was also aimed at boys of colour, and the harm it caused was exacerbated by the inaction of some staff. 'Eric' remembered his registration teacher in the upper school failing to intervene when other boys bullied him and played a game with a racially abusive name that involved throwing whatever they could at the back of his head. The teacher 'would just stand at the front continuing to write on the blackboard and would occasionally turn round with a grin'.[689] In the same class, pupils would run and hit 'Eric' when the teacher was not looking.

'Eric' had the same first name as a well-known Indian cricketer and it was assumed that he could therefore play cricket:

> The next nickname they gave me was [the name of the cricketer]. I was terrible at cricket and couldn't hit the ball. Then, the name calling changed from that to calling me 'wog' or 'black boy' or 'jam boy' … There was a … Pakistani boy who was older than me, but he was fine as he was in First XI cricket. There was an Indian boy who arrived later on in my year … who was really overweight and got dog's abuse. I can remember maybe half a dozen boys of colour in the school.[690]

'Spiro', whose father was from the Far East and whose mother was Scottish, was clear that racism existed within the school:

> It was common among the boys to say things like 'Don't be Jewish.' There were a couple of boys who were Jewish, so it wasn't nice for them … There was a lot of name calling and racist comments and in some cases actual aggression from some of the pupils and the teachers.[691]

'There was a lot of name calling and racist comments.'

'David' (IBR) also remembered a West Indian boy who was treated poorly when he did not live up to expectations either at cricket or academically, though he also said that there 'were two Africans at the school … but they were treated well so there was an imbalance in the way that they treated people culturally. There was a real lack of supervision and discipline where the teachers allowed boys to be unruly.'[692]

An example of such woeful behaviour came from 'Henry'. He described how a boy of colour was verbally abused, along with the response:

> There was a chap, he was a boarder … and he was a prefect and [another boy] had gone up to him – and … called him [the N word] to his face and [the prefect] understandably had reacted, and the school sanctioned him on his final day of school by formally removing his ephorship, his prefect, rather than punishing [the other boy] for calling him [the N word].[693]

Homophobia

Homophobia at the Academy may only have directly affected a small number of boys but its damaging impact cannot be overstated. 'Andrew' (IBO) was already vulnerable

688 Written statement of 'Victoria' (former pupil, 198x–9x), at WIT-1-000001553, p.22, paragraph 75.
689 Written statement of 'Eric' (former pupil, 197x–8x), at WIT-1-000001541, pp.26–7, paragraph 112.
690 Written statement of 'Eric' (former pupil, 197x–8x), at WIT-1-000001541, p.18, paragraphs 78–9.
691 Written statement of 'Spiro' (former pupil, 198x–x), at WIT-1-000001529, p.10, paragraph 41.
692 Transcript, day 363: read-in statement of 'David' (IBR) (former pupil, 198x–x), at TRN-8-000000079, p.192.
693 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, pp.58–9.

but homophobia made his experience much worse:

> I was a soft target. I was small for my age, a bit effeminate. I was everything they weren't. They would call me by my nickname, and that morphed into a gay slur that then went into homophobic bullying. I experienced physical and emotional bullying for the next six years. Those were the worst years of my life … I am sure the teachers knew what was going on. My class teachers would see the behaviour of the boys. They would have been aware of the shouting and the homophobic abuse. It would have been overheard by them in the classroom or playground and then I would have thought that they would have seen my behaviour change.[694]

His marks dropped, but that too went unnoticed.

The abuse and lack of support, together with the development of his own sexuality, made life even more difficult:

> Confidences shared with other boys were turned against me. I couldn't talk to my parents about the bullying because it was about homophobia and me discovering my sexuality. There was no support around that at that time. It wasn't even legal in Scotland then. It was a very difficult time because I felt shame. I didn't want to be who I was. I wanted to be different and I couldn't be. I used to come home and make nooses and put plastic bags over my head and would imagine what it would be like to snuff my life out. I probably didn't plan it, but I was experimenting and ideating about suicide. I never told anyone about it. There are too many instances of bullying to mention. It was constant. Each time it was like a blade that had been sunk into me.[695]

The impact persisted after school:

> My feelings of shame stemmed from my feelings I felt at school because of my sexuality and the abuse I got. When a boy is homophobicly abused over seven years, as that person you are going to feel ashamed. You become internally homophobic. You hate yourself. I do have emotional flashbacks nearly every day and I know what they are. It may be something that has been said or I hear on the radio or a thought comes into my mind. I might be standing in the kitchen, I will go quiet and my partner will ask if I'm okay. I know how to deal with it now. To breathe and learn how to control the moment. I get quite emotional thinking about the things that happened and so I have to remind myself I'm safe, I'm not at risk now. I suffer panic attacks when pressure is overwhelming. This happens due to my inability to regulate my emotions. It's triggering due to my emotional dysregulation … It's been the fear that has dominated me throughout all of my life. Living in fear, hiding and surviving.[696]

Impact

The impact of the abuse experienced by pupils at the Academy is detailed in the individual accounts of applicants, both in the evidence provided during the hearings and in the written statements provided thereafter. What follows is inevitably a brief selection to give a sense of some of the themes raised.

Nicky Campbell summed up what he saw as the impact this way:

694 Transcript, day 363: read-in statement of 'Andrew' (IBO) (former pupil, 196x–7x), at TRN-8-000000079, pp.18–19.
695 Transcript, day 363: read-in statement of 'Andrew' (IBO) (former pupil, 196x–7x), at TRN-8-000000079, p.20.
696 Transcript, day 363: read-in statement of 'Andrew' (IBO) (former pupil, 196x–7x), at TRN-8-000000079, pp.25–6.

> The knock-on effect of this in all our lives has been horrendous. What it did to us, what it made us into, how we behaved, how we hated ourselves, how we hated each other and how we've dealt with the most important things in life. So please understand. That's all we ask.[697]

A constant has been how the abuse of the past, some going back well over half a century, remains fresh and impactful on the lives of so many applicants. For example, 'Sam's' (IDU) vivid recollection of that summer's day in the 1960s when boys produced a castration knife and chased him is still understandably chilling for him. So are the accounts from 'Victoria' and her family describing the Academy experience of her brother in the late 1980s and early 1990s, for whom the impact of school, along with subsequent events, continued to have a profound effect on his life until his death in 2023. He was never free of it and, like so many others, his mental health was damaged in the process.

For some the impact has been lifelong. 'John's' experience coloured the rest of his life, despite ostensible success, including a scholarship to Cambridge University. As he said, 'this picture of outward success was far from the whole story'.[698]

> Going to school became an absolute nightmare for me until the day I left. I was being ground to bits inwardly, and I had to force myself to go in because I knew exactly what I would be encountering. While the people involved and the nature of the name calling changed over time, I became hyper-sensitive to any perceived rejection, whether to do with spots or anything else that someone might regard as an imperfection. This wasn't just confined to what peers or more senior boys might say or do. Every boy at school, regardless of age, became a potential threat … Inevitably there were times when I felt suicidal … I was also scared, as many kids would be, that my parents would think the situation was somehow my fault. I have been living with the effects of all this for 50 years and I'm still working through them.[699]

'Inevitably there were times when I felt suicidal.'

He expanded on that:

> For a long time, my experience at school left me unable to trust anyone over anything remotely important … I only very recently realised that my first subconscious thoughts in many situations have often been: Am I going to get hurt? Who can protect me? Am I safe? This script has been playing in the background for 50 years. In almost every situation where I could possibly be vulnerable or get hurt, I realise I have been protecting myself by maintaining a kind of emotional armoured shell where any negative emotion gets blocked out. It's all driven by a basic sense of insecurity and terror of being humiliated or rejected. It's exhausting to sustain this.[700]

Some have tried to minimise or deny what happened at the Academy by saying that such behaviour simply reflected a time when school life was harsher and toughness acceptable. That is nonsense, as 'Stephen's' evidence demonstrated. Abused at the hands of John Brownlee and bullied to the extent that he lived in fear much of the time, 'Stephen' moved to Glenalmond College, aged 12, for the rest of his education where it was like 'chalk and cheese'.[701] Whilst he had been beaten twice in

697 Transcript, day 364: Nicky Campbell (former pupil, 1966–78), at TRN-8-000000080, p.63.
698 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.17, paragraph 71.
699 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.16, paragraph 67.
700 Written statement of 'John' (former pupil, 196x–8x), at WIT-1-000001425, p.20, paragraph 82.
701 Transcript, day 358: 'Stephen' (former pupil, 1976-80), at TRN-8-000000073, p.157.

his first week at the Academy and many times thereafter, he was only beaten twice in seven years at Glenalmond and in circumstances where he accepted 'they were both my fault, absolutely' and that teachers 'were there to not just, you know, beat you up, they are actually there to advise you'.[702] His experience of 'the relationship between the pupil and the teacher at Glenalmond was completely different'[703] from his experience at the Academy. He then served 18 years in the army, across the world, and saw and experienced many dreadful things. He was, at the time of giving evidence, receiving treatment for PTSD due partly to his childhood experiences at the Academy. His frank comments explain clearly how the emotional abuse at the Academy has had an impact on his life:

> I have been suffering from PTSD for a while … from my military experiences. Nightmares, stuff like that. So I went and saw a therapist … I have been seeing her for over a year and a half now. And … dealing with the combat stress, the experiences from the military, trying to get through these – the stuck points that … I had created about what was wrong … I think initially I had about 13 or 14, and we managed to knock out about eight or nine of them, and then there are some that are very much, as she said, my core beliefs. And it is exactly at that point that my sister sent me Nicky Campbell's podcast … I listened to the podcast, and I thought: 'Oh, hang on a minute' … I sent the podcast to the therapist, and I said: 'I think we need to unpack this'. So … a year later, we are still dealing with that. And we realised that a lot of my PTSD is based around my core beliefs that were formed in those four years that I was at Edinburgh Academy.[704]

He recognises that much of the PTSD comes from his years in the army but that some 'definitely comes back to my childhood. I am a bad person, constantly being told I am a bad person. I deserve to be hurt … That is exactly the core belief I am talking about.'[705]

Like 'Stephen', Neil Douglas managed to put aside his trauma for years, having initially 'drowned out the school'[706] with alcohol in his first year at university. However, problems resurfaced in 2001 when his mental health broke down:

> [It] had come about because I was leading teams of people who remembered their childhood happily and we were working away from home and we would be out for dinner in the evening and the conversation … would be talking about the school days and stuff like that. And I would just be sat there with nothing to contribute. I couldn't remember my childhood and school days at all. I had successfully blanked it out. And that just dropped me off the deep end that year.[707]

He sought medical help but also contemplated suicide. He then read an article by an actor about his experience at the Academy and wrote to the school because of the realisation that he too had been abused. The school's response was lamentable. However, at the time he accepted it and

> I kind of closed the box again [though] … I have dreamt about this abuse through my life but it's been packaged up in different ways. I've substituted other characters in, but apart from that there was no conscious thought about … I just put it away and it re-opened last year.[708]

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702 Transcript, day 358: 'Stephen' (former pupil, 1976-80), at TRN-8-000000073, p.158.
703 Transcript, day 358: 'Stephen' (former pupil, 1976-80), at TRN-8-000000073, p.158.
704 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, pp.160–1.
705 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, p.161.
706 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.103.
707 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, pp.104–5.
708 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.107.

The Academy allowed a pack mentality to persist for far too long.

The trigger was watching the lunchtime news with his wife 'and suddenly there is Nicky Campbell crying on TV … that was what opened it up and caused me to write' to the school again. The response in 2022 was better, and allowed Neil to meet with and ultimately 'applaud'[709] the current rector, Barry Welsh, for having the courage to sit through and listen to the evidence at hearings, and for apologising for the abuse. It was striking that Neil Douglas, despite the abuse he endured, had also reflected back to his own time when he said: 'To my shame … I remember joining in the taunting of one boy in particular … I don't want to excuse the behaviour. Explanation not excuse. Explanation would be I guess if you are part of the pack then you're not being singled out by it.'[710]

The Academy allowed that pack mentality, spoken about by so many former pupils, to persist for far too long.

709 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.118.

710 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.101.

8 Iain Wares

This section contains findings relevant to both The Edinburgh Academy and Fettes College. It is, accordingly, included in both sets of case study findings. The references made in this volume to the medical records of Iain Wares in relation to psychiatric treatment he received at the Royal Edinburgh Hospital (REH) were not possible at the time of the Fettes hearings. A request, on the instruction of Inquiry counsel in 2020, to recover any medical records from the NHS was unsuccessful; it was reported that the records could not be found and had been destroyed in accordance with NHS policy. The records did, however, subsequently come to light and were provided to SCAI in 2022.

Iain Wares is referred to as 'Edgar' in some of the evidence published by the Inquiry prior to 7 March 2023, the date on which I issued my decision regarding applications for permission to identify a 'protected person',[711] the effect of which was that he no longer had anonymity under my General Restriction Order[712] and could be identified thereafter.

Introduction

Iain Wares arrived in Edinburgh from his home in Cape Town, South Africa in 1967, aged 27. He had been working as a teacher at St George's Grammar School in Cape Town but had resigned from his post in April that year on account of incidents of what he referred to as 'playing around with small boys'.[713] In the course of the next 12 years of his teaching career in Scotland, and possibly much longer on his return to South Africa, the norm became that he was 'asked to leave' teaching jobs 'quietly'[714] on account of similar incidents. The headmaster of St George's had asked him if he had been 'interfering'[715] with children, he admitted having done so, and he resigned 'as one would have to do'.[716] He realised he had to leave: 'Once it started I couldn't stop it.'[717]

The incidents had, according to him, happened 'because the situation is easy. It's an easy outlet for someone quiet like me, an outlet for sexual urges.' In one incident a boy had taken his work to show to Wares and stood next to him, which he, Wares, found 'terribly difficult'.[718] He then put his hand on the child's leg, moved it upwards, and proceeded to touch his penis. He did something similar to another boy and it produced an erection. They were 'rather gross homosexual incidents – i/c young boys – either in class or boarding house'.[719]

711 Scottish Child Abuse Inquiry | GRO hearing - Chair's decision, 7 March 2023.
712 Scottish Child Abuse Inquiry | General Restriction Order.
713 PSS-000025893, p.2.
714 PSS-000025843, p.16.
715 PSS-000025893, p.2.
716 PSS-000025893, p.2.
717 PSS-000025893, p.2.
718 PSS-000025893, p.2.
719 PSS-000025894, p.3.

Wares had been aware of having these tendencies for a number of years.

Wares had been aware of having these tendencies for a number of years and was worried about the effect that what he referred to as 'his perversion' might have on his career.[720] That worry persisted and is referred to repeatedly in his medical records. Wares' use of the term 'gross' was apt; indeed, he himself realised how bad it was, as was captured in some of the REH notes at the time, such as the nursing note for 27 June 1975: 'Spoke of interview and of how it really brought it home to him how disgusting his conduct was when doctor made him literally spell out everything.'[721]

Referral to the Royal Edinburgh Hospital

A Cape Town neurologist referred Wares in 1967 to Dr (later Professor) Henry Walton, at REH. It was unusual for such a referral from abroad to occur.[722] Walton was South African, and the Cape Town neurologist, a friend of the family of Iain Wares, seems to have thought that Walton would be able to 'cure' him. Wares arrived in Edinburgh in the late spring of 1967 and was admitted to REH as an inpatient on 13 June under the care of Walton with an initial diagnosis of:

(1) Homosexuality (liking for young boys)
(2) Character disorder – dependent type.[723]

Walton was the consultant in charge of treating Iain Wares over a period of many years thereafter, ending in 1979. Whilst most of his treatment was on an outpatient basis, he was an inpatient for a couple of months in 1967 and again for a similar length of time in 1975 when the initial diagnosis, as recorded in his medical records, was:

(1) Acute alcoholism
(2) Homosexuality (paedophilia)
(3) Passive dependent personality disorder.[724]

Four years later, in 1979, when last treated in Scotland, the diagnosis was in exactly the same terms.[725] There is ample other evidence in Wares' medical records of the treatment failing to 'cure' him. On the contrary, many entries record that he remained strongly attracted to young boys and had ongoing fantasies about them, whilst others show that he had real difficulty in managing anger when handling children. Nor do his alcohol problems seem to have been successfully addressed.

During the years he lived in Edinburgh, Iain Wares was employed as a teacher at two boarding schools. One was the Academy, between 1968 and 1973. The other was Fettes College, between 1973 and 1979. When he 'started work as a school teacher at the Academy, his problems began again with 8–9 year olds'.[726] These 'problems' persisted. Wares sexually and physically abused many boys in the course of his employment at those two schools before returning to South Africa at the end of 1979.

720 PSS-000025893, pp.2–7.
721 PSS-000025842, p.36.
722 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.62.
723 PSS-000025903, p.4.
724 PSS-000025905, p.5.
725 PSS-000025843, p.10.
726 PSS-000025905, p.1.

Professor Henry Walton

Henry Walton (born 1924) qualified as MD in South Africa in 1954 and moved to the UK in 1956. He had become a consultant at REH by 1967. That was also the year in which he was appointed professor of psychiatry at Edinburgh University. He retained that Chair until 1986. Walton died in 2012, aged 88. He was a prominent figure in Edinburgh academia for 50 years, strong in self-belief and a man whose word other doctors knew not to challenge.[727] He was regarded as formidable in Edinburgh society, and he had a passion for art.

> The drinking exacerbated Wares' lack of inhibitions in relation to his conduct towards boys.

In the 1960s and 1970s REH was seen as prestigious and was regarded as a desirable place to train as a psychiatrist. Walton's role covered general psychiatry but he also had particular interests in psychotherapy and the treatment of alcohol dependency. He was the consultant in charge of ward 1, a ward that mainly cared for patients suffering from anorexia nervosa. Wares did not suffer from anorexia but his records show that he did have a persistent alcohol problem in addition to his predilection for young boys. The alcohol problem was attributed to anxiety and tension arising from his 'persistent feelings of sexual attraction to the boys at his school',[728] but the drinking exacerbated his lack of inhibitions in relation to his conduct towards boys. His excessive drinking led to other trouble as well, such as when, in about February 1975, he fell and injured his face in the street and, on another occasion, nearly set fire to his house.[729]

'Frances' spent six months working as a registrar on ward 1 during Wares' second admission to REH, in 1975. She described Walton in these terms:

> He was an interesting and controversial man, who had a great interest and knowledge in a number of things including psychotherapy and was passionate about spreading that way of looking at things. He was also very passionate about training and trainees and how to advance medical education. He was very cultured and in that sense progressive, avant-garde, and so therefore he was a bit unusual as well as being foreign, but he also was very domineering and he did not seem to have doubts about himself or the ideas he was talking about.[730]

She also described him as 'opinionated and powerful', and as not having 'any doubts [or] reservations about the medical advice he would dispense'.[731] She explained: 'I gradually realised that what he was talking about wasn't up to date and particularly valid because I was interested enough to read other things. And second, because of experience I had, which showed that he wasn't really interested in listening to other people and taking things on board.'[732]

Regarding the views of others, Walton ignored both Wares' GP and his wife when they said they thought he (Walton) was being 'utterly irresponsible' in 'allowing Iain to teach' as there was bound to be 'trouble', adhering

727 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, pp.63 and 71–2.
728 PSS-000025924, p.7.
729 PSS-000025924, p.9.
730 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.63.
731 Written statement of 'Frances' (retired consultant psychiatrist), at WIT-1-000005559, p.10, paragraph 42.
732 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.67.

instead to his own view that Wares 'should not give up teaching unless he is thrown out'[733] and that he was 'quite clear that he feels Iain should continue teaching'.[734] That was despite Walton knowing of the persistence of Wares' predilection for young boys, of his alcohol problems, and of his tendency to anger and loss of temper in relation to children.

Astonishingly, Walton wrote to an adoption agency in June 1973 in support of Wares' and his wife's application to adopt a child.[735] It was one of a number of Walton's decisions in relation to Wares that were described by 'Robert', a psychiatrist who also treated Wares at REH when he was a registrar, as 'bizarre'.[736] Further, whilst in his letter supporting the adoption Walton had stated that Wares had got into trouble in South Africa for having made 'a' (i.e. a single) pass at a boy, he remained silent regarding Wares' admitted sexual abuse of other children at the school in Cape Town, his continuing sexual attraction to boys, and his alcohol problems. Walton, in that letter, expressed the view that Wares was thoroughly responsible, of the highest principles, and would be an admirable parent. That letter was wholly lacking in candour. It is appalling that a professional in Walton's position wrote in those terms. It is plain that, for him, the interests of children did not figure in his thinking even when what was at stake were the interests of children who might be placed with Iain Wares and his wife for adoption. I was not at all surprised that 'Robert' described the position he adopted in the letter as 'bizarre'. In due course, Wares and his wife adopted a child, a girl. By 1975 Wares had, in the course of treatment, stated he was 'apprehensive about possible sexual feelings for when she is older'.[737]

It is appalling that a professional in Walton's position wrote in those terms.

Walton was a consultant who would 'talk about things but … did not change his own views'.[738] 'Frances' said Walton was clear in his opinion that 'having paedophilic tendencies could actually make you a good teacher' and 'misused some psychoanalytic theory to justify that',[739] the result of which was that Wares was encouraged to return to teaching',[740] an approach that was taken without any consideration being given to child protection at all. The interests of and need to protect the boys who were exposed to Wares' perverted appetites do not appear to have featured in Walton's decision-making, nor in his instructions to the other psychiatrists in his team who were junior to him, required to follow his direction and work to his instructions, and were participating in Wares' treatment.

Nor did Walton take account of the interests of 'Frances' in relation to Wares, when the need arose. She found Wares' behaviour frightening. She was still in her 20s and described his conduct towards her as 'sexualised'.[741] She said that her 'appearance kept coming up and up and up, and to him that was more like a prostitute or that I wanted

733 PSS-000025879, p.2.
734 PSS-000025879, p.7.
735 PSS-000025924, pp.5–6.
736 Transcript, day 364: 'Robert' (retired consultant psychiatrist), at TRN-8-000000080, p.172.
737 PSS-000025905, p.2.
738 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.69.
739 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.81.
740 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.82.
741 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.85.

him or something like that'.[742] She felt out of her depth, she was 'frightened', she was 'disturbed', and she 'hated it'.[743] Worried that she might have done something to provoke this and wanting advice on whether she should alter her appearance by, for instance, dressing differently, she sought help from Walton. Far from recognising her distress and the interests of his registrar, he ticked her off and said 'no way should I do anything different'.[744] He saw Wares' treatment of her as 'excellent' because it meant Wares 'had at last shown a greater interest in women'.[745] He ignored her concerns, and, all these years later, 'Frances', when giving evidence about working with Walton and the exchanges between them, was visibly distressed by the memory.

'Frances' said that Wares' treatment under Walton's care did not work. It did not prevent child abuse and it 'might have made it worse by … appearing to condone it'.[746] Nothing in his REH records gainsays that.

Professor Walton and The Edinburgh Academy

Wares was discharged from inpatient care on 30 September 1967, but, as his medical records note, 'The future as regards sexual development is uncertain.'[747] He spent the next year at Moray House teacher training college studying for and gaining a diploma in education which qualified him to teach in Scotland. He continued to be treated under Walton's care, as an outpatient. Wares was employed as a teacher by the Academy through, according to his medical notes, 'family connections',[748] from the start of the autumn session in 1968 where he began to abuse again. As was clearly stated in his REH records,

> on one occasion he was threatened by one of the boys' father and he wrote to say it would not happen again. As the incidents and his fantasies continued, his self-esteem dwindled. His shame was even greater after he got married … he became more and more ashamed of his fantasies during intercourse which were solely about boys and holding their penises.[749]

Wares' feelings for boys continued to be noted in his records. It seems clear that such feelings never changed, given the consistent accounts of ongoing abuse from applicants throughout the period. It is not known what happened to the records in relation to his treatment during those years as the records recovered by the Inquiry stop in 1969 and do not resume until 1975. That is despite Wares having continued to be an outpatient during the intervening period.

At the time Wares took up employment at the Academy and thereafter until he left the school at the end of the summer term in 1973, it is clear that Walton and his team were well aware that his predilections for young boys persisted; Wares had even, as referred to above, disclosed that the father of a boy at the Academy had threatened him because of his conduct.[750] At no time, however, was it suggested to him that he should stop working as a teacher. On the contrary, he was firmly encouraged to continue doing so.

742 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.87.
743 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.87.
744 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.88.
745 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, pp.87–8.
746 Transcript, day 367: 'Frances' (retired consultant psychiatrist), at TRN-8-000000083, p.100.
747 PSS-000025903, p.7.
748 PSS-000025936, p.24.
749 PSS-000025905, p.1. See also PSS-000025936, p.34.
750 PSS-000025905, p.1.

Iain Wares was plainly a significant risk to children but not only was no report made to anyone of the risk he presented, there is also no evidence of Walton – who was the decision-maker in relation to Wares' treatment throughout the time he was a patient of REH – having had regard to that risk at all. I accept that systems for child protection had not become established in the way they have in modern psychiatric practice,[751] but it is very hard to accept that there was no basis on which, in the circumstances, Walton ought not to have considered it; the risk to children presented by Wares was glaringly obvious. Wares' GP was also aware and thought it was 'utterly irresponsible'[752] to let him teach. His paedophilic conduct could have been reported to the authorities, including the police, social work, and the schools. It wasn't. Wares could have been told that he needed to stop working with children. He wasn't. Wares could have been warned that if he did not voluntarily stop working with children, his conduct would have to be reported. He wasn't. And his conduct was not reported to the authorities until it was too late to prevent the abuse of many pupils.

The risk to children presented by Wares was glaringly obvious.

The applicant 'James' (ICI), a pupil at the Academy who was repeatedly sexually abused by Wares, told his mother about it in the early 1970s after she noticed something was wrong with him. 'James' (ICI), when giving evidence, described how he would be called to Wares' desk to have his work looked at, and that Wares' hand would then go to his shorts:

> Either up into the shorts or down through the top … To put it graphically, he would roll back your foreskin and he would then palpate your penis, touch your penis. He would look for your testicles, he would go all around your groin, and then he would start to masturbate you.[753]

This happened repeatedly throughout that year and not just to 'James' (ICI). Wares had favourites. The following year 'James' (ICI) was indecently assaulted by Wares in a shower in the rugby changing rooms. It certainly happened on one occasion, and possibly on another occasion as well. He was the only child there at the time:

> He approached me from behind. He pressed my body towards his. I noticed that his groin was touching my back at some level, probably quite high up, and this time with both hands he was in a position to fondle my genitals and touch my penis … with his arms around, holding me into him … I would say he was aroused.[754]

His mother then went to the rector, H.H. Mills, and told 'James' (ICI), at the time, about the meeting. Mills and another member of staff told her it was not in her interests to take the matter further and suggested her son had an over-fertile imagination.[755] 'James' (ICI) remembers his mother was distraught but believes she left it there as she 'had concerns that if she made trouble for the school there would be more trouble made for me'.[756] That fear of making matters worse was a powerful and all too common disincentive amongst both parents and children not only across schools in the boarding schools case study but in relation to complaints of abuse in

751 For child protection aspects of modern psychiatric practice, see the evidence of Dr Andrew Watson (consultant psychiatrist): Transcript, day 365: Dr Andrew Watson (consultant psychiatrist), at TRN-8-000000081, pp.101–2.

752 PSS-000025879, p.2.

753 Transcript, day 357: 'James' (ICI) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000072, p.23.

754 Transcript, day 357: 'James' (ICI) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000072, p.30.

755 Transcript, day 357: 'James' (ICI) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000072, p.42.

756 Transcript, day 357: 'James' (ICI) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000072, p.43.

other institutions within the Inquiry's Terms of Reference. Its prevalence made it all too easy for schools and other institutions to disregard complaints of abuse.

One former member of Academy senior staff, Tony Cook, who arrived after Wares had moved to Fettes, on being told of 'James's' (ICI) account, observed: 'I can well imagine that happening … [the rector] didn't like to get involved in personal altercations.'[757] H.H. Mills was, according to Colin Turner, another teacher, a rector who would 'tend to just brush it aside' if any concerns about individual pupils were taken to him.[758] Norman Jack, a teacher in the Prep School, was convinced that whilst any head of the Prep School would have investigated, had he known, he could not speak for the rector. In his view, if that was indeed the response of the rector, it 'was an absolutely shocking response'.[759]

It is hard to conclude with certainty what either school would have done if it had learnt from Walton or any member of his team about Wares' ongoing predilections. It is, however, clear what they should have done – the interests of the children for whom the school was responsible should have been prioritised and that would have meant suspending Wares, reporting him, and instituting disciplinary procedures. To do otherwise would have been irresponsible and worthy of Norman Jack's condemnation: namely, it would have been shocking.

Dr Andrew Watson, Associate Medical Director for Psychiatry in NHS Lothian at the time he gave evidence, was supplied with Wares' medical records and asked to provide written answers to questions including 'Are you surprised at the absence of consideration given to child protection?' His answer was:

> Yes. The lack of consideration of disclosure of what Mr Wares (and others) was reporting to have happened is very surprising. Indeed, the efforts to support Mr Wares to train and work as a teacher of young children and to adopt a child suggest that the consideration of the risk that Mr Wares posed to children was not part of the formulation of the issues in any meaningful way.[760]

He thought it 'striking'[761] that there was very limited discussion of the risks Wares posed to young children. He had the impression that Walton and the treating doctors held Wares in 'remarkably high esteem' and that they were 'at best naive', and he was 'concerned' that they did not take account of the fact that Wares may not have given them a full report of his activities.[762] In his written report, one of the questions he addressed was: 'What are your views on allowing an admitted and active paedophile to start teacher training whilst still an inpatient, and then to see him move into a school whilst admitting ongoing fantasies about, and then physical contact with, pupils?' His answer was: 'This should not have happened.'[763] Of course it shouldn't.

757 Written statement of Tony Cook (former pupil, 1951–61, and former teacher, 1975–2003, The Edinburgh Academy), at WIT-1-000001315, p.28, paragraph 103.

758 Transcript, day 366: Colin Turner (former teacher, The Edinburgh Academy, 1958–82), at TRN-8-000000082, p.21.

759 Transcript, day 365: read-in statement of Norman Jack (former teacher, The Edinburgh Academy, 1965–2000), at TRN-8-000000081, p.177.

760 Report of Dr Andrew Watson, 14 August 2023, at NHS-000000011.

761 Report of Dr Andrew Watson, 14 August 2023, at NHS-000000011.

762 Transcript, day 365: Dr Andrew Watson (consultant psychiatrist), at TRN-8-000000081, p.99.

763 Report of Dr Andrew Watson, 14 August 2023, at NHS-000000011, p.7.

Dr Watson was struck by 'the profound impact on the victims and survivors that Mr Wares' persistent paedophilia has had, across a range of settings', referring to it as 'deeply moving' and observing that there would be 'important learning to be made from the vital work the Inquiry is doing to prevent similar issues occurring again in future'.[764] I understood him to mean, in particular, learning for his own profession.

Wares' departure from The Edinburgh Academy

At some point in 1973, Kim Wolfe Murray, having been sexually abused by Wares, reported it to his parents.[765] They, in turn, went to the school and reported it to the rector. Shortly after that, Wares secured a post at Fettes and left the Academy at the end of the summer term (June 1973). The next edition of *The Edinburgh Academy Chronicle* praised, where, in truth, condemnation and shame for the school having retained him in its employment, despite parents having complained about him, would have been more appropriate:

> Mr IGD Wares left at the end of the Summer Term to join the staff of the Junior School at Fettes. Iain Wares has been Class Master at Inverleith since he came to the Academy five years ago. Mr Wares' skill and enthusiasm on the Games field, where he did a great and signal service to the School's sport generally, will be very much missed. We wish Iain and his wife, Rosemary, every happiness and success in their new surroundings.[766]

Further, in a speech at the end-of-year Exhibition and Prizegiving in 1973, the Prep School headmaster said:

> One Master leaves us from Inverleith at the end of the Session – Iain Wares, Classmaster of VIc(w) and Master in charge of Cricket and a first-class XI. He has also been an inspiring, skilful, enthusiastic instructor in Rugby, Hockey and Squash – not to say in Mathematics and other academic affairs. Iain Wares, after five years here at the Prep, wishes to gain new and different experience at other schools. So he wisely begins by settling for our friendly neighbour, Fettes. We wish him and his wife, Rosemary, every happiness and success in their new surroundings – not too far away, thankfully.[767]

As well as the repeated violent and sexual abuse within his own classroom, by the time Wares left the Academy there had also been an incident at a morning assembly, some time after 1971, referred to in the written statement of 'Robert', when Wares had 'lost the head'[768] with a pupil and began beating him. Wares also had a habit of standing behind boys in the changing rooms before rugby and pressing close into their bodies whilst putting his hands down their shorts 'in plain sight' such that 'teachers must have known'.[769] He became known by many of the boys at the Academy as 'Weirdo Wares'. 'Andrew' (IHA), who was abused by him in the early 1970s, said: 'He was always Weirdo. That was also inherited from older boys, so obviously his behaviour had sort of in some sense gone before him.'[770]

764 Report of Dr Andrew Watson, 14 August 2023, at NHS-000000011, pp.1–2.

765 Written statement of Kim Wolfe Murray (former pupil, The Edinburgh Academy, 1972–9), at WIT-1-000001370, p.9, paragraph 32.

766 *The Edinburgh Academy Chronicle*, September 1973, p.283.

767 *The Edinburgh Academy Chronicle*, September 1973, p.286.

768 Transcript, day 359: read-in statement of 'Robert' (former pupil, The Edinburgh Academy, 197x–x), at TRN-8-000000075, p.189.

769 Transcript, day 359: read-in statement of 'Callum' (former pupil, The Edinburgh Academy, 196x–8x), at TRN-8-000000075, p.201.

770 Transcript, day 357: 'Andrew' (IHA) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000072, p.85.

I infer that Wares' departure from the Academy was related to the school's knowledge that he was abusing children.

I infer that Wares' departure from the Academy was related to the school's knowledge that he was abusing children. He made no reference to his continuing attraction to and abuse of boys when he told Walton – in a letter dated 16 May 1973 – that he would be leaving the Academy at the end of that term and moving to the new Fettes Junior School,[771] but that is, in all the circumstances, hardly surprising. However, while most Academy staff who were there at the same time as Wares denied any knowledge of his conduct, one former Junior School teacher said that:

> When Mr Wares did leave Edinburgh Academy the deputy head at the time, Mr John Brownlee, spoke to all the staff to explain what the situation had been. That abuse had taken place. That was after Mr Wares had left and it all came out after he left. I'm sure that would all have been recorded by the school, but I don't recall there being any change in policy at the school.[772]

And when James Burnet, whose employment as the Prep School headmaster commenced in September 1973 (after Wares' departure), was briefed about past members of staff, nothing was said to him about Wares having abused children or having left 'under a cloud'.[773]

Wares and references

At some point during the summer of 1973, the headmaster of the Academy Prep School provided Fettes with an excellent reference for Wares. SCAI sought to recover any document containing such a reference but the Academy was unable to provide one. Whilst no documentary reference was recovered from the Academy, 'Michael', headmaster of Fettes Junior School, was clear that he received an 'excellent' reference and that 'there was no mention [in it] of Wares being dismissed from St George's School in South Africa, nor of his inappropriate touching or fondling of pupils at The Edinburgh Academy'.[774] I infer that Fettes received either a written reference or a verbal one or both from the Academy.

Had the Academy disclosed that Wares had abused children whilst in its employment or, at the very least, refrained from providing the excellent reference that it did, it seems highly unlikely that Fettes would have employed him, and many pupils who were abused by him there would not have suffered as they did. The position regarding the Academy's reference for Wares was rehearsed in a letter from 'Michael', dated 8 February 1979, to 'Cameron' – the person who was due to succeed Anthony Chenevix-Trench as overall headmaster of Fettes. He wrote: 'In 1968–73 when at the Academy, he apparently – all of this I have learnt since he came here – had problems of loss of temper and occasional fondling of boys. The Academy were apparently unaware of it and he had an excellent reference.'[775]

The fondling – or, to put it more accurately, the sexual abuse – was not just 'occasional'. Whilst 'Michael' believed that the Academy was not

771 PSS-000025924, p.4.

772 Transcript, day 365: read-in statement of Norman Jack (former teacher, The Edinburgh Academy, 1965–2000), at TRN-8-000000081, p.178.

773 Written statement of James Burnet (former Prep School headmaster, The Edinburgh Academy, 1973–87), at WIT-1-000001568, p.9, paragraph 54.

774 Written statement of 'Michael' (former teacher, Fettes College, 1970–83), at WIT-1-000000427, p.7, paragraph 25.

775 Fettes College, Letter, 8 February 1979, at FET-000000048, p.2.

aware of Wares abusing children there, it is clear that they must have had – or certainly ought to have had – concerns about him. Complaints by parents about children being abused had been made to the school and incidents occurred in plain sight – to use 'Callum's' expression – as referred to above. Further, Wares did, as a matter of fact, abuse Academy pupils.

Incidents occurred in plain sight.

One teacher, Norman Jack, heard it being discussed but did not take any action. Whilst, with hindsight, he accepts he should have reported it to the deputy head of the junior school, he did not do so. He

> overheard junior boys from the Prep School, who were aged about 10, talking about Mr Wares, who they named. They said he put his hands under the trousers of boys. I did hear that. They were talking about it among themselves and I got the impression they were talking about him doing that to other boys, not to them. It was a group of young boys who were talking to one another outside my class. I felt it was inappropriate for me to intervene and discuss it further with them, as they were not making a report to me. You did hear the boys talking about things in class or outside the class or in the yard. Boys talked about sex and relationships and things like homosexuality all the time, and I didn't know then what I know now about Mr Wares. With hindsight I know I should have gone to the deputy head with that information, but at the time I just didn't pursue it.[776]

The Academy reference, was, however, silent on the matter, and it appears that Wares did not volunteer any information about it to Fettes prior to securing his job there.

'Michael's' letter of 8 February 1979 also sets out that Wares' history of fondling boys and loss of temper, both at the Academy and in South Africa, where he had been dismissed, all 'emerged in 1975 when a parent of a boy at Fettes Junior School informed me that her son had been fondled by Iain' and 'We' (i.e. he and Chenevix-Trench) 'decided that Iain must leave'.[777]

'Michael' was not thereafter prepared to write a reference recommending Wares as suitable to work with school pupils. He confined himself to recommending him for a job in 'the world of commerce and industry'.[778]

Anthony Chenevix-Trench, the headmaster of Fettes, was, however, prepared to write a very positive reference for Wares dated 9 January 1979 in response to a request from the Clifton Preparatory School in Durban, South Africa.[779] It appears likely, as 'Michael' thought, that Chenevix-Trench was not, at that time, aware that another, recent, incident of abuse had been reported. However, there can be no doubt that Chenevix-Trench knew that Wares had abused boys at schools in Scotland and South Africa. Worse still, when asked by Wares for references in June 1979, Chenevix-Trench replied: 'Of course I will write you an open reference for South African employers and do what I can to help about Gordonstoun, if they get in touch with me.'[780] Gordonstoun did send a letter requesting a reference on 15 June 1979 after Wares had applied for two posts, expressing interest especially 'in the teaching of mathematics to the less able'[781] but it was

776 Transcript, day 365: read-in statement of Norman Jack (former teacher, The Edinburgh Academy, 1965–2000), at TRN-8-000000081, pp.181–2.

777 Fettes College, Letter, 8 February 1979, at FET-000000048, pp.2–3.

778 Fettes College, Letter, 8 February 1979, at FET-000000048, p.10.

779 Fettes College, Letter, 8 February 1979, at FET-000000048, pp.20–1.

780 Fettes College, Letter to Iain Wares, 20 June 1979, at FET-000000048, p.25.

781 Fettes College, Letter from Gordonstoun, 15 June 1979, at FET-000000048, p.8.

not replied to, as Chenevix-Trench died on 21 June 1979.

He should never have given Wares a positive reference; it is impossible to resist the inference that, despite what it meant in terms of risks to other children, it would have suited him to pass the problem of Wares to another school, whether far away or close to home.

Professor Walton and Fettes College

Wares took up employment as a teacher in Fettes' newly established junior school in 1973. He continued to abuse boys sexually and physically. He was again admitted to REH as an inpatient on 6 June 1975 and remained there until 8 August 1975 on account of his drinking very heavily and being 'troubled again by increased feelings related to his sexual deviations'.[782] The head of the Fettes Junior School ('Michael') and Fettes headmaster Anthony Chenevix-Trench had become aware of the situation. 'Frank's' mother had made a complaint, and they had resolved that Wares had to go. They were, however, persuaded by Walton to retain him in the school's employment. Walton had 'pleaded with us to keep him on' as, if he could be released for the above inpatient treatment, Wares 'would be quite cured'.[783]

It is striking, however, that, in a letter to Wares dated 6 October 1975, Walton did not express the same confidence as he had done to the school. He stated: 'I do not expect everything to go well: sadly, it never does.'[784] Walton's prediction was correct; by November 1975, not only was Wares' drinking problematic again but he had 'been running into increasing difficulty because of a sexual attraction to his pupils which he occasionally acted out on by touching their genitals',[785] and by December 1975 Chenevix-Trench had given him notice he would be dismissed with effect at the end of the school year.[786] However, as a result of Walton speaking to Chenevix-Trench twice on the phone at some points prior to 4 February 1976, the headmaster then agreed to remove the dismissal notice and undertook to keep Wares in the employment of Fettes.[787]

The parent who had complained about Wares was herself a GP. When 'Michael' told her that they were accepting Walton's opinion that Wares could be cured and would not be terminating his employment, she expressed scepticism. Her firm opinion was that he would not change.[788]

The medical notes from that period also highlight a number of revealing factors. In December 1975, even Wares himself, at a time when his wife, relatives – including an uncle who was a consultant paediatrician in Edinburgh – and GP[789] were all trying to persuade Walton to stop him from teaching, said: 'Fantasies are the same as before. Always will be. No teaching might be the answer.'[790] Yet Walton did not listen, and missed a golden opportunity to stop the abuse. It confirms that, as 'Frances' said, he was not interested in listening to others.

It is also of note that in an interview on 22 December 1975 Wares told medical staff that the school wanted him 'to go at

782 PSS-000025887, p.1.
783 Fettes College, Letter, 8 February 1979, at FET-000000048, p.2.
784 PSS-000025927, p.7.
785 PSS-000025927, p.9.
786 PSS-000025927, p.10.
787 PSS-000025927, p.11.
788 Transcript, day 254: read-in statement of 'Michael' (former teacher, Fettes College, 1970–83), at TRN-8-000000047, p.68.
789 PSS-000025879, p.7.
790 PSS-000025879, p.3.

the end of the summer because of two complaints. 1 losing his temper 2 being over affectionate … Headmaster has similar problems – alcoholism and suggestion of paedophilia.'[791] This makes clear, as do other references in 'Michael's' evidence, that Wares' loss of temper was a known issue and that Fettes staff believed Chenevix-Trench to have similar tendencies.

By the start of the Lent term, in January 1979, 'Michael' had learnt of another complaint about Wares fondling boys. A decision to terminate his employment was made again and he was encouraged to seek alternative employment but, surprisingly, was permitted to remain in post until December 1979. The reason for this is set out in minutes of a board meeting of 19 March 1979. They are disturbing on a number of levels. In the first instance, both 'Michael' and Chenevix-Trench appear to have downplayed what they knew about Wares. There was reference to only one incident of abuse having occurred in South Africa but Wares had already admitted to having abused on multiple occasions. His having abused at the Academy was not shared, the instances of abuse at Fettes were minimised, and his ongoing loss of temper was not mentioned. Instead, what was at the forefront of the minds of both headmasters was the difficulty of finding a replacement quickly. The minutes record:

> 'Michael' reported that it had been necessary for Mr I.G.D. Wares to be asked to leave because of a complaint from a parent concerning an indiscretion with her son. The headmaster also spoke to this matter. There had, unfortunately, been a history of such behaviour. Since Mr Wares had come to Fettes, it had been discovered that there had been an incident in South Africa, which is believed to have been of a serious nature. There had been one previous very minor incident at Fettes following which Mr Wares had undergone psychiatric treatment from Professor Walton in whose opinion he had been cured. There had then followed three exemplary years during which Mr Wares had proved himself to be an excellent teacher and a very good man in every other way.
>
> The latest incident complained of was of a very minor nature and had not been sufficient to cause any disturbance to the boy concerned. Mr Wares is at present under medical supervision, and in the view of both the headmaster and 'Michael', there is no real risk of any further incident occurring. The fact that Mr Wares was under medical care, and the opinions expressed by the headmaster and 'Michael' as to the improbability of future repetitions, satisfied Dr Muir that there was no present necessity to ask Mr Wares to leave.
>
> The main question was when Mr Wares should leave. The headmaster and 'Michael' stated that the administrative problem of replacing Mr Wares in the middle of a year would be less if he were to leave at the end of the winter term 1979 than if he were to leave at the end of the summer term. In all the circumstances, but not without some hesitation, the governors decided that Mr Wares should be allowed to stay until the end of the winter term 1979. In reaching that decision, the governors made it clear that he would be dismissed instantly if there was a further complaint of however minor a nature. The mother of the boy concerned had told 'Michael' that she was happy to leave the matter entirely in the hands of the governors, in the knowledge that Mr Wares was again under medical supervision.[792]

One might well have asked: what about the consistent history of sexual abuse of children? What about the children who would continue to be at risk from him? But the response from Chenevix-Trench and 'Michael' would

791 PSS-000025879, p.6.

792 Fettes College, Minutes of meeting of The Governors of the Fettes Trust, 19 March 1979, at FET-000000019.

I find that [Wares] continued to abuse boys from the time he began teaching at the Academy and throughout his employment there.

evidently have been a resounding silence. The need to protect children was not prioritised and the board, despite its concerns, proceeded on inaccurate and deliberately misleading information.

Had the school not given way to Walton's persuasion at the beginning of 1976, Wares would not have been able to abuse the Fettes pupils who were in fact subject to his indecent sexual conduct over a period of nearly five years. When 'Michael' wrote his letter of 8 February 1979, he, even then, realised that they 'had been foolish to listen to'[793] Walton.

The scale of Wares' abuse of boys

Twenty-two applicants provided evidence to the Inquiry of having been abused by Wares whilst pupils at the Academy, and a further three applicants witnessed his abuse of others. Ten applicants provided evidence of having been abused by Wares whilst at Fettes. I am certain there will have been many more who were abused at each school. The evidence I heard and accepted from boys who watched him abuse multiple classmates together with that of his uncontrollable predilections makes this very clear.

Further, and contrary to the evidence from 'Michael' that Wares' behaviour seemed to be better after treatment in 1975 and that he was watched very carefully thereafter, I find that he continued to abuse boys from the time he began teaching at the Academy and throughout his employment there and at Fettes.

Wares' sexual abuse of boys

As previously noted, Wares' medical history includes the following description:

> When he started working as a school teacher at the Academy his problems began again with 8 to 9 year olds. Usually he kept his thoughts to himself but on occasions he would put his hand on a boy's knee and for a brief time fondle his penis which would give him particular pleasure if it was erect. He never masturbated a boy and only attempted touching those that he knew very well.[794]

That was an example of what must have been Iain Wares providing only selective information. Further, it is clear from the totality of Wares' medical records that his propensity to sexually abuse children never left him. He never stopped. The evidence of applicants about what happened to boys, all of which I accept, indicates his abusive behaviour was extensive and involved multiple children. As 'James' (ICW), a pupil of Wares in the late 1960s, said, he could see boys standing beside the teacher's desk and watched Wares' hand go into their shorts.[795] It lasted 'about four or five minutes. It would be about the correct time if you had been asked to go up to explain something, or have something marked.'[796]

'James' (ICW) thought it happened to most boys, and the behaviour was discussed by the pupils. However, it did not happen to him or to any of his friends. 'Initially we thought there was something wrong with us and it came to a

793 Fettes College, Letter, 8 February 1979, at FET-000000048, p.2.

794 PSS-000025905, p.1.

795 Transcript, day 357: 'James' (ICW) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000072, p.132.

796 Transcript, day 357: 'James' (ICW) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000072, p.133.

point when the abuse was being mentioned, like at break times, et cetera, it came to a point where we both said, yes, that happened to us … because we felt a wee bit left out.'[797]

'James' (ICW) was prepubescent at the time but, when the other boys talked, 'some of them who I would have thought must have been beginning to reach the early stages of puberty, and I can remember phrases like "Oh, it felt nice, I felt warm." And it is a pretty horrific thing to think of – that's their first sexual experience.'[798] On reflection, 'James' (ICW) suspects he was ignored by Wares because his father was a consultant paediatrician.

'He would run his hand up the inside of your trouser leg and fondle your genitals.'

For the many who were abused by Wares at the Academy, it was a regular occurrence. 'David' (FYE) said:

> He would get you to stand up at his desk on the pretext of checking your work and he would run his hand up the inside of your trouser leg and fondle your genitals. It was always boys in short trousers. He did this in front of everybody. This went on for the year I was there. It was a frequent, sometimes daily event over the full time I was there.[799]

Neil Douglas was taught by Wares from 1972 to 1973, which for both of them was their last year in the Academy's Junior School: 'I have this memory of Wares representing himself as being in some way a father figure or my dad. And so the punishment would be because I'd been naughty and then the comforting, I guess, is how he presented the sexualised abuse … the comforting afterwards. Or related.'[800]

Neil tried to work slowly in maths to avoid being marked at Wares' desk, but without success.[801] Instead, he would be called up and Wares

> would put his – if you stood too far away he would put his hand on your thigh to pull you in, if you stood too close then he could just get his hand up your shorts anyway and I have memory of him – I have memory of him – it's hard to say the words – I have memory of him fingering my anus and fiddling with my testicles and playing with my penis and getting an erection out of me … This is equally hard to say. The sensations were pleasant sensations, but then the human body is designed for those to be pleasant sensations, so I remember you had to hold your jotter on the desk and I remember staring at the jotter, because he was supposedly marking it while this was going on with his hand … It's taken me a long time to admit that the sensations were pleasant sensations … That was always in the context of being the nice father comforting the child type thing. That's where – the perverted memory of that.[802]

Neil has no memory of such behaviour ever ceasing during that year. For him it was normal.[803]

Wares immediately repeated his abuse on arrival at Fettes. 'Max' joined the junior school at the same time and was taught by Wares,

797 Transcript, day 357: 'James' (ICW) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000072, p.134.
798 Transcript, day 357: 'James' (ICW) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000072, pp.134–5.
799 Transcript, day 358: read-in statement of 'David' (FYE) (former pupil, The Edinburgh Academy, 197x–x), at TRN-8-000000073, p.59.
800 Transcript, day 364: Neil Douglas (former pupil, The Edinburgh Academy, 1967–79), at TRN-8-000000080, p.79.
801 Transcript, day 364: Neil Douglas (former pupil, The Edinburgh Academy, 1967–79), at TRN-8-000000080, p.82.
802 Transcript, day 364: Neil Douglas (former pupil, The Edinburgh Academy, 1967–79), at TRN-8-000000080, pp.84–5.
803 Transcript, day 364: Neil Douglas (former pupil, The Edinburgh Academy, 1967–79), at TRN-8-000000080, p.86.

who within a couple of weeks was calling boys forward to his desk where he would

> pull you in … [the shorts] were quite wide in the legs, so he could get his hand very easily up onto the inside of your leg. He started off by playing with the hair on your legs and rubbing it in his finger between I think his thumb and forefinger. If you tried to back off or move, he'd twist it and pulled, which was quite painful. Gradually over time his hand went further up to the point where he could touch your underwear, and then the hand changed to his right hand because you could feel his elbow, and then he – and he would insert one of his fingers between the elastic on your underpants and, in my case, hunt for a pubic hair. I didn't have many at that age, but he would manage to find them and he would do the same and at the same time caressing my testicle.[804]

'Khalil', who was at Fettes from 1972 until 1978, described a teacher in the junior school who abused boys using the same *modus operandi* as a man 'who was the whitest person I have ever seen in my life', who had 'white hair, white skin and his eyelashes were white' but whose name he did not recall. His description fits Iain Wares and I infer, in all the circumstances, that he was indeed referring to Wares. He said the man had 'a certain arrogance', walking with 'a certain air about him where he always sucked the power out of everything around him … and when he wasn't like that he was angry'.[805] 'Khalil' described witnessing him abusing another boy:

> The first time I witnessed him abusing was not when he was abusing me, it was somebody else. He called the student up to his desk because he couldn't read well. The student would be standing up and he is sitting down. He would be pointing with a smirk on his face and he would put his hand up the student's shorts. At first you can't really tell what he is doing because the desk is between you and him. I remember the boy's reaction. He started crying and yet the teacher would continue, he wouldn't stop.[806]

He subsequently witnessed him perpetrating similar abuse on other boys on a number of occasions.

'Khalil' was abused by him twice:

> It happened to me twice early in my stay at Fettes and by the time it did happen to me, I understood what it was that he was doing. He was not only putting his hand up my shorts but he was groping my genitals and basically squeezing them. The first time it happened to me I couldn't breathe. I was shocked and didn't know what to do … I basically jerked back and he pinched the inside of my thigh. He continued to squeeze my genitals and all the time he had this rage in him that I could feel. He had this smirk like he was feeding off the power of children. After I started crying hysterically he let me go … The second time I moved and he grabbed me by the hair and yanked it with such violence that I think I fell down on the floor. I stood up and I was so afraid but I had no choice but to stand up and he continued what he was doing. I think at some point I just started quivering … The fact that it happened the first time was shocking but the second time was even more shocking … The way that he dominated us if we resisted became aggressive.[807]

For 'Ben', who was in Wares' class in 1974/5, sexual abuse was a regular occurrence. He saw it happening to others – to, he thought, about 50 per cent of the class: 'You could tell by boys' reactions what was happening, and

804 Transcript, day 252: 'Max' (former pupil, Fettes College, 1973–80), at TRN-8-000000045, p.34.
805 Written statement of 'Khalil' (former pupil, Fettes College, 1972–8), at WIT-1-000000998, p.20, paragraph 87.
806 Written statement of 'Khalil' (former pupil, Fettes College, 1972–8), at WIT-1-000000998, p.20, paragraph 87.
807 Written statement of 'Khalil' (former pupil, Fettes College, 1972–8), at WIT-1-000000998 p.20, paragraph 88.

on occasion, yes, you would see a hand going up the shorts.'[808] He remembered

> one boy who was probably the most mature in the class. This must have been perhaps the first time that Wares did this to him and he – he leapt back in kind of horror at what was being done to him, and Wares' reaction to that was to kind of exclaim: 'What, don't you like it?', the implication being that you should like it and that there was maybe something wrong with this boy because he didn't like it.[809]

He was abused by Wares two or three times per week. More than once, it included a finger or thumb being inserted into his anus. 'Maybe four or five times. That was – that was mortifying. Absolutely mortifying. And I even remember on occasion, I think it's in my statement, he kind of leaned over and whispered to me that I had a – a dirty bottom.'[810]

That the abuse did not stop after Wares received medical treatment in 1975 is clear from the evidence of George Scott and 'Rory'. George Scott was sexually abused – 'it was reasonably frequent but sporadic'[811] – and badly physically abused by Wares. On joining the school midway through the academic year in January 1977 he was warned about both types of behaviour by his new classmates.[812] When referred to the letter written by 'Michael' to headmaster Cameron Cochrane in February 1979 which suggested that the parental complaint in January that year was 'one blot on a copybook otherwise clean since the original disaster'[813] he replied: 'I'm in disbelief that this was written. And I … it's just absolutely not the … this continued throughout – in 77. I could speak for 1977, maybe into 1978, and regular outbursts, what happened to me.'[814]

'He had a rage in him.'

'Rory' would have been able to say the same. Like 'Khalil', his evidence about Wares concerned both sexual abuse and physical abuse stemming from an inner rage. He thought Wares

> was an odd individual because he had a rage in him. His head would go very red and he would shake and shout and pull your hair, throw board dusters at you or bang your head on the table. He did that to me and to other boys in the class. It was like he flipped into a different person. He used to always have his hands in his pockets when he was watching the kids at break time. He used to take me into the boot room and talk dirty to me. I don't remember the first time but that happened frequently, during most maths lessons and during breaks. He would also encourage me to talk dirty back to him. The chat was in the boot room and sometimes in the playground, but I never saw him take anyone else into the boot room. That was fairly regular for me, right through my time in junior school.
>
> At the age of 10 or 11, when a person in authority does that, it was unusual, it was exciting, because you didn't normally get that from a teacher. I didn't know then what I know now, of course, but you didn't think it was wrong, you thought it was good. He would talk about body parts and ejaculation and be all smutty and dirty. He would get particularly

808 Transcript, day 252: 'Ben' (former pupil, Fettes College, 1974–6; The Edinburgh Academy, 197x–8x), at TRN-8-000000045, p.93.
809 Transcript, day 252: 'Ben' (former pupil, Fettes College, 1974–6; The Edinburgh Academy, 197x–8x), at TRN-8-000000045, p.94.
810 Transcript, day 252: 'Ben' (former pupil, Fettes College, 1974–6; The Edinburgh Academy, 197x–8x), at TRN-8-000000045, p.98.
811 Transcript, day 253: George Scott (former pupil, Fettes College, 1977–83), at TRN-8-000000046 p.88.
812 Transcript, day 253: George Scott (former pupil, Fettes College, 1977–83), at TRN-8-000000046, p.89.
813 Fettes College, Letter, 8 February 1979, at FET-000000048, p.2.
814 Transcript, day 253: George Scott (former pupil, Fettes College, 1977–83), at TRN-8-000000046, p.103.

> excited about ejaculation, but I don't remember him actually touching me in the boot room, I only ever remember him doing that in the classroom, where there were lots of witnesses.
>
> I know boys knew what he was doing. I know I wasn't the only one, as he did it to tons of boys. He would call you up to his desk and as you were getting your book signed he would put his hand up inside your shorts, inside your pants and play with your willie and stuff. You would maybe be at his desk for about two minutes or so, and then he would tell you to go back and sit down. I saw him do that all the time, with lots and lots of boys.
>
> I don't know whether you were aware it was wrong, because at the time you didn't think it was a bad thing. It didn't feel wrong, but when you knew it was wrong, it was too late. Nobody ever discussed it but you could see him doing it to other boys.
>
> I can't remember when it first started, but it went on for a long time. It definitely started when I was a day pupil and it went on right through my time at junior school, every time there was a maths lesson.[815]

'Rory' was in the junior school until 1979.

Wares' deviant interest in young boys had subsisted for years and was ever present and profound.

It is plain that Wares' deviant interest in young boys had subsisted for years and was ever present and profound. It never left him when he was teaching in Edinburgh and was in his mind, if not his actions, for much of the time. He would take any opportunity that was presented to him. The most obvious example, outside the classroom, was at sports sessions, in which he was heavily involved. Many applicants spoke to such behaviour.

'James' (CCD) recalled that after he had forgotten his shorts for sports, he was sent to see Wares, albeit with a warning from another pupil to 'watch him'.[816] He went on:

> I went to Mr Wares. I was dressed but didn't have my shorts on under my tracksuit. I told him this. It was so quick, but he seemed to want to turn it into a joke. He put his hand down my tracksuit trousers and rubbed his hand against my groin. My recollection is that [when] this happened outside the classrooms there may or may not have been other boys around.[817]

In addition to 'James's' (CCD) experience in the changing room, 'Ben' also remembered that:

> After games practice I always tried not to be the last person left in the showers or in the changing room so as to avoid being on my own with Iain Wares. He always hung around the shower rooms after games. I am not sure why but it ended up that I was the last person to leave so I was alone with him. I know that I was sexually abused by Iain Wares on this occasion but something is blocking me from accessing what actually happened. It is locked in my head and I am unable to unlock it just now.[818]

A different 'James' (KHL) remembers his own experience:

815 Transcript, day 254: read-in statement of 'Rory' (former pupil, Fettes College, 1976–84), at TRN-8-000000047, pp.25–6.

816 Transcript, day 358: read-in statement of 'James' (CCD) (former pupil, The Edinburgh Academy, 196x–7x; Fettes College, 1975–8), at TRN-8-000000073, p.165.

817 Transcript, day 358: read-in statement of 'James' (CCD) (former pupil, The Edinburgh Academy, 196x–7x; Fettes College, 1975–8), at TRN-8-000000073, p.165.

818 Transcript, day 358: read-in statement of 'Ben' (former pupil, Fettes College, 1974–6; The Edinburgh Academy, 197x–8x), at TRN-8-000000073, pp.171–2.

'I saw Wares peering through the windows of the changing room, watching boys getting changed.'

> My worst experience with him was in the changing rooms at Arboretum after rugby training. It happened at the end of my time at junior school, just before I went to Senior School. I was about 11 years old. I was one of the last ones there and the last one to go into the showers. Wares was there, as he often was. He got undressed and came into the showers. He stood behind me and rubbed soap over my back, my legs and my bum. I could hear a heavy breathing noise behind me. I ran out of the shower.[819]

'David' (FYE) described 'being really uncomfortable, getting dressed after a shower. Mr Wares was just walking around … and looking. I remember thinking that I had to get dressed and [get] out of there quick.'[820] 'Max' said that Wares 'would linger at the entrance to the shower area so that he didn't get wet … [looking at] naked boys'.[821]

'Callum' was taught rugby by Wares and

> he would get us all in the changing rooms to explain the rules of the game. What he would do was stand behind me or another child and press in close to one's body and at the same time put his hands down our shorts and have a feel. All the while talking about the game. It was a regular thing and a normal occurrence … I don't think it was a secret as it was done in plain sight and teachers must have known.[822]

He added that Wares 'would also get us all when we were naked in the showers and flick us with a towel. That was really painful.'[823]

Nicky Campbell recalled the towel flicking too, and also remembered that on one occasion, in a changing room in the pavilion on Kinnear Road, Wares was

> leaning over the back of my friend and I guess masturbating him, so my friend is about – nine or ten, I think. And I remember my friend laughing and giggling … but obviously I just – you know that sort of uncomfortable 'Stop it, stop it, stop it, no'. That sort of thing. And I remember Wares smiling, like, it's a game, it's a game. And I remember my friend … sort of moving away and Wares following him, just – you know walking across playing with his penis.[824]

'Munro', who was abused by Wares both sexually and physically whilst a pupil at the Academy's Junior School, visited Fettes and met Wares again in the late 1970s:

> I was about 17 and in the upper school. I was at an athletics match at Fettes when I saw Wares peering through the windows of the changing room, watching boys getting changed. Another lad … and I chased after him, but by the time we got outside he had disappeared.[825]

819 Transcript, day 365: read-in statement of 'James' (KHL) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000081, pp.121–2.

820 Transcript, day 358: read-in statement of 'David' (FYE) (former pupil, The Edinburgh Academy, 197x–x), at TRN-8-000000073, p.61.

821 Transcript, day 252: 'Max' (former pupil, Fettes College, 1973–80), at TRN-8-000000045, pp.41–2.

822 Transcript, day 359: read-in statement of 'Callum' (former pupil, The Edinburgh Academy, 196x–8x), at TRN-8-000000075, p.201.

823 Transcript, day 359: read-in statement of 'Callum' (former pupil, The Edinburgh Academy, 196x–8x), at TRN-8-000000075, p.202.

824 Transcript, day 364: Nicky Campbell (former pupil, The Edinburgh Academy, 1966–78), at TRN-8-000000080, p.24.

825 Written statement of 'Munro' (former pupil, The Edinburgh Academy, 196x–8x), at WIT-1-000001392, p.13, paragraph 68.

Violence

The medical notes of the REH in 1975 describe Iain Wares as 'a feared monster for he often gets angry and sometimes loses his temper and hits boys'.[826]

That statement accurately noted that he had a propensity to anger but it failed to capture the levels of violence and loss of temper which were characteristic of the man. In the same way, 'Michael's' evidence that 'after his summer of treatment in 1975 … [Wares] became a much calmer person'[827] is extremely hard to reconcile with the evidence of those who, as children, regularly experienced his terrifying fury.

Applicants from both schools described a man who was capable of exploding into violence without warning and whose face would turn purple with rage. One of his colleagues described him as 'always firm, even hard, or at least brittle. He lived on a short fuse. He took no nonsense from pupils and the telling off he gave was always quite severe. His tone was severe, but in my experience not abusive.'[828]

Applicants described a man who was capable of exploding into violence without warning.

Those who were taught by Wares witnessed more of his behaviour, experiencing a classroom atmosphere characterised by cruelty and intimidation where abusive punishments were meted out. 'Alexander', who was a pupil at the Academy, said:

> I knew he wasn't a pleasant character. He would also use subtle and not so subtle forms of intimidation on the pupils in his care. He would throw the blackboard duster at people. It was dangerous if it met its target. It was a heavy block of wood. He would 'brand' pupils who did not please him with a piece of chalk. It was not physically harmful, but seems to have been part of his way of exerting his power and intimidating the pupils. I think he was probably quite a cruel person.[829]

Wares conducted himself in a similar fashion at Fettes, as 'Frank' explained:

> He was very violent towards the boys, would lose his temper very easily, he would throw the blackboard duster at any of the boys who he thought had transgressed. He would grind the blackboard duster into the head of pupils, cover them in chalk. It was very painful. He was a good cricketer so he did these things with accuracy in terms of throwing … all of us, that's 18 boys, were hit by the blackboard duster at one time or another.[830]

Hair pulling was also a regular form of abuse employed by Wares, as 'David' (FYE) explained:

> When you got an answer wrong or Mr Wares thought you should be doing better, he had this other thing he used to do which was to come up to you, grab your sideburns and gradually lift you up until you were standing on your desk. Then you would be standing on your tiptoes being held up by your sideburns. It was fairly uncomfortable and it added to the feeling of him being in charge.[831]

826 PSS-000025851, p.3.

827 Written statement of 'Michael' (former teacher, Fettes College, 1970–83), at WIT-1-000000427, p.8, paragraph 30.

828 Transcript, day 254: read-in statement of Andrew Mineyko (former teacher, Fettes College, 1975–80), at TRN-8-000000047, p.51.

829 Transcript, day 357: read-in statement of 'Alexander' (former pupil, The Edinburgh Academy, 196x –7x), at TRN-8-000000072, pp.188–9.

830 Transcript, day 253: 'Frank' (former pupil, Fettes College, 1975–81), at TRN-8-000000046, p.26.

831 Transcript, day 358: read-in statement of 'David' (FYE) (former pupil, The Edinburgh Academy, 197x–x), at TRN-8-000000073, p.60.

'I've never seen a man with such a temper and I've seen a lot of tempers.'

At the Academy, Wares used a clacken to beat boys, which he did with ferocity. 'Sam' (IKA) said: 'His face would go bright red, like, almost beetroot, and it was such a contrast between his blonde hair and his red face that he looked almost like something out of a pantomime. It was just not normal.'[832] 'Andrew' (IDL) recalled being beaten by Wares six times on the thigh for being found in a corridor.[833] 'Charlie' said he was an angry man who belted him on the wrist and also used a clacken on his thigh.[834]

The degree to which he lost his temper was marked. 'Max', a former policeman, said of Wares:

> I've never seen a man with such a temper and I've seen a lot of tempers … He went purple, and I mean purple, and he would grab boys by the hair, literally by the hair and throw them against the – in the changing room in particular … wood panelling … He did it in the classroom, our classroom, and at the last moment must have realised that it wasn't plasterboard, it was concrete, and in a flash he pulled back and threw him right across the room. I forget who that individual was.[835]

Both 'Ben' and 'Frank' remembered such behaviour, and the particular abuse of a boy called 'Raymond'. 'Ben', whose first impressions of Wares had been that he was a 'nice, quiet, supportive'[836] man, got a quite different impression of him within a short time:

> I cannot remember what the circumstances were that kicked it off but Iain Wares flew into a rage with one of the boys in the class. This was the first time I saw him in full flight. It was a small classroom full of boys. His face was puce coloured, his eyes were bulging, and he was screaming at this boy. He grabbed him by the hair and violently shook his head vigorously, resulting in the boy's head getting bashed off the desk. In the classroom Iain Wares regularly had outbursts of anger and rage like this. He grabbed boys by the hair and shook their heads. He would hit heads off the desk. It regularly happened to 'Raymond'. He had been shaken so much that he had a bald patch on the back of his head where his hair had been pulled out. I, like a lot of the boys, used to sit and look straight ahead in fear that you were … [the] next victim. It made you afraid to speak to him because you were frightened you would say the wrong thing and upset him. It happened to me on several occasions where Iain Wares pulled my hair and thumped my head off the desk and a couple of times I was thrown around the room. I saw this happening to quite a few boys in the classroom. I am surprised that none of the boys injured their necks because of the force Iain Wares used.[837]

Regarding his treatment of 'Raymond', 'Frank' explained that Wares 'got very angry with him and [on] one occasion he grabbed "Raymond's" hair and picked him up. I recall hearing the hair tearing from the scalp. I think that Wares did get into trouble for this.'[838]

832 Transcript, day 361: 'Sam' (IKA) (former pupil, The Edinburgh Academy, 196x–8x), at TRN-8-000000077, p.124.

833 Transcript, day 362: 'Andrew' (IDL) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000078, p.77.

834 Transcript, day 363: read-in statement of 'Charlie' (former pupil, The Edinburgh Academy, 196x–8x), at TRN-8-000000079, p.41.

835 Transcript, day 252: 'Max' (former pupil, Fettes College, 1973–80), at TRN-8-000000045, pp.42–3.

836 Transcript, day 358: read-in statement of 'Ben' (former pupil, Fettes College, 1974–6; The Edinburgh Academy, 197x–8x), at TRN-8-000000073, p.168.

837 Transcript, day 358: read-in statement of 'Ben' (former pupil, Fettes College, 1974–6; The Edinburgh Academy, 197x–8x), at TRN-8-000000073, pp.168–9.

838 Written statement of 'Frank' (former pupil, Fettes College, 1975–81), at WIT.001.003.0151, p.7, paragraph 29.

'Ben' continued:

> There was one time when all of the boys from the junior school were at assembly before lessons began when Iain Wares attacked … 'Raymond' … I can't remember why but it might have been something stupid like … 'Raymond's' shoes weren't polished properly. It must have been just before assembly actually started and he grabbed … 'Raymond' by the hair, dragged him about, and threw him against walls. He picked him off the ground then dropped him. All the time Iain Wares was screaming and shouting at him. I felt absolutely terrified when this was going on.[839]

'Ben' remembered two other teachers having to intervene. Both were contacted by the Inquiry and 'Ben's' evidence shared with them. One did not recall the event but the other replied:

> A former pupil's allegation of a physical assault that I intervened to stop stirs a faint memory. I'm not sure that … I had to wrestle Iain Wares off the victim, but that in general the incident did happen. I cannot believe that the matter was so physical that we had to wrestle Wares off the victim. I think it's more likely that we caused Wares to calm down and stop shouting at the pupil. If there had been a physical incident like that, I would have recalled it.[840]

However, school records confirm that Wares did assault 'Raymond', pulling his hair. They also reveal that when 'Raymond's' father removed all three of his sons from Fettes, he complained to Chenevix-Trench in September 1975: 'To sum up, we are surprised that there should be any misunderstanding; our youngest son was assaulted by a master, and in spite of your assurance hair pulling has started again.'[841]

Chenevix-Trench, in reply, did not dispute that such behaviour had happened before, but wrote:

> About the alleged recurrence of hair pulling … I presume you have written to his Headmaster, 'Michael', giving chapter and verse as far as possible. If not you should do, and send me a copy. Naturally, I shall then investigate; until then I must, on justice to all, keep an open mind.[842]

From the exchange, it seems plain that 'Frank' was correct in saying that Wares got into trouble. 'Michael' maintained he had never been aware of the hair pulling and was horrified to hear of it, saying he should have been informed.[843] The abusive treatment suffered by 'Raymond' and the way in which it was handled is another example of the inadequacy and failure of Chenevix-Trench's leadership. His was a poor appointment, he proved to be unsuited to the role of headmaster, and he was not called to account at all.

A cruel abuser

Cruelty featured in the abuse perpetrated by Iain Wares, whether it was violent or sexual or both. 'Frank' felt that Wares became more confident in his behaviour as time passed, particularly as

> I had reached puberty sort of more quickly, I think, and that I made him … more interested in me personally … it's basically like the fondling was almost like grooming and by the

839 Transcript, day 358: read-in statement of 'Ben' (former pupil, Fettes College, 1974–6; The Edinburgh Academy, 197x–8x), at TRN-8-000000073, pp.169–70.

840 Transcript, day 254: read-in statement of Andrew Mineyko (former teacher, Fettes College, 1975–80), at TRN-8-000000047, p.52.

841 Fettes College, Letter to headmaster, 8 September 1975, at FET-000000318, p.1.

842 Fettes College, Letter to headmaster, 8 September 1975, at FET-000000318, p.1.

843 Transcript, day 254: read-in statement of 'Michael' (former teacher, Fettes College, 1970–83), at TRN-8-000000047, p.65.

time I got into second year, he was fully putting his hands inside my shorts and molesting me sexually.[844]

'By the time I got into second year, he was fully putting his hands inside my shorts and molesting me sexually.'

On one occasion, he said,

> the class had emptied and he asked me to stay behind because I had been up going through the jotter and the bell had gone before he'd finished it, so he initially sort of went through the bits on the maths jotter which he hadn't covered and then as I got up to leave, he shoved me into the doorframe and inserted his hand down the back of my shorts in a rather violent manner. This all happened in a matter of seconds, he literally slammed my face into the wall and put his hands down my shorts and he was muttering something inaudible in my ear, and then you could hear through the door people in the corridor moving about and suddenly he pulled away from it and basically went back to his desk … I've always reckoned that there's been an element of part of him wanted to get caught about this because it was so open, you know. Something in his make-up was wanting to – the frisson of danger of what he was doing. So that happened. But as I say, he did stick his finger up my anus briefly, whipped it out. It was painful, maybe two fingers, really painful.[845]

George Scott had a similar experience in October 1977. In the classroom Wares suddenly dragged him backwards off a chair by the scruff of the neck and pulled him out of the classroom to a games changing area where he laid into him, slapping, punching, shaking, and shouting at him:

> And I don't know whether I actually blanked out, blacked out, lost consciousness. It just – the last thing I remember was him taking some kind of – I think it would have been a plimsoll or possibly a rugby boot because they would be lying about on the floor and bashing me around the torso with it.[846]

George Scott thought it was so bad he reported it to 'Michael' 'who gave a look that was almost like him rolling his eyes and he said he'd have a word with Wares'.[847]

'Andrew' (IHA) dreaded being punished by Wares:

> I have a very clear memory of growing fear during the day, knowing that was coming at the end of school. So, in other words, you have been in a class, you were told that you were to come back, and sort of almost knowing full well that something was going to happen in that period, and that was a really, really horrible feeling. And the best way I can describe it is that again it is this very strange thing, you are at a pre-sexual age, but when you are put over someone's – put over someone's knee and, you know, your shorts are down, so you are in this incredibly vulnerable position, and then everything takes too long. So you sort of don't know what's happening, because you don't know what predatory sexual behaviour is, but what's happening takes too long. That's the only way I can describe it. It felt very, very uncomfortable. And then afterwards was this – because you are in close range to this person, and afterwards was that sense of looking – and I can remember looking up and looking into this teacher's face, and seeing this strangest expression, this sort of almost like a sort of frog, like a sort of red face and bulging eyes … retrospectively … it is clear that the person has become sexually aroused and is either

844 Transcript, day 253: 'Frank' (former pupil, Fettes College, 1975–81), at TRN-8-000000046, p.31.
845 Transcript, day 253: 'Frank' (former pupil, Fettes College, 1975–81), at TRN-8-000000046, pp.33–4.
846 Transcript, day 253: George Scott (former pupil, Fettes College, 1977–83), at TRN-8-000000046, p.97.
847 Transcript, day 253: George Scott (former pupil, Fettes College, 1977–83), at TRN-8-000000046, p.100.

> pleasuring themselves or has become excited through the act of doing this to you. It is just – it is not the sort of memory you want to have, but it is there. And, yes, that's how I remember it.[848]

On occasion, Wares humiliated vulnerable pupils. 'Wilson' had been diagnosed as having dyslexia. His parents chose Fettes Junior School as an interim measure prior to his starting at George Watson's College, where a specialist dyslexia unit was established in about 1974. 'Wilson' remembers Iain Wares arriving at the school. He became 'Wilson's' form teacher and also taught him maths and Latin. 'Wilson' was warned by a boarder that he should never stay over at the school if Wares was involved.[849]

'Wilson' was sexually and physically abused, and his attempts to prevent Wares' fondling led to him being repeatedly humiliated:

> [He] was fully aware that I had issues with my reading and writing. To compound the embarrassment, he would have me go to the front of the class and have me try and read my homework and some of the questions to the rest of the class. I can remember that the first time I was standing there it was behind the desk beside his table, so the rest of the class could not see what he was doing. As I stood there he put his hands up the inside of my shorts and fondled me. I was really scared and did not know what to do to stop it. The next day I was so scared about being in his class that I deliberately soiled my underwear. When he told me to come back up to the front of the class he repeated the abuse, but this time he found I had dirtied myself and immediately pulled his hand back. As he did that he was shouting and yelling at me, his eyes bulging out, calling me a dirty boy. I realised that this seemed to be the only way to stop his abuse and as a result I soiled myself each day before going to his class. I was extremely embarrassed but had to try and protect myself. He also threw a book at me and most days he told me to read a passage to the class.[850]

'Wilson' did try to tell 'Michael' what Wares was doing but

> his response to me was that he was not believing me, and he said I had an over fertile imagination and what would my parents think of me saying those things about a teacher. He told me the school was trying to help me with my reading and writing, and I was risking this by coming forward. He put a great guilt trip on me. Although he said this I still had Wares as my form teacher but that was only for about fifteen minutes each day. I was taken out of all his other classes.[851]

His description of what happened was, in many ways, an echo of the responses of both schools, where there was a clear desire to minimise or deny what was taking place to focus on protection of school and reputation, and to pay little or no heed to the protection of children. It is of note that, on moving to another school as planned, he found the change positive for it was 'a completely different philosophy, more of a free atmosphere'.[852]

The impact of abuse by Wares

All who provided evidence of the abuse perpetrated by Iain Wares have, to some degree, suffered long-term adverse impact.

'Frank' has repeatedly reported Wares' abuse, and doing so has been difficult. He thought that Wares had left the school after he, 'Frank', had disclosed to his mother that Wares had

848 Transcript, day 357: 'Andrew' (IHA) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000072, pp.93–4.
849 Written statement of 'Wilson' (former pupil, Fettes College, 1971–4), at WIT-1-000001431, p.6, paragraph 31.
850 Written statement of 'Wilson' (former pupil, Fettes College, 1971–4), at WIT-1-000001431, p.6, paragraphs 28–9.
851 Written statement of 'Wilson' (former pupil, Fettes College, 1971–4), at WIT-1-000001431, p.7, paragraph 35.
852 Written statement of 'Wilson' (former pupil, Fettes College, 1971–4), at WIT-1-000001431, p.9, paragraph 45.

been abusing him which, had this been the case, would have been enough for him at that point. His perceptions, as an adult, of the way his mind was working at the time but also how, as he matured, he saw matters in a different light were highly instructive:

> It's going to make me sound really stupid, but I just don't … I didn't care because I was no longer getting molested by him. I was no longer afraid of him being there because I didn't have any dealings with him. So I didn't really care what happened to him at that point … As I say it's like this fog of adolescent hormones when you're at that age that none of this makes any sense and that people are – you ask about what effect this has had. It's the dawning realisation of what has occurred to you over a period of time. And also the way other people treat you as a result of that, too, that it – that I felt that my – I'd been violated, you know? But I didn't realise that at the time. I mean I used to stand there with his hand up my shorts and I giggle, nervously giggle because I didn't know what the hell was going on. Why's this teacher got his hand – I didn't understand what was going on, I didn't understand why he would want to do that. It just didn't make any sense.[853]

Responses to attempts to report Wares' conduct were often unhelpful. That was certainly true in 1975, when 'Frank' was still in the junior school and his mother had complained:

> As far as I know, the matter was pushed up the chain of command to Chenevix-Trench and it was Chenevix-Trench that more than likely had an oversight as to what actually happened to Wares. And I think that this … says something about the ineffectuality of 'Michael' in this situation … he felt he could not act without throwing it up the chain of command. And that it would be Chenevix-Trench's peculiarities which probably allowed [Wares] to get away with it.[854]

'Frank's' dealings with the police were better. He first reported the abuse in 2004 and

> it was all sociable and pleasant. The way that it was left was, as you are well aware, that I was under the impression that if he set foot in the UK, he would be arrested and charged, but the extradition proceedings from South Africa would be not straightforward. And because I was a lone voice, I didn't feel that I should push this.[855]

Understandably, 'Frank' became angry as the years passed; he re-reported to the police in 2005 and also contacted Fettes. That did not help and, as Michael Spens acknowledged in evidence, Fettes should have been more compassionate.[856] 'Frank' explained that he was invited to meet with the Chair of the Board:

> He announced to me that he would have another lawyer present and that if I wanted to, I could bring somebody along, but I didn't have the wherewithal to engage a lawyer … I honestly don't really know exactly what it was that I was going for. I just wanted the school to know that this had happened and to – to actually admit and take responsibility for their behaviour. Because I – I mean, it's indescribable, the way that they dealt with this … I think they thought I was going to hit them with some huge financial demand or something like that … that really wasn't what it was about. In point of fact, at the end of the conversation that we had with him, they asked us: 'So what do you want us to do?' in a rather kind of like, 'So, we've apologised to you, what do you want us to do now?' And I said to them at the time – my

853 Transcript, day 253: 'Frank' (former pupil, Fettes College, 1975–81), at TRN-8-000000046, p.42.
854 Transcript, day 253: 'Frank' (former pupil, Fettes College, 1975–81), at TRN-8-000000046, p.56.
855 Transcript, day 253: 'Frank' (former pupil, Fettes College, 1975–81), at TRN-8-000000046, p.45.
856 Transcript, day 259: Michael Spens (former headmaster, Fettes College, 1998–2017), at TRN-8-000000054, p.140.

> mother was a single parent and … she paid my way through Fettes on a GP's salary, and my sister had to be removed from [another school] in her final few years, even though she really liked it, because my mother couldn't afford both sets of fees, and that I said to Lord MacLean at the time that I thought it was only fair that my mother be reimbursed for her school fees for my time at the school because what she had paid for had not been delivered … at that point kind of there was a muttering between the two of them and they said: 'Right, well, we'll look into it', and I was shown the door. That was the end of the conversation and then subsequently I was contacted by their lawyer or insurer … Lord MacLean sort of like threw a kind of offhand 'On behalf of the school, we would like to extend to you an apology', but, I mean, it's pro forma; I mean, it's meaningless. He didn't do anything, you know? The school did not … implement any reforms that I can see … they didn't offer any real meaningful help. You know, they didn't do anything. And they threw out this apology. Well, whoop de do. It's meaningless to me.[857]

The Academy's response to complaints about Wares was as unsatisfactory. In August 2008 'James' (ICI), whose mother had complained unsuccessfully to the rector in the 1970s, told the deputy rector, David Standley, of Wares' abuse after reading an enthusiastic account he had written about his own career at the Academy.[858] David Standley replied sympathetically within days and suggested 'James' (ICI) contact the rector if matters were to be taken further. 'James' (ICI) replied, saying he would leave it there. David Standley then emailed the rector on 12 September 2008, saying: 'No further action needed, but suggest that we file the whole thing somewhere in case anything resurfaces.'[859] The rector did not, as he could have done, institute any investigation, and it is not clear why he failed to take the initiative there and then.

'James' (ICI) thought it another hopeless response from the school. As he said, so powerfully, at the close of his evidence:

> At the point where he received the information about Wares he faced a choice in that moment. He could acknowledge the fact that The Edinburgh Academy was a locus for something that was wrong and he could do something about it. Difficult enough, shameful enough, but he could do something about it. And if he had taken action, if he had chosen to go the right way, then the Academy and most of us here today wouldn't be here in this room, because so much would have been prevented from happening in the future. So, in that moment, when [the rector] said whatever he said to my mother and the words that he chose to use, he went from being neutral to complicit and the Academy has been in shame ever since that moment, and they have not moved yet beyond that point … when I read that the Academy has done this and done that to make sure that things like this could never happen again, that is all well and good, but they are only trying to catch up and be like a normal school and perform their normal duties of care to the children who go there.[860]

'Max' also made valid points about the failures of staff at the time, points that apply equally to both schools:

> People must have heard it, sir. I mean, you could hear through walls, you could hear upstairs. You know, there must have been 'What is he shouting at today?' You could hear people walking along the corridor, you could hear people walking along the corridor upstairs. In the summer, when the windows were all

857 Transcript, day 253: 'Frank' (former pupil, Fettes College, 1975–81), at TRN-8-000000046, pp.47–9.

858 The Edinburgh Academy, Email to deputy rector, 29 August 2008, at EDA-000000223.

859 Transcript, day 357: 'James' (ICI) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000072, p.54.

860 Transcript, day 357: 'James' (ICI) (former pupil, The Edinburgh Academy, 196x–7x), at TRN-8-000000072, pp.58–9.

> open, sound carries. So some one of the teachers must have heard and asked him what it was about or taken it further up that he was beginning to get out of order with his rants. He'd think nothing of throwing a book across the room either.[861]

Fettes' failures had a profound effect on 'Max'. He believes that they made him 'quite an aggressive person',[862] and that he remains so to this day. He is also burdened with a deep sense of guilt:

> I've carried it throughout my life, sir. I felt humiliated, I didn't know what to do. I'd been sexually abused. I joined the police. I had every opportunity to report it. And I was too embarrassed to or too selfish, I don't know which, probably both, a combination. I had a wife who was in the Family Unit, who could have assisted me. Most importantly, I failed in my oath that I'd protect the public, because I could have reported him and others wouldn't have been subjected to what obviously carried on. I can only apologise for that to the people.[863]

And the impact on him of Wares' abuse has had an adverse effect on his relationships with women and with his children:

> I couldn't interact with women … I didn't know how to deal with my children … That stems from Wares. I couldn't even bath my daughter after a certain age. I thought it was wrong. If … she said she needed to go to the toilet … I picked her up and … gave her to her mother, and said: 'She needs to go to the toilet', and she said: 'Oh, you should just have let her and just helped her pull up her pants and her nappy', and I said: 'No, I'm not prepared to do that'. I wasn't. I wasn't. I think that stems from Wares. The mere thought of it was … I couldn't do it.[864]

These are just some examples of the lasting impact of the repeated failures of Professor Walton and those in positions of responsibility at both the Academy and Fettes. Both schools failed dismally in their responsibilities. Children were not protected from a prolific abuser yet they could have been. Had complaints been listened to, taken seriously, and acted upon at the outset – as they could have been – many children would have been saved from dreadful abuse in the 1970s. The suffering they still endure, over 50 years later, in the 2020s, could all have been prevented.

Children were not protected from a prolific abuser yet they could have been.

Prosecution and extradition of Wares

'Frank' reported the abuse he suffered to the police in 2004. He did so again in 2005, as did another former pupil of Fettes. In turn, the police reported a case to the Crown Office in 2006, and a two-charge petition was prepared in April 2006. Six years later, in 2012, the decision was made to take no further action, therefore extradition was not sought.

Four more former pupils, from the Academy and Fettes, complained to the police between 2014 and 2016 about Wares' abuse. All the available material was considered by the Crown, and on 15 March 2017 a petition warrant containing seven charges (including charges of lewd, indecent, and libidinous practices or behaviour, and indecent assault) was granted. On 24 August 2018 the South African authorities were sent an extradition request which Wares challenged, including on the basis that four of the seven charges relied

861 Transcript, day 252: 'Max' (former pupil, Fettes College, 1973–80), at TRN-8-000000045, p.45.
862 Transcript, day 252: 'Max' (former pupil, Fettes College, 1973–80), at TRN-8-000000045, pp.47–8.
863 Transcript, day 252: 'Max' (former pupil, Fettes College, 1973–80), at TRN-8-000000045, p.49.
864 Transcript, day 252: 'Max' (former pupil, Fettes College, 1973–80), at TRN-8-000000045, pp.50–1.

on had prescribed under South African law which was, at that time, correct. The position altered in December 2020 when a change in the domestic South African legislation in effect meant that certain sexual offences charges on extradition requests lodged after that statutory change came into force would not be time-barred.

In Scotland, further complaints were made about Wares. A second petition warrant was granted in October 2017, adding one more charge. Following publicity of the Inquiry's Fettes hearings, a third petition was granted on 9 May 2022, libelling 45 charges, 38 of which were new. After the broadcast of Alex Renton's 'In Dark Corners' series on Radio 4, and the considerable publicity resulting from Nicky Campbell speaking about Wares' abuse on his BBC Radio 5 Live programme 'Different', a fourth petition adding 29 more charges was granted on 29 March 2023. The Crown raised a fifth petition, dated 13 September 2024, which contained 90 charges and essentially combined the previous documents whilst adding 19 new complainers.

As at the date of publication of this volume, Wares remains in South Africa. The extradition proceedings are ongoing with the next hearing to call on 10 November 2026.

Additionally, a complaint was received against Wares in South Africa in 2022, which led to a prosecution of a single charge of indecent assault, alleged to have taken place in 1988 at Rondebosch Boys Preparatory School in Cape Town. The prosecuting authorities presented their case against Wares (aged 86) in August 2025, the defence case was presented on 14 October 2025, and the case was continued to February 2026 for final submissions. Wares was found guilty of the charge on 23 March 2026. A sentencing diet due to take place on 13 May was postponed until June 2026, then until July, when it was again postponed due to his ill health. Submissions on sentencing were made in September and the case was further adjourned until 23 October 2026. On that date, submissions on sentencing were made and the magistrate adjourned the case until 30 November. Wares was told by the magistrate that he would be sentenced on that date.

Proceeding with a prosecution in Scotland has not been straightforward. The position in relation to time-bar in South Africa, referred to above, formed part of the rationale behind the decision not to proceed with the prosecution, which was subsequently affirmed after an unsuccessful Victims' Right to Review procedure being undergone in Scotland, all in late 2020. A further Victims' Right to Review brought by George Scott, along with other representations, led to a review in the Crown Office and the ultimate decision to proceed with the case in July 2021. The Crown has not renounced any right to institute proceedings against Wares at a future date.

Extradition hearings in relation to the first Scottish petition took place in Cape Town in October and November 2023. The High Court of South Africa issued its decision on 8 August 2024 and found that charges 5–7 on the petition of March 2017 met the requirements of dual criminality and that Mr Wares was liable to face extradition to stand trial on those charges. The Court said, after parties ultimately agreed that the 2020 amendment of the Criminal Procedure Act 1977 (the CPA) did not fully resolve the time-bar issue:

> 27. … the relevant date in considering whether an offence is extraditable or not is the date on which the request for extradition was lodged by the requesting state: in this matter that date was during September 2018, which is 2 months after the order in Frankel. Thus, when the request for extradition was lodged, Frankel applied and any limitation on the right of the State to prosecute for sexual offences such as those which the appellant faces, was effective

from 27 April 1994. Accordingly, the state of our law was that when the application for extradition was lodged the appellant could not be indicted for any offence committed more than 20 years before 27 April 1994, hence the common position adopted by the parties that the right to prosecute the appellant on counts 1–4 had 'prescribed', as they put it.

28. The only other question is whether the legal position in this case was affected by the passage of the revival provision. Having considered the wording of the relevant section [8], and for the reasons articulated above, we hold the view that in the circumstances of the matter the 2020 Act does not operate retrospectively. We are therefore in agreement with the parties that the amendment to section 18(2) of the CPA does not change the position. In our law, as it applied in September 2018, the right to prosecute the appellant under counts 1 to 4 has lapsed.

29. Further, we are of the view that if the revival position were to find application in this case, it would be grossly unfair to the appellant, given that at the time when the extradition request was made (and for that matter, also at the time when the order was made by the Magistrate) the right to prosecute him under counts 1 to 4 had lapsed. It would be inequitable and contrary to the interests of justice to permit the lapsed right to prosecute to be revived midway through the extradition proceedings simply because Parliament had passed the 2020 Act.[865]

On 24 August 2024 the South African Minister of Justice and Constitutional Development indicated his intent that Wares should be extradited quickly and any further appeal would be opposed.[866] As noted above, the extradition proceedings are still ongoing.

The drawn-out process described above has inevitably had a further adverse impact on the applicants. 'Frank', unsurprisingly, complained about the decision not to proceed in 2020, having first reported his abuse to the police 16 years earlier. He was, however, encouraged by what had subsequently taken place. 'I've had really quite good contact with [the Crown] since. There's a new person at the helm that seems to be doing a terrific job. Very forthcoming, writing me letters, giving me a telephone call and been terrific.'[867]

Conclusion

Iain Wares was a prolific abuser of children. He preyed on them. He had a predilection for touching young boys sexually that he could not control. He was prone to angry outbursts which resulted in children being subjected by him to brutal assaults. Many were harmed and many are still suffering the effects of his abuse.

Wares' abuse of children was appalling both in its nature and in its extent. Children suffered dreadfully. Further, they were failed by Henry Walton who knew that Wares was abusing children and that his dangerous predilections were never 'cured', who wholly failed to prioritise the protection of children, and who failed to lead his team appropriately. The children were also failed by the schools, who could readily have protected children, whose care and safety was their responsibility, from Wares, but didn't do so.

865 Wares v Additional Magistrate, Simonstown, Cape Town and Others (2024) ZAWCHC 200.

866 https://www.gov.za/news/media-statements/justice-and-correctional-services-extradition-mr-iain-wares-16-aug-2024

867 Transcript, day 253: 'Frank' (former pupil, Fettes College, 1975–81), at TRN-8-000000046, p.53.

9 John Brownlee

Introduction

John Brownlee was employed by The Edinburgh Academy as a teacher in its Prep School for 31 years, between 1964 and 1995. He was its deputy head for 25 years, between 1970 and 1995. He was also the housemaster of Dundas House, a boarding house for the school's youngest boarders, for 11 years, between 1972 and 1983.

All that is to say that he was a long-term employee of the school over three decades during which, in addition to his teaching duties, he was also entrusted with positions involving considerable additional responsibility. In breach of that trust, he abused boys physically and emotionally both in the boarding house and in the Prep School throughout his career. His conduct and behaviour meant that he had a fearsome reputation with pupils and staff, yet the abuse he perpetrated persisted unchecked. Many former pupils provided evidence to SCAI about Brownlee, both during and after the close of case study hearings on 30 August 2023.

Many former pupils also reported their experiences of being abused by Brownlee to the police, and prosecution followed in 2024. The case ultimately proceeded by way of examination of facts[868] since Brownlee, 89 years old by then, was found to be unfit for trial due to advanced Alzheimer's disease. The sheriff found allegations in 32 separate charges established beyond reasonable doubt. That is, he found that as a matter of fact, they occurred.[869] Thirty-one of the charges were of assaults, fifteen of which were to injury, while two more included loss of consciousness. The offences spanned 1967 to 1991, the major part of Brownlee's time at the Academy, amounting to over 20 years of abuse. The majority dated from the 1970s and 1980s. Fourteen concerned abuse in Dundas House and nineteen in the Prep School.

Brownlee had a fearsome reputation with pupils and staff, yet the abuse he perpetrated persisted unchecked.

The final charge was a composite charge of cruel and unnatural treatment of children, including that he did:

> (a) humiliate them for soiling their underwear, mock them, show their soiled underwear to their peers, call them derogatory names, and encourage other children to emotionally abuse and bully them, (b) compel them to sit in baths of cold water and then, on occasion, drag them under a hot shower, all in the presence of their peers, (c) punish them by causing them to dig the garden during winter, all without proper clothing and exposing them to the cold, (d) punish them by locking them in an outside shed for prolonged periods of time, without access to a toilet and exposing them to the cold, (e) utter derogatory comments towards a child, compel him to lie on the floor at the front of class, simulate jumping up and down on the child and mock him in the presence

868 See sections 53F, 54, and 55 of the Criminal Procedure (Scotland) Act 1995.

869 See Appendix F; HMA v John Brownlee note by Sheriff Ian Anderson.

Brownlee's known behaviour should have deterred the school from appointing him to the role of housemaster.

> of his peers, (f) instruct a child to stand in the back garden of the premises there, cause other children to watch while you compelled him to remove his clothing, place a hose pipe between his buttocks, turn on the water tap so that water soaked him and utter derogatory remarks, (g) read their correspondence, act in an intimidating manner, brandish a snooker cue or other similar item and strike it against tables and bannisters there, all while in the presence of children and did place them in a state of fear and alarm, whereby said children were caused unnecessary suffering and injury to their health.[870]

I heard and have accepted much evidence about the way Brownlee treated children which, sadly, was in line with that narrative.

Abuse in Dundas House

A cold, unwelcoming environment

Before he became a housemaster, the way Brownlee behaved towards children would have been apparent from a combination of his demeanour – he was 'quite distant'[871] – his style, his classroom practices, and how he conducted himself when he occasionally worked in boarding houses to substitute for a house tutor or housemaster who was not available. 'Max' experienced the latter and explained:

> We thought he was a sadist. We probably had no idea what sadism really was at that age, but I think he was a sadist … he was somebody who just lost the plot, you know? And the boarders knew about him because there were a couple of teachers who filled in if the house tutor, or the housemaster, was, I don't know, away or ill, or whatever, these people would come in. And Mr Brownlee was one of those people. There were two … [one] was a very nice man, and Mr Brownlee was really not a nice man at all, very sarcastic and people were fearful of him.[872]

Brownlee's known behaviour and reputation should have deterred the school from appointing him to the role of housemaster, but the operation of 'Buggins' turn'[873] meant that inappropriate appointments could be made, then no remedial action would be taken due to the school's habitual failure to review how the appointment was working out.

The face he presented when parents visited Dundas House, particularly when they did so for the first time, was rather different from what happened thereafter. Efforts were made to show that boarders would be living in a homely and caring atmosphere, but that was as far removed from the reality as night is from day.

I recognise that the conditions of the house were always spartan and lacking in comfort due to a lack of funding and there was little that the Brownlees could, themselves, do about that; correspondence provided by Brownlee's family confirms that he complained about the lack of heating and hot water, and sought to improve the living conditions. Physical conditions apart, though, the environment was worsened by the fact that life in Dundas under John Brownlee

870 See Appendix F.

871 Transcript, day 362: 'Grahame' (former pupil, 197x–8x), at TRN-8-000000078, p.19.

872 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, pp.86–7.

873 See The Edinburgh Academy regime chapter.

was emotionally cold, strict, and severe because of his attitude to the children who boarded there.

'Stephen' began boarding at Dundas when he was still young, just after his seventh birthday. He remembers arriving with his parents:

> We were met on the doorstep by Mr and Mrs Brownlee, and they appeared – to my recollection, they appeared … you know, affable, amiable, and I was more beside myself that I was not going to see my parents for about three months, and I think I was seven … the youngest at the boarding house … I was still a wee boy.[874]

He quickly discovered life was not as it had first seemed when, along with other boys, he became homesick, and Brownlee habitually picked on him.

Since he was

> the youngest, the smallest, he highlighted that point very clearly early on and kept on calling me the baby – 'So let's see what the baby – oh, the baby's crying again', and continued to go on, 'What's the baby doing? Oh, the baby's upset', and it would just be this belittling little thing, which is one of the reasons why I eventually did stop crying, because it became worse and worse. 'Oh, the baby's crying again. Will the baby stop crying, please?' and it was very … damning in the way that … it was abusive, to be honest … the other boys latched on to it … if I didn't shut up and I didn't stop crying, they were going to start teasing me, too. And that, I realised, was a bit of the dynamic that I had moved into, and it became the … first part of the abuse that I suffered … and it never really stopped, to be honest. That sort of verbal and emotional abuse of belittling, you know, someone who was small and, you know, was young.[875]

Silenced, frightened, and beaten

'Stephen' also quickly discovered that the price of failing to maintain silence, including the suppression of tears, was the receipt of a harsh beating:

> [Brownlee] came in one time, the lights were off, we were all crying, and he told us all to stop crying. We didn't stop crying, he told us to get out of our beds, bent us over our beds, and hit us with a wooden spoon, the clacken thing. And each one of us got beaten for crying, which just made us cry more. I think it was noise after lights out, was the actual punishment – the crime that we had committed that resulted in the punishment.[876]

'Each one of us got beaten for crying, which just made us cry more.'

Failing to maintain silence in other circumstances was also very risky. For example, during prep in the common room he would walk round and, if any boy spoke, 'he would slam your head into the desk, to bounce it off the desk and for him it was fun, you know, if someone had said something'.[877]

'Tom' had similar experiences after having travelled from his parents' home in the Far East when he was nine. He was taken to Dundas House by his grandparents and found it 'all just a bit overwhelming'.[878] The atmosphere changed when the adults left, for 'once everybody's gone, and now you're into the system, it's quite different and it's

874 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, pp.131–2.
875 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, p.135.
876 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, p.136.
877 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, p.137.
878 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.8.

very strict … Terrifying.'[879] Not only did 'Tom' find that in Dundas 'there wasn't really any pastoral care',[880] he also rapidly found himself in Brownlee's sights 'because the situation was such that when you put a foot out of line … or … if you were an extrovert person – which I was and still am – Mr Brownlee had a particular thing for extrovert people and he wanted to put you in your place'.[881]

'Tom's' brother joined him at Dundas two years later and quickly learned that silence was vital:

> Literally, the first night, everybody in that dorm told me how careful I had to be about John Brownlee. And there were things like you could not use the toilet that sat between our dorm and their bedroom at night after 9 o'clock, otherwise you would wake Mrs Brownlee up and Mr Brownlee would be really unhappy about that. And so there would be a punishment for that.[882]

'Literally, the first night, everybody in that dorm told me how careful I had to be about John Brownlee.'

On Giles Moffat's first night in Dundas House, he was in bed at 8 pm

> attempting to sleep and … he appeared and asked if anyone was still awake, and I said: 'I am', and I think all the other guys did too, and he said: 'Follow me' … I thought this is some kind of surprise for all the new kids or something. I don't know. We were taken upstairs to this room with a snooker table and he locked our heads under the table and thrashed us with the snooker cue and said: 'That will teach you to be awake after lights out', and then we went back downstairs sort of whimpering and got into bed and never said anything else about it. It was a premeditated 'welcome to my regime'.[883]

'Grahame' liked storytelling and got into trouble in his first week for talking after lights out. He was taken out of the dorm and to Brownlee's study. There was no explanation, but he was put over the desk and beaten with a clacken.[884] 'Grahame' returned to his dorm. He said nothing and was asked nothing by his friends, but after that there was no more storytelling. Interestingly, one of his dorm mates, who did not witness any physical abuse in Dundas House but recalls Brownlee as 'quite shouty … people would get rows',[885] read 'Grahame's' account of the abuse when it appeared in a newspaper in April 2023. He was shocked that he had not known, but that simply reflects the prevailing culture of silence. Accounts of such events were not for sharing more widely.

No clyping, no complaining

The culture of 'no clyping' amongst the boys was brought home clearly to 'David' (INR) on his first night. Having complained about his roommates' behaviour to Brownlee, he quickly discovered that was a mistake – it was not 'boarding school etiquette' to do so.[886] However, it fitted with Brownlee's approach to letter writing. He censored letters home so

879 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.12.
880 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.13.
881 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.13.
882 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, p.125.
883 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.133.
884 Transcript, day 362: 'Grahame' (former pupil, 197x–8x), at TRN-8-000000078, pp.16–17.
885 Transcript, day 360: read-in statement of 'Sammy' (former pupil, 197x–x), at TRN-8-000000076, p.193.
886 Transcript, day 361: 'David' (INR) (former pupil, 197x–x), at TRN-8-000000077, p.51.

as to prevent any adverse impressions being given. He failed to respect the privacy of boys' communications with their parents.

He 'controlled the ebb and flow of communication … to get a stamp, he had to be satisfied with the contents of the letter'[887] – if not, it had to be rewritten.

'Arthur' recalled

> Brownlee looking over our shoulders and telling us that we were not to write anything negative about him or the boarding house. I remember he spoke about a negative letter he had received from a parent. He had taken that as a personal insult and clearly didn't want any of us writing negatively about him or his boarding house.[888]

'Tom' wrote to his parents

> telling them what it was like living in that situation. And what you would have to do is you would take your letter to Mr Brownlee … and I remember this so clearly – he would read it and he'd say: 'I don't think this is the sort of thing that your mum and dad would really want to read' … He would tear it up and he'd say: 'I think you should go and write that again.'[889]

A man of violence: knuckle treatment, kicks, punches, chokes, and the clacken

Discipline was enforced harshly, and Brownlee's approach was rigid. A particular favourite of his involved the use of his knuckle:

> What he does is, he crosses his fingers on the back of your shirt and, as you are wearing a tie, a shirt and tie, he picks you up and chokes you, and you find the shirt pulls in to your carotid arteries and the tie pulls in to your windpipe, and he just pushes his knuckles into the back of your head and then slowly turns you bright red. That is the actual torture that he would mete out on you, and it would happen if you were sat at the table or whatever. From there, he would pick you up and, in my case, he kicked me relentlessly, but I witnessed it happening to so many other people. I mean, it is the same treatment, where he would pick you up by the throat, by the collar, and then kick you around the room. And then, when he'd finished, he would throw you against the wall.[890]

That happened to 'Stephen' when he switched the lights off in the changing room, leaving Brownlee's son in the dark. He also saw him administer similarly harsh treatment to a boy who had spilt jam on the counter at teatime and failed to clear it up:

> He spilt some jam … and he was dragged back into the room … and was asked was this him, at which point he was picked up and I watched it. From my angle, he was, you know, kicked and, I mean, he was a rag doll. I saw his face, there was nothing he could do, he was literally a rag doll as he was being kicked and choked.[891]

Brownlee engaged in a particular practice involving his knuckles as part of the daily morning inspection before the children left

887 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.146.
888 Transcript, day 365: read-in statement of 'Arthur' (former pupil, 197x–8x), at TRN-8-000000081, pp.10–11.
889 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, pp.35–6.
890 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, pp.146–7.
891 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, pp.147–8.

the boarding house for school. He would put a knuckle into

> the joint of your neck and your shoulder … and because he was taller than you, he would press down really hard as he was commenting on your smartness or lack of smartness, or whatever. And that was, like, a daily occurrence, and it was incredibly painful because he was taller than you and he was pressing down on you and, at the age of nine, you are not exactly very well built.[892]

For more formal punishments Brownlee used a clacken, either on individual boys or for mass beatings. 'Tom' was involved in a water fight, and the entire group of boys was immediately punished:

> I'm not sure if it was better to be first in the queue or third in the queue, because if you were third in the queue you had to listen to the first two. Or, if you were first in the queue, you got it over and done with pretty quickly. But it was very painful … he would hit you so hard with that clacken that it was very difficult not to cry. And you also wouldn't be able to sit down for, you know, quite some time afterwards, because it was incredibly painful.[893]

'This was not discipline … it was just he took pleasure in causing pain.'

Giles Moffat thought Brownlee was indiscriminate in his choice of who to punish: 'This was not discipline … I viewed some punishments by teachers as discipline for crimes committed. With him, it was just he took pleasure in causing pain.'[894] Brownlee's punishments included 'kicking, punching, strangling, being thrown around … and he dragged people around by the hair'.[895]

A climate of fear

Life in Dundas House with Brownlee in charge 'wasn't somewhere where you would go, hey, this is a safe – this is a place where you felt comfortable'.[896] Rather, the experience was often characterised by considerable anxiety and fear. This was generated in different ways. For example, said 'Arthur', Brownlee put boys into

> an isolation room at the top of the boarding house, in the converted roof area. If you were caught talking after lights out he would put you in this room at the top of the house … I was up there twice. Brownlee would take you out of your room and take you upstairs. The bed had sheets and a blanket and he would tuck you in very tightly and say that he would know if you had been out of bed because the sheets would be disturbed. Then you would have to spend the night in there … I was only nine years old at the time. I remember being scared about that, really terrified.[897]

Brownlee's mere presence in the house could be intimidating. Take, for instance, 'Thomas', who remembered

> this billiards cue which he would – you could hear him coming because he would run it up the banisters on the stairs. So you could hear the da-da-da-da, you know, the staccato rhythm of that. So you knew he was on his way and, of course, that would just strike complete terror into you, so you would just keep quiet.[898]

892 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.15.
893 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.29.
894 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.143.
895 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.144.
896 Transcript, day 362: 'Grahame' (former pupil, 197x–8x), at TRN-8-000000078, p.19.
897 Transcript, day 365: read-in statement of 'Arthur' (former pupil, 197x–8x), at TRN-8-000000081, p.12.
898 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, p.127.

If caught using the toilet everyone in the dorm would be in trouble.

Bedwetting was a problem for some boys. 'Spiro' started bedwetting when he was in Dundas House, and Brownlee

> was horrible the way he dealt with it. At first, he ignored it and left it for the laundry lady to deal with. I would have to strip my bed and put the sheets in the laundry basket. It would then be cleaned by the laundry lady. There was always lots of linen to remake my bed. Mr Fisher sort of tried to help me. All he did was suggest I try going to the toilet before I went to my bed. I was sometimes soiling myself too because I was too frightened to go to the toilet. This was during the day as well as at night.[899]

Boys' fear of Brownlee extended to occasions outwith the school. For example, on a trip to the school's outdoor activities centre, Blair House, in Glen Doll, there was a boy who was clearly in some form of discomfort, needing a toilet break but too scared to ask Brownlee for one and so 'he defecated in his trousers'.[900]

An inflexible housemaster

Other houses afforded flexibility in a way that was not the case within Dundas House under John Brownlee – that was not his style. Rather, his style remained rigid no matter the circumstances. For example, at Dundas, said 'Tom',

> everybody was sent out to play, because there was a playing field opposite the house. And it didn't matter if it was raining, snowing, hail, freezing, hot, whatever, you were sent out to play for quite some time. And you were wearing shorts and, at that point, you know, it was cold and it was almost like you were being sent out so that they could have peace and quiet for a while.[901]

'Spiro' remembered similar behaviour:

> Mr Brownlee was very strict about us not trying to get back into the boarding house too early. After school, and when we went out in the morning at the weekends, he would lock the front door so we couldn't get back in. We were allowed to go back after dinnertime, but if we knocked on the door to get in too early, he would punish us. One of the group I was with would be chosen to knock on the door and the rest of the group hid. A lot depended on his mood. Usually, the punishment would be writing out 200 lines saying something like 'I must be more patient.' When you had done your lines, he would rip it up in front of you and put it in the bin. This happened to me quite often.[902]

In 'Tom's' experience, boys were not allowed to use the toilet next to the Brownlees' bedroom after lights out. So some boys urinated in the dorm. They urinated on the floor or worse. If caught using the toilet everyone in the dorm would be in trouble. 'Tom' remembered the boys being lined up and beaten.[903]

Racism

Two applicants described Brownlee's behaviour towards some pupils as racist. Giles Moffat said that he heard Brownlee call

899 Written statement of 'Spiro' (former pupil, 198x–x), at WIT-1-000001529, p.9, paragraph 36.
900 Transcript, day 362: 'Grahame' (former pupil, 197x–8x), at TRN-8-000000078, p.23.
901 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.22.
902 Written statement of 'Spiro' (former pupil, 198x–x), at WIT-1-000001529, p.5, paragraph 21.
903 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, pp.25–6.

another boy the 'N' word.[904] When 'Spiro' was being beaten, Brownlee would, using what are now certainly recognised to be deeply offensive descriptions but, even then, certainly inappropriate to use to a child, tell him that he

> was [offensive terms], and a spoilt child. When he was doing this, he would tense up and snarl. His face was often distorted with anger. Sometimes he would call me these things in front of other teachers, pupils, and their parents. There was no recognition of political correctness at that time, but it wasn't right.[905]

It was not just a matter of it not being right. It was plainly wrong, hurtful, and abusive.

Exposure to such a rigid, oppressive, and, at times, violent environment can only have been harmful.

The culture of Dundas House under John Brownlee

Applicants were firmly of the view that the culture John Brownlee created at Dundas House made the behaviour of its boarders worse than it would otherwise have been. I have no doubt that is correct. Exposure to such a rigid, oppressive, and, at times, violent environment can only have been harmful. 'Stephen's' evidence was compelling. He recognised that Brownlee may have been trying to toughen the boys up. If that is what he was doing, it was wholly inappropriate. These were young children who were not in need of toughening up. They were vulnerable in that they were living away from home, with their homes being, in some cases, thousands of miles away. Boys learnt from his behaviour and imitated it in their treatment of each other. It is not at all surprising that 'Stephen' thought the model created by Brownlee encouraged boys 'to be violent to each other'.[906]

How could this happen?

The obvious question is: why did none of this behaviour come to the attention of the school and get stopped? The answer seems to be a mix of factors.

For one thing, Brownlee moderated his behaviour in the presence of adults. Stephen explained: 'I mean, it was moderated in public, yes, with other people around, but you knew that as soon as that person left he would be back at you.'[907]

Then there was the culture of silence that operated across the school and meant that children did not speak out for fear of making matters worse. There was also no one they could realistically alert, given that Dundas House was part of the school, so surely Brownlee's behaviour was sanctioned? The fact that there was no apparent interest in the operation of the house or oversight from those in senior leadership positions, beyond the bursar (whose responsibilities were solely financial), made matters immeasurably worse. Corporal punishment was considered acceptable and, in practice, excessive and inappropriate use of it seems to have been ignored.

Other members of staff were in the house and must have been aware, so why was nothing done? The answer may be that it was an era of a more deferential and unquestioning outlook or that they felt unable to challenge this distant and rigid man. Or there may have been self-interest at stake, or perhaps some ignorance of what was the reality of life for

904 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.131.
905 Written statement of 'Spiro' (former pupil, 198x–x), at WIT-1-000001529, p.12, paragraph 47.
906 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, p.138.
907 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, p.138.

the boys when Brownlee was the only staff member present.

As Giles Moffat observed, '[The matron] only came during the day … She was ok … she was kind. She gave us all Christmas presents. But she knew what we were being subjected to.'[908] Tutors 'were nice … if they were on duty, the atmosphere relaxed a little'.[909] They knew what was going on: 'they would sometimes put an arm round you and sympathise, but there was no prospect of anything – no one could do anything about it'.[910] Giles bears them no ill will: 'They were young guys in their first jobs in a prestigious school … they were part of a hierarchy … It mattered that you didn't rock the boat in that position … They were kind and they were victims as much as we were.'[911]

The evidence of the Brownlee family

Following the evidential hearings in 2023 and the outcome of the examination of facts in 2025, John Brownlee's wife and two sons provided written statements.[912] It was by reason of his medical condition (Alzheimer's disease) that John Brownlee had been found unfit to stand trial and they wished to provide evidence not only for themselves but also for him.[913] They also provided photographs taken on house outings and plans of Dundas House. They pointed out a number of factual errors of detail in the statements of applicants. For example, they advised that there was no basement in Dundas House, John Brownlee was not born in Fife – his family did not move there until he was three years old – and he did not apply to join the Academy but was invited to do so by Bertie Mills.[914]

Margaret Brownlee described Dundas House as having been in a poor state of repair and inadequately maintained when her husband was appointed. The matron's accommodation was 'appalling'.[915] It was so bad that the first matron they worked with left after only a year. That accommodation was not improved and from 1975 the matron did not live in.[916] She said that:

> John would always ask for things we required, and he would keep asking. Nowadays, with health and safety, the house wouldn't have passed the test. John did keep on at the school and we did get things done eventually and improvements were made. John did write to the rector and the bursar about improvements to the house. He took the boys' welfare very seriously.[917]

'Nowadays, with health and safety, the house wouldn't have passed the test.'

She is very hurt by, and disputes, the allegations of abuse made by applicants. Whilst accepting that baths were cold, she says that was because of the lack of hot water due to the 'elderly boiler'.[918] She said her husband 'enjoyed his role as housemaster

908 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.138.
909 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.139.
910 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.140.
911 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.141.
912 See Written statements of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, Neil Brownlee (son of former teacher), at WIT-1-000001600, and Graeme Brownlee (son of former teacher), at WIT-1-000001616.
913 Written statement of Graeme Brownlee (son of former teacher), at WIT-1-000001616, p.47, paragraph 216.
914 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, p.2, paragraphs 5–7.
915 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, p.4, paragraph 19.
916 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, pp.4–5, paragraphs 19–23.
917 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, p.7, paragraph 36.
918 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, p.8, paragraph 38.

although it was a great responsibility … It was an interesting if exhausting life.'[919] I accept it will have been exhausting and the conditions not luxurious, but they did agree to accept the additional responsibilities involved in the roles and there were financial advantages.

As regards support, the school left the Brownlees 'to get on with running the house. They didn't ask us if we were managing or if we needed anything … There were no routine visits from anybody at the school or from the school board of governors',[920] and they 'received no guidance in child protection'.[921] Nor, during their tenure, was there any inspection by external inspectors of the care provided in the boarding houses.

I accept that Margaret Brownlee provided some medical support, taking children to hospital as necessary, and that there were occasions when she and her husband provided some good care to individual pupils. 'Thomas', for example, in evidence confirmed that he was moved to a different dormitory because of bullying, albeit at the instigation of the house tutor,[922] and that Mrs Brownlee allowed him to watch particular TV programmes in the Brownlees' accommodation.[923]

Regarding her husband's interaction with the boys, Margaret Brownlee recalled that, in the boarding house, 'if the boys were all out of bed in the big dorm, it would be very irritating, and he wouldn't stand for it',[924] and she did think that 'in school, John was probably a disciplinarian. He would certainly give someone a telling off and wouldn't stand any nonsense.'[925]

Margaret Brownlee accepts that her husband used corporal punishment but added:

> I never saw John punish a boy in the various manners alleged … Our idea was that it was run on as close to family lines as was possible. The boys knew fine when they were crossing the line. They just knew what would be tolerated and what wouldn't. In the big dorm at night, the boys might get unsettled and get out of their beds and start running around and carrying on. That was next to John's study, where he would be catching up on his schoolwork, such as marking and reports and preparation for the next day, and he could hear all the noise and commotion. Another dormitory was above his study so he would hear them too if they were up. John would just give them a telling off.[926]

However, what she could not see or know was what went on once her husband went to deal with what she refers to as 'noise and commotion', and I am satisfied that it often involved violence and threatening behaviour, all as spoken to by the applicants.

In her statement, Margaret Brownlee firmly refuted the allegations made against her husband. She said there was 'absolutely no ill-treatment of any boy',[927] and that she was not aware of any abuse having occurred in Dundas House. She commented in relation to a number of the allegations that they were not what her husband would have done. But she could not speak to what happened on

919 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, p.9, paragraph 44.
920 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, pp.8–9, paragraphs 42–3.
921 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, p.25, paragraph 127.
922 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, p.133.
923 Transcript, day 359: 'Thomas' (former pupil, 198x–x), at TRN-8-000000075, p.137.
924 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, p.19, paragraph 98.
925 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, p.19, paragraph 97.
926 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, p.19, paragraph 94.
927 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, p.21, paragraph 106.

There is a clear and consistent picture of an abusive culture within Dundas House over the period John Brownlee was housemaster.

every occasion experienced by applicants – she was not present, nor could she have been expected to be present.

Margaret Brownlee is puzzled by the allegations. She remembers some applicants, stating, for example, that Giles Moffat 'certainly wasn't miserable with us' and was 'so entertaining and likeable back then'.[928]

She concluded her statement by saying:

> I feel devastated. The injustice is incomprehensible. That spurious allegations from up to more than 50 years ago can have reached this stage. Any boy who was unhappy at school all that time ago has had around 50 years to mention it. There remains no credible explanation as to why they are now making these allegations. My family and I are strongly of the view that anyone who believes they may have been abused deserves to be heard, but it does not mean that everything they say should be believed.[929]

Margaret Brownlee also described her husband as kind. However, the difficulty remains that she was not always present when he was engaging with the children so did not see or hear what it was like for them and, moreover, there is a clear and consistent picture of an abusive culture within Dundas House over the period John Brownlee was housemaster and when he was also behaving abusively towards boys in the school and classroom setting. Errors of detail by individual applicants after the passage of many decades are not surprising or sinister, and I accept that overall, the evidence shows that many children were abused by, and at times were terrified of, John Brownlee who, by all accounts, including the evidence of his colleagues, was well known to have a propensity to be over-strict, intolerant, and too quick to administer beatings and other forms of physical abuse.

I have no doubt that children were abused regularly and brutally by John Brownlee. Some of the detail may have been lost over time and it may loom larger in some memories than others, but the essence is clear. Dundas House, like all the boarding houses at the Academy, operated without sufficient funding, without sufficient oversight, and, between 1972 and 1983, under the auspices of a man who should never have been appointed as a housemaster. He was manifestly unsuited to the role of being in charge of young children in a boarding house. It was a grave and avoidable mistake on the part of the Academy. In combination, and no doubt made worse by the pressures of the job itself, the lack of segregation between living spaces for pupils and housemaster, and the condition of the building all meant that for more than a decade children experienced misery and fear in an environment that was cold and uncaring, and, perhaps worst of all, one that normalised violence and cruelty amongst the boys themselves.

The prosecution of John Brownlee and examination of facts hearing was understandably difficult for the family, as Graeme Brownlee explained in a written statement he provided to the Inquiry in 2025.[930]

928 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, p.32, paragraph 160–1.

929 Written statement of Margaret Brownlee (wife of former teacher), at WIT-1-000001602, p.41, paragraphs 206–7.

930 Written statement of Graeme Brownlee (son of former teacher), at WIT-1-000001616, pp.41–2, paragraphs 188–9.

Abuse in the school

Brownlee's style was clear from the evidence of those who, whether as colleagues or pupils, encountered him in the Junior School. It seems clear that he was an able administrator and deputy head – for example, James Burnet praised him on his retiral for the help and guidance he had received from him[931] – but his excessive zeal for discipline was well known by colleagues and his reputation was such that children knew to fear him.

Some applicants who remembered the negative aspects of being exposed to Brownlee's teaching did, however, have positive experiences of him. 'Alex', for example, described happy class trips to

> the home of the explorer David Livingston, in Lanarkshire. We also went to the site of the Battle of Bannockburn and the Wallace Monument. I can clearly remember he also took us to the docks, either at Grangemouth or at Leith, and we were allowed to go aboard a Russian ship, including up to the bridge. The crew gave us all small metal lapel badges with Soviet symbols on them – the Soviet star, hammer and sickles, that sort of thing, which had a lot of kudos for 10- or 11-year-old boys. These are examples of some of the good things that Brownlee could do as a teacher – which of course were allied to all the bad, psychotic things that he did.[932]

He continued:

> Despite his bad reputation Mr Brownlee was also well known as being a respected teacher … and in some ways I felt it was an honour to be in his class. I was already good at geography, but I really enjoyed it in his class, and he brought the subject alive for me. I was good with art, and I would do drawings of different rock formations, say, or field systems, and that helped me get good marks in my geography, which pleased Brownlee. He also taught French and Latin and those were other subjects which I improved on. In that sense, I think he was a good teacher: if you responded to his teaching, he could get you to do good work and improve. But it was what happened when that didn't happen that meant his classes could be a nightmare.[933]

Physical abuse

Being a good pupil – as in 'Alex's' case – did not save children from excessive beatings:

> I can recall not only being given three strokes of the clacken but being in a position that I could see that he was taking a couple of steps back on each occasion, to ensure he could put more strength behind the strokes. He was much taller than me, I was only a short 11 year old, and he still felt the need to use as much force as he could muster to hit me. The pain was bad enough, but the humiliation of being hit in front of my classmates was worse. When he was finished I was sent back to my seat. The rest of the class were staring at me or pointedly looking at the floor to avoid looking at me. Some were smirking, either because they didn't like me, or pleased it was not happening to them. You knew that it was the done thing not to cry, not to blub, but the pain was so bad you couldn't help yourself. Crying might mean the harder boys in the class could humiliate me afterwards.[934]

He remembered Nicky Campbell – 'one of three or four of the boys in the class who Brownlee would pick on, on a regular

931 Letter from James Burnet, dated 18 December 1987, quoted in the Written statement of Neil Brownlee (son of former teacher), at WIT-1-000001600, p.45, paragraph 201.

932 Written statement of 'Alex' (former pupil, 196x–7x), at WIT-1-000001505, pp.6–7, paragraph 30.

933 Written statement of 'Alex' (former pupil, 196x–7x), at WIT-1-000001505, p.8, paragraph 37.

934 Written statement of 'Alex' (former pupil, 196x–7x), at WIT-1-000001505, p.15, paragraph 68.

basis'[935] – being beaten by Brownlee with a table tennis bat when he could not find his clacken, and that Brownlee 'would sometimes throw chalk dusters at us. He was a very good cricketer and I think this helped him aim so he would usually just miss you, but not always. I imagine that those times he hit you, he really meant to.'[936]

Brownlee not only beat excessively and in situations where corporal punishment should never have been used but, in a misuse of the powers with which he was entrusted, he appeared to actively enjoy meting out harsh and cruel punishment. This also involved humiliation.

'Alistair', taught by Brownlee early in his career, described what he felt was the teacher 'gratifying himself in some malicious way':[937]

> The incident that I so clearly remember, the punishment that he determined to mete out for a transgression in the class he did during a break period … He occupied a classroom that overlooked the playground, which had, along one side, a very large picture window above, sort of, locker facilities. And that was a sort of quite low shelf, and he would put you on the shelf … and you would have to lean over on the shelf and he would then clacken you in front of the school. And so the punishment was not so much just about – it was about humiliating you in front of all of your cohort.[938]

Sadism was a word 'Max' used in relation to the boarding house, but day boys were treated no differently. John Brownlee

> looked for any opportunity to discipline people, to the point of it being completely unfair. You tried to keep your head down when in his class, but from my own experience I remember asking to go to the bathroom when he had told us that we couldn't. It's not the sort of thing you would ask if you didn't need. I was in a situation where I was either going to wet myself or take whatever punishment was going for asking. I asked him and was pulled up to the front of the class where sentence was delivered. My head was put into a cubbyhole in the classroom where we put our gym kit. It was an open square-like zone and he put my head in there and then he hit me with the clacken. It was twofold. I obviously got a sore backside but also battered my head off the wood round the cubbyhole. I subsequently wet myself as well, just to add insult to the injury. I don't think he actually saw that before he sent me out of the class. My form class was next door, so I was able to get my gym shorts and make do. That was just horrendous and he would get the whole class on his side saying that we knew what the punishment was for asking to go to the bathroom.[939]

'We knew what the punishment was for asking to go to the bathroom.'

Brownlee's anger could be extreme. There was an incident when a boy had asked to go to the toilet

> and had been denied, and probably asked again, getting desperate… and Brownlee grabbed him and grabbed him by the neck yet again and shook him. This would be a nine-year-old, so quite small compared to Brownlee, and he shook him quite vigorously to the point that [he] … lost consciousness and collapsed – as Brownlee was holding him … I think at that point anybody normal would have been like: 'Oh, goodness, what have I done?' But

935 Written statement of 'Alex' (former pupil, 196x–7x), at WIT-1-000001505, p.15, paragraph 69.
936 Written statement of 'Alex' (former pupil, 196x–7x), at WIT-1-000001505, p.15, paragraph 70.
937 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.38.
938 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.35.
939 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, pp.121–2.

> Brownlee was just irritated that – he thought he was faking it and got more angry at him: 'Get up', you know, 'What are you doing?' kind of thing. I find it difficult to remember what then happened. But I can remember we were all a bit stunned.[940]

'Fred' experienced the same use of the cubbyhole and thought that Brownlee 'was the classic user of the clacken for beatings … his beatings were particularly vicious … he used to beat people hard'.[941]

'Max' saw it happen

> at the end of the class as we were all going out … he held one boy back and grabbed him by the scruff of the neck … I had no idea what he was punished for, what he had done. Absolutely no idea. I'm not sure I saw the end of the beating … We were just aware that this was starting out and we skedaddled. I just remember being very shocked. I don't think any of us had seen anything quite like that. Someone beating someone as hard as he was. I mean, he was really thrashing him.[942]

Brownlee forced the boy's head under a desk and hit him with a clacken. The boy was 'a tough little guy',[943] but nonetheless made to howl by that beating.

Brownlee also assaulted children by kicking them. Tony Dyer was a teacher in the Prep School between 1965 and 2001. In the early stages of his time at the Academy he was having difficulty finding out what corporal punishment was considered acceptable. He saw a person he refers to as 'another teacher' using the side of his foot on boys' backsides and 'thought the school must accept that'.[944]

Thereafter, he used his foot in the same way as a means of discipline – albeit with less force than was Brownlee's habit – until he was told to stop doing so, in 1987. There was no evidence of any member of staff other than Brownlee and Dyer kicking children, and I infer that the teacher to whom Dyer is referring was Brownlee. I have no doubt that Brownlee did this with force; in short, kicking children was an established aspect of his disciplinary repertoire. An example of the force he was apt to use was when, for example, a boy sitting next to 'Mike' in class broke wind and 'Mike' couldn't stop laughing. Brownlee put him and the other boy out in the corridor where they sat 'in complete and utter terror'[945] following which Brownlee put 'Mike' in

> some kind of hold and moved me down so I was bent over and my bum was up towards him. Then took three steps and then absolutely launched his foot into my backside and to the point I fell forward on to my stomach further down the corridor. I'll never forget it. I've never been hit as hard as that in my life and I played rugby all the way through school but was never hit as hard as that.[946]

The other boy

> was just being put in the same position but he knew what was coming so he half jumped.

940 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, pp.22–3.
941 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, pp.24–5.
942 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, pp.90–1.
943 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.94.
944 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.9, paragraph 50.
945 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.124.
946 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.125.

> Brownlee kicked him and the kid went up in the air, but Brownlee wasn't satisfied with that, so he had to reset him. He got launched as well … I couldn't believe what had happened.[947]

'Andrew' (IHA) experienced rising fear during classroom quizzes:

> It would count down and I could begin to feel this sort of sweaty feeling and the fear build up because if you were in the bottom three there was a fairly strong likelihood that you were going to get hurt. And third bottom, you might get pulled out in front of the class and sort of hit. Second bottom, hit a bit more. But, depending on his mood, if you were bottom, and if you were in the bottom three a few times … you could really, really get hit very, very hard.[948]

When his marks were in the bottom three, he suffered a similar kicking to 'Mike':

> I was brought out in front of the class and bent down and then what I presume would be a sort of running kick from behind was kicked on to my upper legs and on to my buttocks so hard that I smashed forward into his desk. I have a very clear memory of sort of being bent down and then literally sort of being smashed and as I did end [up] in that bottom three a number of times, it happened to me a number of times over the year.[949]

The accounts above reflect a wider picture that emerged from the evidence provided by other applicants; none of them involve chastisement that could have ever been described as reasonable even in an age when corporal punishment was allowed. Rather, all of them involved excessive and unjustified violence.

Emotional abuse

Brownlee's well-known propensity to violence gave rise to an atmosphere of threat and intimidation that many pupils described as part and parcel of being taught by him. Children in his classes were on edge even before the lesson had started, as described by 'Mike':

> When you knew you had his lesson next and were waiting for him to arrive you just felt terrified the whole time. I felt physically sick going to his classes. When you are in his class, everything is heightened. Any noise or whatever happens you obviously don't want to react in a certain way, but it's almost like you can't help it.[950]

Boys dreaded Brownlee's classes, as 'Andrew' (IHA) described:

> With a teacher like that you sort of just dreaded – you dreaded being in those classes because there was always the chance that something would happen. It was – it is strange, when teachers are like that you sort of carry it … as a sort of active fear because it did – it certainly happened in a sustained way to quite a number of boys, over quite a long period of time, is how I remember – including to myself a number of times. And it was physically very sore. You know … you really were being kicked pretty hard … [on the] back of the legs on to the buttocks.[951]

Emotional abuse came in many forms, and its effect was profound. 'Callum' thought Brownlee 'was a brutal vicious bastard', for

> it was a year of complete terror for me that year with psychological and physical abuse on a daily basis. It was horrific. I came out of that year

947 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.125.
948 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, p.80.
949 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, pp.80–1.
950 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.123.
951 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, pp.82–3.

> a very different person, most certainly in terms of my grades. They ran a streamed system in terms of ability and I was always in the top stream until that year. I lost all interest in school and my education. All I wanted to do was to leave school and I was only ten or eleven years old. The grades were very much noticed by my parents and they blamed me, but I still did not say anything … Every morning he would come into the class and point to, say, four or five children and he would put them on the 'slob list'. It appeared random, but there were definitely kids on it more than others. I was frequently on it. If, say, you had glasses you were more likely to be on it rather than someone who was sporty. The names would go on the wall and you knew if you were on that list you would most certainly get a beating that week. That put kids into a state of anxiety all week, wondering when the beating was coming.[952]

'It was a year of complete terror for me that year with psychological and physical abuse on a daily basis.'

He also remembered Brownlee 'telling us a story about witch trials and he was going into detail about the sexual tortures that were carried out on the witches. One kid started crying and he was dragged out and got a beating for that.'[953]

'Henry' was humiliated by Brownlee because

> I wasn't the kind of stereotypical … my parents weren't lawyers in Edinburgh and I didn't have an immaculate uniform, and I think that really annoyed him … He would demean you … he used where I came from, from Falkirk, as a weapon, I guess. And it sounds really trite when you see it written down, but it was horrible because it – you know he would say: 'Oh, you're Falkirk, it's a suburb of Glasgow, you are a horrible blah-de-blah' … it sounds like it's trivial, but to a nine-year-old boy, who had already come in as an outsider into this elite club, and it would paint a target on your back from the other pupils, who would also pick up on it. And I think he enjoyed the fact that he would single you out.[954]

'Saul' described a variety of abuses that were still ongoing right at the end of Brownlee's time as a teacher:

> I remember on one occasion he said to the whole class that he had a white stick in his cupboard that would leave no marks if he hit us with it. He would say if we were bad in class and he hit us with the stick and we told our parent about it, our parents would know we were lying because there would be no marks and that our parents would hit us for lying. Brownlee was also renowned for picking things up from the aisles in the classroom and throwing them out the second-floor window. These would be things like musical instruments. I remember various families complaining that a saxophone or similar instrument had been damaged after he had thrown it out the window. On occasions, Brownlee would even threaten to throw kids out the window. I never saw him do anything to any kids but there were definitely explicit threats being made that we needed to behave or there would be violence.[955]

It is particularly striking that all these episodes date from the 1990s, after corporal punishment had supposedly been abolished

952 Transcript, day 359: read-in statement of 'Callum' (former pupil, 196x–8x), at TRN-8-000000075, pp.197–8.
953 Transcript, day 359: read-in statement of 'Callum' (former pupil, 196x–8x), at TRN-8-000000075, p.200.
954 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, pp.16–17.
955 Written statement of 'Saul' (former pupil, 199x–200x), at WIT-1-000001481, pp.21–2, paragraphs 105–7.

at the Academy. Violence, or at least the threat of it, nonetheless clearly remained ingrained in Brownlee's regular practices.

Violence clearly remained ingrained in Brownlee's regular practices.

There were children to whom Brownlee took an active dislike. It could be because of their background, lack of sporting achievement, or some other reason such as because they had characteristics of which he disapproved. 'Hugo' was one such child, and it meant he suffered appalling emotional and physical abuse. Brownlee's attitude to and treatment of him, in turn, set other boys against him:

> Every day, without exception, I was subjected to, at best, belittlement based on my perceived sexuality and traumatic punishment for the smallest transgression. Not to mention verbal abuse wishing me physical harm and endless attempts, many of these successful, to engineer other pupils against me. This was the tapestry of my life with Brownlee. If you were not a rugger-bugger, you were of little interest to him. And if you exhibited artistic or effeminate instincts, you were a marked man. Except that he repeatedly said I wasn't a man. 'There have been complaints about a boy from this form', he announced one morning and looked at me. 'I knew it wasn't you, because they said it was a boy'. His footsteps came up one aisle of desks and down another and stopped behind me, two fingers slotted between the back of my neck and my shirt collar, they crossed, the knuckles pressed against the lumps of my cervical spine. The numbing in the back of my neck like eating ice cream too quickly made my head smack on the desk in front of me. Brownlee made me the butt of his jokes and I'd try to laugh along. The rest of the class were already laughing, because turning the mob against the individual was one of his tricks.
>
> They didn't laugh when one morning, Brownlee … without warning, called me to his desk. I have an idea of what it is I was meant to have done but he never explained it to me. He then flogged me mercilessly in front of the form with a broken, splintered piece of wood, a clacken, to the point of breaking the skin near to my coccyx. It was the same unfit object he had decided not to use, in the interests of safety, earlier that term on another boy. But whatever wrong I had done was obviously enough for him to forget all thoughts of safety. The pain was indescribable. He used his full strength, and he was a strong man, on me, yanking my arms back in the air behind me in one of his hands so I could not move under him. He had obviously perfected his method. I was not, however, going to stay quiet. The humiliation and outrage at being singled out like this, by virtue of his enmity, made me bellow. I bellowed so hard that I knew for certain it was heard in the next block, let alone the next classroom. I bellowed so hard that he had to stop after four strokes. I remember the rest of the form being totally traumatised. Their faces were like chalk. Sitting next to me was a very clever boy who whispered to me: 'Bad luck' and audibly repeated this later in the class, which was nice of him, because as a good rugby player and a Brownlee favourite he risked losing his golden boy status by doing so. That night at home I peeled my pants off in the bathroom and they stuck on the pus on the area I now knew was my coccyx, and which I would not be able to touch for a long time.[956]

Similar abuse also occurred outwith the classroom:

> Later that year, in the summer term, for no apparent reason, Brownlee dragged me out of the first floor dining hall out into the central staircase. I had probably made a facetious comment to another boy in the dining room. He held me over the top of the staircase, swinging

956 Written statement of 'Hugo' (former pupil, 196x–8x), at WIT-1-000001360, pp.10–11, paragraphs 45–50.

me out and kicking me in the legs, around three or four times, and my lower back until I fouled myself. He wouldn't have been aware of that. I stayed outside for the rest of the dining hour and I had to sit in class for the rest of the day in stinking underwear. I became quieter and quieter that year, unsure of myself, my abilities and what I had to offer. I recall very specific things about this time period, such as the weather outside as I bent over to get beaten. I remember the wooden blackboards with their lines on them, which opened horizontally to reveal yet another blackboard, and the cupboards below, in which lay the broken clacken with which Brownlee had assaulted me. I can see the brown jackets he always wore, the brown slacks and brown brogues. I can still feel his crossed knuckles inside my collar.[957]

Knowledge of Brownlee's abuse: who knew? What did they know?

Those in adjoining classrooms, staff and boys alike, must have heard what was happening. As many applicants commented, the classrooms were not soundproofed:

> So, if there was a commotion in an adjoining class, you would hear it. There was no way that something like that would not have been heard by people in the adjoining classes. So the question is did anybody do anything, you know. Because it wasn't just the once that happened. Did anybody ask, go to the headteacher, and say: 'Look, this is unacceptable'? I have no idea. Maybe they did. But the fact is he was still teaching almost 30 years later.[958]

Further, some of the physically abusive treatment took place out in the corridor, as happened to 'Mike' and the boy he had been sitting next to in class.[959]

Given that Tony Dyer saw Brownlee openly kicking children,[960] other staff must have seen the way Brownlee treated at least some of them.

Further, Brownlee was known by colleagues to be a man with 'strong convictions' who could be 'strongly confrontational',[961] as was written by Tony Dyer in the tribute to Brownlee published in *The Academical* following his retiral. He was also known to be a disciplinarian[962] and to 'get annoyed sometimes. Sometimes more than he needed to have done … a bit more severe than some teachers … strict in many ways with the boys', and to administer corporal punishment which 'was sometimes excessive'.[963]

Regarding the tribute written by Tony Dyer, 'Max' commented:

> It is always, you know, 'What a great guy he was' … you don't have to read much between the lines in the one about Mr Brownlee [to see] that he wasn't well liked by his colleagues, and indeed it says something about – that he could be very combative with his colleagues. I bet he could. He was just that sort of individual.[964]

Dyer insisted, however, that he was not aware of Brownlee's treatment of children, although he accepted that he was never in

957 Written statement of 'Hugo' (former pupil, 196x–8x), at WIT-1-000001360, p.12, paragraphs 53–4.
958 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.94.
959 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, p.125.
960 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.9, paragraph 50.
961 The Edinburgh Academy, *The Academical*, 1995, at EDA-000000250, pp.14–15.
962 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.14, paragraph 86.
963 Transcript, day 365: read-in statement of Norman Jack (former teacher, 1965–2000), at TRN-8-000000081, pp.185–6.
964 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.88.

Brownlee's classroom and recognised that the evidence provided to the Inquiry about it was 'horrendous':

> When I got the paperwork from the Inquiry I looked at the paragraphs indicated and then I read the rest of the statements and I was horrified, it was really horrendous. I had absolutely no idea what was happening at the school. I don't think other people had any idea either.[965]

His evidence was similar to that of James Burnet, head of the Prep School between 1973 and 1987. Now in his 90s, he said:

> I recall John Brownlee. His years of employment coincided with mine throughout … His role was as a form master and house master. I remember him as strict, serious, and very self-confident. If he thought something was wrong you would expect him to tell you, and, indeed, on a couple of occasions, he disagreed with me and was right to do so. Neither situation had anything to do with child welfare matters. I knew John Brownlee professionally only. I saw him with children every school day. My impression was that he was respected, if not liked, by all the boys and indeed parents and colleagues. I did not see him discipline children. I did not see him abuse children.[966]

Having heard about the court proceedings, he went on:

> I hope that it goes without saying that I am absolutely and totally horrified by the findings of the sheriff. I can honestly say that I had no notion of these practices. To the very best of my recollection, no one, be it parent, child, or colleague, ever mentioned anything untoward to me that I can recollect and I certainly did not observe any abusive or criminal activity myself. I have, of course, spent a great deal of time wondering if this horrific abuse took place at all because of a lack of diligence on my part. I am greatly distressed by these findings and will continue to be so for the rest of my life. I am 94 years old and my memory is at best variable but I can't think, even with the benefit of hindsight, of any incident in particular that might have offered any clue as to the criminality of what was going on at the time.[967]

One applicant provided evidence about having twice been badly beaten by Brownlee for being late – lateness for which his mother was responsible – and his mother telling him that she had complained to Mr Burnet. As regards complaints about Brownlee, James Burnet had no recollection of that applicant, of his mother complaining to him or, indeed, of receiving any other complaints about Brownlee's behaviour.[968]

Erik Benson was a teacher at the Prep School during Jim Britton's tenure as its head. He wrote an email to Nicky Campbell, dated 2 August 2022, setting out his memories of Brownlee. They were neither positive nor complimentary:

> You mention John Brownlee. I was never happy around him. He seemed to revel in the power of being a deputy head. Between him and me there was a wall of awareness. He was state school Fife, and I was state school, plus three degrees, Lanarkshire. Maybe he felt a bit threatened, I don't know. He was known to grimly get out the clachan. I was totally familiar with the Lochgelly tawse, but after arriving at the Academy I never physically punished anybody … barbaric and, to me, unnecessary. I can only just remember some things from

965 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.10, paragraph 61.

966 Written statement of James Burnet (former Prep School headmaster, 1973–87), at WIT-1-000001568, pp.10–11, paragraphs 63–6.

967 Written statement of James Burnet (former Prep School headmaster, 1973–87), at WIT-1-000001568, p.11, paragraph 68.

968 Written statement of James Burnet (former Prep School headmaster, 1973–87), at WIT-1-000001568, p.11, paragraph 69.

> that time … Brownlee was an unpleasant, jealous person.[969]

Other members of staff including Senior School teachers also had firm views about Brownlee. Jake Young considered him 'full of his own importance. He was a primary teacher and always tried to give the impression that he was very much in charge. He was not of a public school background at all, but he tried to make out that he was.'[970]

Rob Cowie spoke to Geoff Fisher about Brownlee after he had moved on from being a house tutor in Dundas, and Fisher described Brownlee as being 'far too rough'.[971] Rob Cowie agreed that 'Brownlee had that reputation … He was undoubtedly over the top with some of his physical punishments.'[972]

Tony Cook went further when explaining both his own views and those of former pupils who had spoken to him. He explained that a 'group of teachers at the Junior School dominated the atmosphere there', including Brownlee,[973] and that he

> saw Brownlee with groups of children at rugby. You could tell by the way that children spoke to him and looked at him that there was a bit of fear involved … There was always a bit of a threat with him, which I think the children were very much aware of and you can read children's faces. You can read the different levels. Some children will show more fear than others, but certainly they didn't want to fall foul of him in my way … The perception of Brownlee amongst staff was that he was a very hard man and that he was overdisciplined … He was a very harsh disciplinarian and it's always difficult to talk about overdiscipline and what standard discipline might be, but undoubtedly he did use a lot of force, which at the time I didn't know a lot about exactly what it was and it wasn't until later that I got – found more detail.[974]

He added: 'In recent years I've learnt that Brownlee was a bit of a sadist. Former pupils have described to me how he used to shut people's heads in a locker and then hit them. I discovered that Brownlee was acting this way during the 1980s.'[975]

Conclusions

It is hard to fathom what caused John Brownlee to behave towards children in the way that he did. It is not unusual for members of staff at many schools to want children to comply with rules, to maintain certain standards, to refrain from being disruptive, and to engage fully with the education they are offering, all of which is understandable. Maybe he was driven by objectives such as these? However, such objectives could never justify the excessive and dreadful behaviour so many applicants experienced.

It is of critical importance to realise that the legitimacy of an objective does not of itself justify the means employed. The pursuit of such goals should never involve a fearsome fervour nor should it involve habitual venting of anger against children. Nor should a teacher regard themselves as entitled to demand respect, as opposed to earning it, or use violence as means of enforcing hierarchical control. For the most part, the means employed by Brownlee had such and similar characteristics and were not justified.

969 See email to Nicky Campbell, 2 August 2022, at WIT-3-000001320.
970 Transcript, day 365: read-in statement of Jake Young (former teacher, 1966–93), at TRN-8-000000081, p.158.
971 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.91.
972 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.91.
973 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.171.
974 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, pp.171–2.
975 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.173.

They were abusive practices and the victims of his abuse were Prep School-aged children including boarders who could not retreat to their family homes at the end of each school day.

Maybe Brownlee had a simple fear of losing control of his class, and/or his boarding house, and then having to suffer the consequences. But that is no justification either.

And maybe, given that there were applicants who were left feeling he was, at the very least, sadistic, there was something about the man that went deeper. I cannot, on the evidence, determine the cause. But what I have no doubt about is that he abused many children, harming them then and in the long term.

The reality for too many children was that John Brownlee abused them physically and emotionally in the course of his daily work.

Whatever the cause or causes, whatever the reason or reasons, the reality for too many children was that John Brownlee abused them physically and emotionally in the course of his daily work. It is clear that his propensity to behave in this way was known not just to the children but also to staff, including some in leadership positions. It ought to have been addressed but it wasn't – not by anyone in a leadership position, such as the head of the Junior School or the rector, and not by Brownlee's colleagues.

His excessive and harsh use of corporal punishment appears to have simply been accepted as how things were for boys in his classes and boarding house. Jim Britton, headmaster until 1973, wanted to bring an end to the use of corporal punishment, but other members of staff did not agree to it. I have the impression that his successor, James Burnet, was naive, complacent, and too comfortable with the status quo, perhaps because he had himself experienced the Academy as a pupil. He does not seem to have thought it necessary to look critically at its operation, which was a serious omission. His comments about his appointment and the potential for child abuse are telling:

> I had no handover or briefings from my predecessor on the teaching team of any sort.[976]
>
> …
>
> No guidance and instruction was given to staff on how to handle, and respond to, reports of abuse or ill-treatment of children by staff, other adults, or fellow pupils. I also was never aware of any reports of abuse or ill-treatment. Considerable autonomy, including discretion, was given to staff, including managerial staff, in relation to these matters. I trusted my staff to do the right thing at the right time, and in the absence of any complaints felt that this had worked well until hearing about the allegations now made. Abuse was not anticipated so I don't recall that specific child protection arrangements were in place.[977]

However, it is evident that James Burnet was in fact made aware of allegations about the treatment of a boy in 1982, when the boy's mother complained to him about Tony Dyer kicking her son, a form of punishment he described as 'unconventional'. James Burnet did not, evidently, regard it as abuse but he should have done.[978] Whilst he maintained that he was 'certain that if a child was being

976 Written statement of James Burnet (former Prep School headmaster, 1973–87), at WIT-1-000001568, p.2, paragraph 9.

977 Written statement of James Burnet (former Prep School headmaster, 1973–87), at WIT-1-000001568, p.6, paragraphs 34–6.

978 Written statement of James Burnet (former Prep School headmaster, 1973–87), at WIT-1-000001568, p.12, paragraph 76, and see Anthony (Tony) Dyer section.

abused or ill-treated it would have come to my attention',[979] when it did – as in the example above – he failed to recognise it as such.

The attitudes, assumptions, and approach of those in leadership positions, such as James Burnet, hindered rather than helped the school to wake up to the reality which was that, for far too long, the abuse of Prep School children at the Academy was discounted as not even being a possibility. So it was that John Brownlee's regime of fear persisted for years.

979 Written statement of James Burnet (former Prep School headmaster, 1973–87), at WIT-1-000001568, p.7, paragraph 43.

10 Hamish Dawson

Introduction

In 1953 The Edinburgh Academy appointed Hamish Dawson, then aged 26, to teach history in the Senior School. In 1965 he was appointed as housemaster of Dundas House and in 1972 as housemaster of Mackenzie House, a role he retained until 1979. He retired in 1983, aged 56, and died in December 2009. The evidence indicates that he was a good teacher of history; many of his pupils achieved academic success. But the way he treated too many boys was all too often physically abusive, emotionally abusive, and/or sexually abusive. He abused boys within the school and he abused them within the Dundas and Mackenzie boarding houses.

Dawson was described as 'quirky'[980] and 'a bit zany'[981] because he would throw things and used a variety of items he kept in his classroom to strike boys, calling them 'instruments of correction',[982] also referred to as 'instruments of torture'.[983] But at the time, the Academy seems to have regarded his behaviour as acceptable. Nobody enquired into what was actually happening. Nobody paused to consider whether his behaviour was abusive, which it was, and nobody paused to consider whether it might be associated with his having a sexual appetite for schoolboys, as was in fact the case.

Forty-seven applicants have provided evidence to the Inquiry about Dawson abusing them and other boys. He was a prolific abuser. Most pupils were aware of his reputation, and members of staff certainly knew he was eccentric, used the wide range of implements he kept in his classroom to discipline pupils, and had 'very extraordinary relationships with young boys'.[984]

Forty-seven applicants have provided evidence to the Inquiry about Dawson abusing them and other boys. He was a prolific abuser.

Background: family tensions

Once Dawson became a housemaster, his domestic life was, put shortly, a troubled one, not least on account of him having a difficult relationship with his wife, who was prone to volatility. This may have been due to mental illness. A doctor asked his daughter, Jenny Pearson, when she was a young adult, 'whether I knew that my mother was mentally ill' and that was, for her, 'like a hallelujah moment for someone I trusted to say that. It made sense.'[985] From her perspective, her father was absent much of the time she was growing up in the Academy boarding houses. She explained that her father's routine 'was

980 Written statement of Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at WIT-1-000001315, p.13, paragraph 48; Written statement of Robert Cowie (former teacher, 1963–2013), at WIT-1-000001302, p.35, paragraph 130.

981 Written statement of Robert Cowie (former teacher, 1963–2013), at WIT-1-000001302, p.35, paragraph 130.

982 Written statement of Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at WIT-1-000001315, p.39, paragraph 144; Written statement of Robert Cowie (former teacher, 1963–2013), at WIT-1-000001302, p.35, paragraph 130.

983 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.153.

984 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.60.

985 Written statement of Jenny Pearson (daughter of former teacher), at WIT-1-000005552, p.31, paragraph 111.

whatever the boys were doing, he was doing it too. He was attached to them.'[986]

Jenny hated living in the boarding houses, which put her in a constant state of fear, and she often tried to hide herself away. As a younger child, in Dundas House, she would hide in a cupboard:

> It was where I spent a great deal of time through choice … I needed to hide from my mother, but I also wanted to hide from the boys. I could hear the boys going up and down the stairs and in and out of the prep room, but I often used to hope, pray, and believe that nobody knew I was in there. It was like a hidey hole which was safer for me.[987]

When she went to the toilet in the house, boys would listen outside and snigger.

The behaviour of Dawson's wife, who played a limited role in Dundas House,[988] deteriorated over time and made Jenny's life 'a million times worse'.[989] In Mackenzie House her mother

> had become quite separate … and didn't have any role with the boys. I don't think she was involved with anybody except herself. She was still very scary, but she was not a well woman. I don't know whether she was suicidal, but she used to threaten suicide on a daily basis. When I came home from school, I could tell that she'd been crying. It was a combination of floods of hysterical tears and screaming and yelling. My father must have known that she was unwell on some level, but nothing was done. The school doctor knew about my mother's poor mental health … She was prescribed Valium. He must have known that there were mental health issues from very early on in all this mess.[990]

Based on Jenny's account, these difficult, stressful personal circumstances were such that neither of her parents should have had any continuing boarding house responsibilities. They were not capable of providing a supportive family atmosphere in the boarding houses, and the school needed to bring an end to Dawson's attachment to the boys. The Dawsons needed support from the school, which was not forthcoming. As with the other boarding houses, there was no meaningful supervision or awareness of what was really happening.

The school needed to bring an end to Dawson's attachment to the boys.

Jenny was clear that her father increasingly actively avoided home and normal home life because of his wife's behaviour, instead spending more and more time with the boys. She said:

> I never saw my father when we lived in Mackenzie House. By the time I came home he had gone for games and I never saw him. He was that absent. I used to sometimes wonder if he slept through in the boarding house … I think he sometimes slept on a chair in his study and maybe he slept in the boys' part of the house.[991]

Dawson's wife, it seems, simply could not cope with boarding house life. Jenny thought that:

986 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, p.65.

987 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, pp.62–3.

988 Though 'Richard' thought she played little, if any, part in Dundas House. See Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, p.183.

989 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, p.66.

990 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, pp.68–9.

991 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, p.71.

> being in the boarding houses at Edinburgh Academy completely wrecked my mother. I don't know whether she had always been deranged or maybe even schizophrenic but it unpicked her. She couldn't and didn't cope with living in the boarding house environment. When I lived in Dundas and Mackenzie I liked my father. He was good value and he was usually good fun … When I think of it now, I literally sought him out because he was so absent. I used to be overjoyed when he did things with me that he didn't do with anyone else. For example, he took me on the Waverley paddle steamer. When he took me on something like that it was as if I was finally the chosen one.[992]

Regarding Dawson's activities beyond the boarding house and family, there is evidence that he had a relationship with a prostitute in the 1980s. Howard Haslett, the school chaplain, worked with Dawson for 16 years and said: 'We had a pastoral relationship and he confided in me. One day in the photocopying room Hamish produced a photograph of a prostitute he had been having an affair with. He asked me to tear it up and say a prayer … This was sometime in the 80s.'[993]

'Sammy', a boarder in Mackenzie House, summed Hamish Dawson up as 'a strange man', saying that: 'Mackenzie House was his fiefdom. I think he wandered around the boarding house at night. I can remember being frightened to go to the toilet at night in case I got caught, so he wasn't in his own apartment. His presence was quite pervasive.'[994]

Pornography

A number of boys spoke to the school discovering Dawson kept pornography in his classroom and some inferred that was why he retired early. In fact, the school's discovery of his being in possession of pornography happened as early as the 1970s. Jenny Pearson recalled that: 'The rector knew that the pornography had been found in my father's briefcase. It was all hushed up and that wasn't when my father left. The pornography was found at Easter 1977, so I don't think my father's retirement was connected to this discovery.'[995]

That is borne out by the evidence of two applicants that suggests while Dawson did have pornographic contact magazines in his desk, pupils may have been responsible for there also being magazines in his briefcase. 'Munro' said that during his second year an older boy

> told me some of the stuff he knew Dawson had done. He told me that some of the senior boys decided that, because nobody was doing anything about Dawson, they would take it upon themselves to do something. He said that somebody had bought a hardcore homosexual magazine and had put it in Dawson's bag and got someone to report to the rector that the bag had fallen open and this magazine had been seen. I know that within a couple of weeks or so Dawson was hauled up in front of the rector, but I don't know what then happened.[996]

None of the school records throw any light on this matter and nor does Dawson's staff file.

992 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, pp.73–4.
993 Written statement of Howard Haslett (former chaplain and teacher, 1968–99), at WIT-1-000001354, p.8, paragraph 32.
994 Transcript, day 360: read-in statement of 'Sammy' (former pupil, 197x–x), at TRN-8-000000076, p.194.
995 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, p.96.
996 Written statement of 'Munro' (former pupil, 196x–8x), at WIT-1-000001392, p.17, paragraph 87.

I am satisfied that Dawson was in possession of pornography and the school knew about it but did nothing.

Dawson kept a stock of jelly beans as rewards for pupils. Around 1976, on an occasion when Dawson had not arrived in the classroom, some boys

> went into his desk drawer and helped ourselves to some jelly beans. We found a brown envelope in the drawer with a magazine sticking out the top, and being nosey kids we had a look at the magazine. It was an adult magazine with lots of small pictures of men and women with names and numbers and things circled and underlined. We had a look and then put it back in the drawer when we saw him coming … Towards the end of the week … the senior master, Mr McIlwain, came into our classroom and told me the rector, Mr Mills, wanted to see me … I turned up at the rector's office on the Monday and Mr McIlwain and Mr Mills were both there. It was about the magazine, although I didn't know how they had found out, perhaps they had overheard playground chat, I'm not sure. They questioned me about it and I did try to wriggle my way out of it but they were too clever for me. I was told by Mr Mills that they knew I was there, and that I wasn't in any trouble but I needed to tell them what I saw. They said that whatever I told them would stay between me and them and I could walk out the door and nobody would never question me about it again … I told them what I've just told you and true to their word I never heard another thing about it.[997]

Once again, school records are silent on this, but I am satisfied that Dawson was in possession of pornography and the school knew about it but did nothing. There were no consequences. This is extraordinary, particularly given the description of the publications. What should have been seen as an urgent question as to whether Dawson was fit to continue being employed by the Academy was, it seems, not even posed, let alone addressed. Instead, as Jenny Pearson said, 'it was all hushed up'.[998]

Dawson's abuse in the school

Beatings

By the mid- to late 1950s Dawson was well known as a teacher who beat children frequently and severely, a propensity captured by 'Sam' (IDU) who described him as 'an awful shocking man … a vindictive bastard'[999] who beat daily, using his 'implements of punishment'.[1000] As 'Sam' (IDU) explained:

> There would be a tawse there, there would be slippers there, there would be wooden instruments there, and maybe some other things, I can't remember. But he made it very clear what was in there and we all knew, and he used them with abandon. In fact, as I described in my statement, he, I believe, deliberately created circumstances whereby he could use them and beat boys.[1001]

Referring to Dawson's implements in his written statement, a different 'Sam' (IKA) said:

> Mr Dawson had weapons of mass destruction that had names. One of them was called a 'botty corrector'. I don't know which weapon was which. He had a ball and chain. It was a

997 Written statement of 'Paul' (former pupil, 197x–x), at WIT-1-000001381, pp.17–18, paragraphs 93–6.
998 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, p.96.
999 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.70.
1000 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.71.
1001 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.71.

> metal ball with spikes coming out of it on a chain … He had a baseball bat with nails in it, which also had a name. He clackened people. He had a big ruler that he would use to hit people on the knuckles. These weapons were known throughout the school.[1002]

He also used a suggestive nomenclature, calling them 'instruments of flagellation',[1003] as explained by 'Henry':

> He had a lectern, not unlike Lady Smith's, but smaller, a wooden lectern, blackboard behind him, and there was a box which he had affixed to that lectern that had any number of – what did he call them? Instruments of flagellation … and what he did to us was 'spifflication'.[1004]

The collection included sticks and canes, each of which was given a name. There was a

> 'blasphemy stick' and the 'expostulation stick' … which seemed to be a stick that could be used for anything that didn't fall in the category of anything else. If you swore there was a swearing stick, if you said 'Oh God' there was the blasphemy stick, and if you dropped something on the floor there was a stick, and basically there was a stick for everything.[1005]

Dawson's beatings often had an air of theatrical humour, with boys being hit on their hands with one of the sticks, which was all part of a performance:

> His classes were different from the others. He was a great storyteller and engaged the boys, so his classes were subversive. It was well known that if you got in trouble in his class then you would be beaten in front of the other boys with one of his implements. Dawson managed to make it humorous when he beat a boy and the other boys would laugh.[1006]

He beat boys for failings that did not justify corporal punishment at all, including dropping an item on the floor or making a mistake when copying from the blackboard. 'Sam' (IDU) explained:

> He would be writing the history of the Roman Empire or whatever it was on a rolling blackboard and you had to copy it into your exercise book exactly, word for word what he had written. You didn't make notes, you copied what he had written. And if you made a copying mistake, he would beat you for it … he would walk around the classroom, he would look at your work, and if he spotted a copying mistake, you were pulled out in front and got hit.
>
> And at times he was writing so fast, and he would roll the board over, and if you hadn't captured what was on the board earlier, you missed it. So you could have multiple – whole paragraphs missing, and the guy would then hit you for that, but even more, of course. In fact, that would merit the tawse.[1007]

Both colleagues and pupils found him to be unpredictable, as was recalled by Tony Cook who knew Dawson from being a pupil in his class and, later, from his experiences of him as a fellow member of staff:

> Hamish was a little bit erratic, I suppose, as a teacher, that you weren't ever terribly sure how he was going to react to a situation or something. He certainly didn't like people dropping off to sleep in his class, because he would be very accurate with a piece of chalk,

1002 Written statement of 'Sam' (IKA) (former pupil, 196x–8x), at WIT-1-000001260, pp.23–4, paragraph 82.
1003 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.50.
1004 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.50.
1005 Written statement of 'David' (INR) (former pupil, 197x–x), at WIT-1-000001275, p.21, paragraph 109.
1006 Written statement of 'Malcolm' (former pupil, 197x–8x), at WIT-1-000001324, p.6, paragraph 29.
1007 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, pp.71–2.

> which he would hurl at you and so you made sure you avoided that.[1008]

Whilst it was not uncommon for other members of staff to throw chalk, Dawson's aggressive and physically abusive activities remain in Tony Cook's memory for other reasons, including that the door to his classroom was held open with 'a little log' that he would sometimes 'throw across the room'[1009] and that he 'used to have a gown which had a greenish tinge to it, I remember that, and I think he had a knot tied in it that he could playfully give you a little whack [with] every now and again'.[1010] Tony Cook also recalled that a friend of his 'definitely got a prod with a compass and he went home to his parents and told them about this and so they … went and saw the rector about this, I think'.[1011]

Others, including fellow teachers, were well aware of Dawson's behaviour in his classroom. As with the pornography 20 years later, however, it appears nothing was done and his physical abuse of boys was able to continue.

Punishments – pretexts for sexual abuse

Over time, the extreme violence appears to have largely diminished, but by the mid-1960s it had been replaced by explicitly sexual behaviour on the pretext of maintaining discipline. Philip Dundas experienced

> one particular incident where … I was to get a beating, and he … made a great fuss of putting his hands down my shorts before … questioning whether I might have put a maths book down there to protect myself … There was no maths book, but there was a bottom which he felt.[1012]

'Henry' recalled something similar:

> He had this thing – and I'll never forget it because we had tweed jackets for two terms and the tweed jackets, instead of having one split at the back, had two. So it had a kind of flap that he would lift up with great ceremony, bend you over, lift it up, and feel you through – feel your backside and the genital area as part of the preparation for then being – then it was a kind of slap-and-tickle kind of hit.[1013]

'He had this system of rewards and punishments, jelly babies as a reward, and being spanked as a punishment.'

'Colum' was in Dawson's class:

> He would, on the slightest pretext, put you over his knee and use his hand to smack you on the bottom, and his hand would rest there for unnatural lengths of time … he had this system of rewards and punishments, jelly babies as a reward, and being spanked as a punishment, and it was one or the other, they weren't mixed, he didn't spank you and then offer you a jelly baby, and he would sometimes put you over his knee and tickle you. I think looking back it is very easy to forget how young we were. The average age of that class was 12 and I am not convinced that we understood what being felt up actually meant … [It was] very common. He would almost set it up so that he – he had a class prefect who used – and he would

1008 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, pp.137–8.
1009 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.138.
1010 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, p.139.
1011 Transcript, day 366: Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at TRN-8-000000082, pp.139–40.
1012 Transcript, day 359: Philip Dundas (former pupil, 1976–8), at TRN-8-000000075, pp.90–1.
1013 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, p.52.

> deliberately leave the room, and the class prefect would report anyone who mumbled or talked at all to him and then you would get put over his knee. And I'm sure he was kind of, in many ways, deliberately precipitating that, yes.[1014]

Further, 'Colum', when 'queuing in a line of boys for this punishment', would notice that Dawson 'was clearly sexually aroused',[1015] and there was also an occasion when, after Dawson had put 'Colum' over his knee to punish him, he felt Dawson's penis; he could see that he was aroused.[1016] The norm was 'he certainly would put you over his knee regularly … And you would be aware that his hand was resting unnaturally, for an unnatural period of time.'[1017]

On two of the occasions when Dawson put 'Sam' (IKA) over his knee, he felt him to be erect: 'He was definitely erect because my head was basically on it'.[1018] Dawson, said 'Sam' (IKA), would also put his hands down the front of boys' trousers 'to have a feel'.[1019]

'Colum' concluded that Dawson's

> prime sexual orientation was towards young males … aged 15, he came into the rugby changing room, said I still had mud on my legs, and made me … strip naked and said I wouldn't need my towel. Normally, you would leave the towel at the entrance to the showers. And I was completely aware of his complete fixation on my naked body, absolutely. It felt … mortifying, to be quite honest, it felt like being violated … I think Mr Dawson had a real lack of self-awareness.[1020]

That type of abusive conduct persisted until Dawson retired in 1983. In the classroom setting it took a number of forms which were, as 'Cameron' observed, ritualistic. He was in the Senior School in the 1980s and, reflecting on his experience of Dawson, said:

> We saw him as a joke and a silly, nonsensical thing that happened. He was taking pleasure out of it. I used to say there was no way that man would be a teacher nowadays, long before allegations of abuse came out. There was no way that kind of performance would be allowed, never mind the sticks and the rewarding and the bare flesh and all that kind of stuff.[1021]

He also thought it odd that Dawson 'kept it up right until the end of school'. It got to the stage that 'corporal punishment was on its way out' yet Dawson used it until the mid-1980s, by which time 'men hitting what were effectively grown men was an odd thing'.[1022]

Tickling – a pretext for sexual abuse

Dawson had a habit of tickling boys in a way that was wholly inappropriate, making it all out to be a joke when it was, in fact, manipulative and a form of grooming. His evident delight in touching boys' bare flesh plainly had sexual overtones. And this led to him touching the

1014 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.117.
1015 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.122.
1016 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.122.
1017 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.118.
1018 Transcript, day 361: 'Sam' (IKA) (former pupil, 196x–8x), at TRN-8-000000077, p.143.
1019 Transcript, day 361: 'Sam' (IKA) (former pupil, 196x–8x), at TRN-8-000000077, p.143.
1020 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, pp.118–19.
1021 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.31, paragraph 100.
1022 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.31, paragraph 101.

genitals of a number of boys. He tickled boys in this way in the classroom and in the boarding house. Theatrical ritual was as intrinsic in his tickling boys as it was in his beating them.

'Perseus' described how regularly Dawson set about tickling boys in class:

> [He] took a delight in trying to be a friend to the boys and being funny. He would talk about 'acres and acres of pink tickly flesh' and home in on you. At that stage we were dressed in long trousers but he must have uncovered us to some extent through our shirts, perhaps by undoing buttons to get to the 'tickly flesh'. He had a reputation amongst the boys for being what we called a 'poof' and we had no other language at this time. Mr Dawson was also a Prep School boarding housemaster … He had a reputation for behaving weirdly at shower time in the boarding houses and it was referred to in such a way that I still cringe and can imagine the scene. This was general knowledge.[1023]

On one occasion, 'Perseus', aged 13, pushed Dawson away and left:

> About one week after the incident, he asked me to stay behind after class. It was break time … He didn't touch me but he played me Rachmaninov's Piano Concerto on his record player and asked me how I felt about it. He wasn't being threatening at all and I quite liked the music. Something told me I had to leave and I excused myself and left the room. It was particularly strange because he didn't play music during lessons, as far as I remember. The tickling in the class continued with other boys. He tickled them openly through shirts and under clothing. At the same time he would be telling the boy why they were being tickled for some spurious reason as well as playing a part.[1024]

Other boys subjected to the tickling behaviour included 'Douglas', to whom Dawson 'seemed to have an attachment'.[1025] He did not mince his words: 'I think he was probably the most evil of the lot. Well, him and Wares.'[1026] Dawson used to put 'Douglas'

> over his knee, pull my shirt out, tickle me, touch my genitals, and he used to say: 'Oh, look at this, oodles and oodles of pink tickly "Douglas".'
>
> And then when he'd finished doing that, he used to stand you there and say: 'Tell me, does your mother ever look at you and burst into tears?' To which I would reply: 'No, sir', and he would then say: 'Well, she's a saint.'[1027]

'Douglas' said that people did report Dawson's conduct and believes that the school knew about it. Other applicants also stated that complaints were made about Dawson and that the school could not have failed to know about how he behaved with the boys.[1028]

Dawson singled 'David' (INR) out for special treatment, calling him by a girl's name in what he described as a creepy voice. 'David' (INR) described him as 'very tactile'. He would, he said, 'tickle the boys. He would come into the dormitory and tickle us. He would say in that creepy voice again: "Come here, [girl's name]"'.[1029]

1023 Transcript, day 357: read-in statement of 'Perseus' (former pupil, 196x–7x), at TRN-8-000000072, p.208.

1024 Transcript, day 357: read-in statement of 'Perseus' (former pupil, 196x–7x), at TRN-8-000000072, pp.209–10. It seems likely that this was Rachmaninov's sentimental 2nd Piano Concerto, which featured in the 1945 film *Brief Encounter*. The film focuses on the subject of forbidden love.

1025 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, p.37.

1026 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, p.36.

1027 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, pp.36–7.

1028 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, p.38.

1029 Transcript, day 361: 'David' (INR) (former pupil, 197x–x), at TRN-8-000000077, p.61; Written statement of 'David' (INR) (former pupil, 197x–x), at WIT-1-000001275, p.21, paragraph 112.

Nicky Campbell remembered comic interludes in Dawson's class which went beyond being a joke:

> You thought, oh, we can all relax and there's a bit of funny, a bit of jokiness and it was: 'Come here, you. Come here.' And everyone is laughing. What's going to happen now? What's going to happen now? What's going to happen now? And then he used to have this phrase … 'Oh, acres and acres of pink, tickly [surname], how lovely' … He would get you over his knee and he's tickling. Of course you're laughing and the desk was on a plinth and he had a big desk and I'm not sure if people could see exactly what was going on behind the desk, but he … would tickle you and you're laughing … and it happened to me on I would say three occasions. The fourth occasion was the killer occasion … he was doing the same thing and his fingers went into – under my underwear and he started playing with my penis … and I remember being confused, not telling anyone, because again it was – it could have been my fault.[1030]

Confusion is not uncommon in such circumstances if a person presents themselves as someone the child can trust but breaches that trust for their own sexual purposes, and it can have long-term impact. It was spoken about by various applicants who were abused by Dawson and by Iain Wares. 'Cameron' had a friend who

> was a very easy school student. He was very clever and bright. He went to Cambridge and he was sporty. Recently, I talked to him about the Inquiry. To this day, he says that he doesn't like his sons tickling him because of Mr Dawson. He's not the one I would have thought would have any emotional response to anything at the school.[1031]

Dawson engaged in behaviour which, whilst superficially a matter of fun, was in fact manipulative, and was a form of grooming. He beat 'Malcolm' often, including for getting top marks in class, but would also tickle him. 'Malcolm' thought 'it was like he was being playful because he was turning the normal order of things on its head … It was like a Pied Piper effect because his classes were different from the norm and he was so charismatic.' But 'Malcolm' also found that it had 'a dark side and was very confusing'.[1032]

He now concludes that it was insidious and

> very clever because Dawson was creating a carnival atmosphere used to soften social rules. He was creating something out of the ordinary and different from the norm, so it made it humorous and funny, and so it allowed him to then do other things that were out of the norm. It was grooming and in hindsight very manipulative.
>
> Being punished also involved sitting on Dawson's lap. He would say to me: 'You're acres and acres of tickly "Malcolm"', as he put his hand under my shirt on my bare skin and felt me all over. I don't remember him touching my genitals but it was certainly intrusive. It made me feel very uncomfortable. This happened about once a week during my history lesson and it happened in plain sight, in front of all the other boys.[1033]

Drawing on boys' bodies – a punishment and a pretext for sexual abuse

A bizarre aspect of Dawson's abusive behaviour in the classroom was drawing on boys' bodies. It would happen during the tickling incidents. It was performative and added to the confusion and insidious

1030 Transcript, day 364: Nicky Campbell (former pupil, 1966–78), at TRN-8-000000080, pp.31–3.
1031 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.29, paragraph 94.
1032 Written statement of 'Malcolm' (former pupil, 197x–8x), at WIT-1-000001324, p.6, paragraphs 30–1.
1033 Written statement of 'Malcolm' (former pupil, 197x–8x), at WIT-1-000001324, pp.6–7, paragraphs 32–3.

grooming he perpetrated. In their evidence about the punishments Dawson administered, 'David' (FYE) recalled that Dawson 'would write on your stomach in biro "I have been a naughty boy"';[1034] 'Sam' (IKA) stated that Dawson 'would lift up their shirts and write on their tummies and backs and thighs "I must do this" or "Do not do that"';[1035] and 'Andrew' (IDL) said that Dawson not only wrote such statements on boys' bodies but took the opportunity to touch them sexually at the same time:

> [He] would call you out in front of the class – again this big performative act – and have you over his knee, take your shirt off and roll it up, and [write] things on your back in biro: 'I am a very naughty boy', sort of – 'I need to be disciplined', things like this in red biro, at such a point it is difficult to get biro off, but always in the small of your back so you couldn't get it off. When you had to go to gym you had some inscription on your back. Then he would set about you, and while all this is going on his fingers groping all over the place.[1036]

Nicky Campbell was drawn on by Dawson on three occasions when being tickled:

> It was always on my inner thigh. I know some people had it on their back, but he'd draw pictures with felt tip pen on my inner thigh and of course that involved getting a certain amount of purchase with his fingers. So you could – everyone is laughing and it's the laugh. He's drawing a smiley face on the inner thigh. And then the comic interlude is over and then you go home and when I went home I remember running in and washing it off, because I didn't want my parents to know. Because it would have been awkward. In a strange way, I was protecting him because he was funny and he was providing us with fun in the class, you know, when we're trying to learn about all the other stuff, you know. And I probably thought: 'Oh, my parents think I maybe did something wrong.' I wouldn't want them to know. Because I was aware it would cause a big hoo-ha and also he – you kind of thought that you were part of it. So you went up.[1037]

So it was that Dawson skilfully achieved what was plainly his objective, namely sexual gratification all under the mask of experiences presented to children as being light-hearted fun which, as he must have known, they would never report to anyone as being a concern. Yet, for many boys, they sowed the seeds of long-term harmful impact.

Dawson skilfully achieved what was plainly his objective, namely sexual gratification.

Implements of torture and everyday violence

The aspect of Dawson's classroom that most applicants remembered was his collection of implements with which he punished boys, doing so in ways that could enable him to sexually touch pupils. The collection was in plain sight and was even referred to in the rector's valedictory remarks at the end of the academic year in June 1984, Dawson having left the school the previous December. Laurence Ellis, when referring to the members of staff who had departed the school, said:

> But the greatest loss is surely Mr Hamish Dawson, working since Christmas with adults near Cheltenham … and sadly down there today. He lit up history and schoolmastering for many boys, old and young, in his unique way. Wit, storyteller, actor, skipper. Housemaster,

1034 Transcript, day 358: read-in statement of 'David' (FYE) (former pupil, 197x–x), at TRN-8-000000073, p.62.
1035 Written statement of 'Sam' (IKA) (former pupil, 196x–8x), at WIT-1-000001260, p.23, paragraph 81.
1036 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, p.89.
1037 Transcript, day 364: Nicky Campbell (former pupil, 1966–78), at TRN-8-000000080, p.32.

Even the rector bought into the notion that Dawson's behaviour with boys was all a bit of fun.

> class master, games master – he put his heart and soul into it with a passionate loyalty to an Academy where life was not always easy for him; and he was a real friend to many of us. I shall remember with pure pleasure his schoolboy smile, and his menagerie of curious instruments of correction, such as the Idleness Inhibitor, and his speech to the London Academical Club. He was a schoolmaster of real dedication who will be remembered with great affection. I hope you will indicate what message you want passed to him and to Sheena. [Applause][1038]

This demonstration of complacency is breathtaking. Even the rector bought into the notion that Dawson's behaviour with boys was all a bit of fun. Dawson had become this well-known, quirky, eccentric fixture – about whom the school should have been concerned – as far back as the 1970s, with complaints being made and his possession of pornography known about. By the 1980s, when his practices were so at odds with modern understanding, his conduct towards children should certainly have been addressed. No other members of staff behaved as he did, yet he was left alone with a free rein to carry on abusing, perhaps because of his long service, and his devotion to and being of use to the school. Or maybe because no one thought about the pressing need to address the risks to children that he plainly presented.

In stark contrast, generations of boys knew what Dawson was about. 'Andrew' (IHA) said:

> The behaviour was intensely odd. There would be this, sort of almost like a sort of vaudeville, or end-of-the-pier kind of humour … that sort of rude humour that came out of that period, where he was sort of masking predatory behaviour by using this, sort of, way of dramatising punishment or dramatising you getting into trouble and getting other boys to get involved when he was punishing you.[1039]

In 'Andrew's' (IHA) case that meant being hit with a piece of wood – a length of 3 by 2 – which he had to sign, another consistent feature of Dawson's style. When 'Andrew' (IHA) did so he noted it had already been signed over two-thirds of its length so it was a regular habit. And, as previously noted, it involved other members of the class, all so as to allow Dawson to touch the boy:

> It is all done in this very sort of very exuberant way. So it was like, 'So and so, grab his arm, grab his arm, grab his leg, grab his leg', and then I was spreadeagled backwards over a chair. So you are being held, you are being pinioned, and then your trousers are undone, unzipped, and pulled down. And then screaming, he was shouting about the colour of my pants, and then his hands were running up and down my body.[1040]

'Fred', who remembered Dawson as an otherwise good and engaging teacher, also recalled that:

> The weird thing was this collection of sticks … he had this box next to his desk, again on that sort of bookshelf ledge … it must have had about 15, 20 sticks in there, which he would use to administer punishments for various crimes … They all had names. And even more oddly, boys were encouraged to make a new stick and give it to him. So some of them were like –

1038 *The Edinburgh Academy Chronicle*, September 1984, p.131.

1039 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, pp.98–9.

1040 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, p.101.

> there was a bit of old cane, like a really knobbly piece of bamboo cane was one. There [were] wooden sticks, there was certainly a clacken in there. One was a golf club shaft, with a golf grip on it.[1041]

Eleven-year-old boys were put across Dawson's knee to receive their punishment. 'Fred' said:

> You were supposed to – it is like this thing of making him new punishment sticks … there was something slightly weird about the way you were invited to participate in your own punishment … It was a punishment you were supposed to not just learn from, but be grateful for in some way.[1042]

'Billy' said 'spifflication' – being punished with one of Dawson's implements –

> was supposedly all jolly and was supposed to be tickling, but it was just an excuse for him to run his hands all over you. I don't think he regarded it as a punishment, it was just something he would do when he felt like it, when he felt it was the thing for him to do … A weird thing about Dawson was that he had this jar of jelly beans and he would sometimes reward you after he punished you. He would give you a sweetie afterwards, the stereotypical image of a paedophile. He was like the Child Catcher in the movie *Chitty Chitty Bang Bang*.[1043]

'Andrew' (IDL) said:

> He had all the sort of ridiculous bits of wood and some of them weren't quite so ridiculous … about a yard long of 3 by 2 which was called the 'Bad Prep Bonker' … three questions wrong … then you might have little ones that he would give things like 42 taps with. Again, like the table tennis bat, one tap wouldn't be an issue, two [taps] would be no issue, 42 taps starts to get extremely painful and at the end of it he might reward you with a jelly baby … and then all the class would be laughing at you … in that case he was actually inviting a class to sort of get into it and make ribald comments and laugh.[1044]

'Max' provided further details of some of the implements and their purpose:

> They were mock medieval things, he had a tennis ball that was somehow attached to a stick and he would bonk people on the head with them. He had a clacken that had nails in it. He wasn't hitting people hard with that, obviously. So it was kind of like pretend hideous punishments. But he used them as a pretext, really, for getting kids across his knee where he could, you know, fondle them, or otherwise assault them.[1045]

'Mr Dawson had a variety of different implements that he would hit you with.'

'Tom' had come to the same conclusion:

> Where Mr Brownlee had a clacken, Mr Dawson had a variety of different implements that he would hit you with, and they all had calligraphy on them and they all had different names, and there was also much more of a kind of – it was much more sexual. It didn't feel sexual to me at the time but, looking back on it, it was much more sexual.[1046]

1041 Transcript, day 357: 'Fred' (former pupil, 197x–8x), at TRN-8-000000072, p.30.
1042 Transcript, day 357: 'Fred' (former pupil, 197x–8x), at TRN-8-000000072, p.31.
1043 Written statement of 'Billy' (former pupil, 197x–8x), at WIT-1-000001511, pp.21–2, paragraphs 109 and 113.
1044 Transcript, day 362: 'Andrew' (IDL) (former pupil, 196x–7x), at TRN-8-000000078, pp.89–90.
1045 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.98.
1046 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.45.

When Dawson came to the end of his time at the Academy, he spoke to his colleague Tony Cook about auctioning his instruments of correction: 'Dawson came up to me and told me that he was retiring at the end of term in the early 1980s. He said that he wanted to get rid of his instruments of correction and make some money for charity … Maybe it was an odd way of absolving himself.'[1047]

'Tom' recalled:

> He was selling these various implements for charity, and I remember thinking: is there any way I could get enough money together to buy one of those? Which now I look back on it and think is absolutely just obscene … So that obviously had some sense of the relationship that he had with you in terms of these implements, that, you know, it didn't feel like damage was the intention.[1048]

'Arthur' made a telling and astute observation. Dawson, he said, 'had a very strange energy about him, which I recognise in images of Jimmy Savile, because what he would do was make a joke about everything. In making a joke about things he makes everyone complicit in what he's doing.'[1049]

So, not only did Dawson collect and openly use his instruments of correction, but the school was well aware of the auction and, rather than seeing these items for what they were, bought into the notion that they were just instruments of fun, validating what should never have been tolerated in the first place.

Other abusive behaviour

Dawson could be cruel, in stark contrast to his jokey, eccentric manner. 'Cameron' remembered that Dawson could, even in 1983 – Dawson's final year at the school – still resort to extreme and sadistic violence. One of his classmates had had enough of Dawson's behaviour so he put all the implements of correction in the bin before Dawson arrived in the classroom. Dawson

> came in and saw the sticks in the bin. In a quiet anger, he asked who it had been … [the boy] put his hand straight up and said it was him. Something about him had just had enough of it. Dawson pulled him out to the front of the class [and] got him to bend over. He didn't tap him or swipe him or tickle him. He belted him on the backside with the biggest stick he could find. The stick was like an L-shaped plywood chair leg, about an inch by an inch thick. It was a solid piece of wood. He really, really, really hit him hard. I don't know if he took a run up but he certainly took a big swing at it. I think he just hit him once. You could see the look on [the boy's] face. He was trying to be tough about the whole thing, but he was hurt … I just remember thinking that he had gone out of his way to hurt that guy … the look on [Dawson's] face … told you: 'I'm trying to hurt you and I have succeeded.' Hamish Dawson had gone out to hurt [him] as hard as he could.[1050]

'Alistair' was physically abused in the classroom by Dawson. He found him to be very intimidating and was subjected to a particular practice of Dawson's when

1047 Written statement of Tony Cook (former pupil, 1951–61; former teacher, 1975–2003), at WIT-1-000001315, p.39, paragraph 144.

1048 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.47.

1049 Transcript, day 365: read-in statement of 'Arthur' (former pupil, 197x–8x), at TRN-8-000000081, p.22.

1050 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.30, paragraphs 96–8. Another applicant remembers Dawson throwing the same boy across the classroom: see Written statement of 'Billy' (former pupil, 197x–8x), at WIT-1-000001511, p.22, paragraph 111.

administering corporal punishment which he described as 'extremely abusive … malign and violent and well beyond any justification, it was just sadistic and deeply humiliating and frighteningly painful'.[1051] He described it happening to him when he was about 15 years old, and the event still stands out in his memory:

> It was terrifying and it also seemed aberrant behaviour. We were quite small, of course, or not that big … But you had to put your head – to bend over, at 90 degrees, underneath either a very tall stool or some sort of desk or something, with your hands out like this, and then your head was up against the end wall with the blackboard. And so you had to look down and not flinch, and what he would do was run to the back of the classroom and you were going to be clackened, but what he would do is he would make a loud sort of noise, like a roaring bull, as he would run from the back of the classroom to you. And, of course, you would hear this noise getting closer and closer and closer, so you would immediately go [sharp intake of breath] when you thought it was going to happen, so you would crunch your head on the stool or the thing you were under, but you weren't allowed to flinch. And this happened three times before he then finally hit you, in which case you then, basically, scrunched your head against the top and went into the wall. Yes, that was it … And I remember that happening to at least one other person in that class, the same thing. And so that was the nature of the man.[1052]

'Stephen' was never taught by Dawson but was once in his classroom for a reading period. Going into his bag, he rustled a packet of crisps and Dawson asked who was eating:

> Me, as the culprit, goes bright red and he tells me to come up to his desk. 'This is what happens when you are eating', and he bent me over, grabbed my genitals, and caned me at the same time, in front of 20 plus other students … I was petrified, embarrassed.[1053]

'James' (CCD) said:

> There was just something about his demeanour that I found unnerving. On one occasion a boy wanted to go to the toilet, but Mr Dawson refused to let him go. The boy ended up pissing himself, and I think Dawson just shouted at him to get out. Dawson disciplined lots of boys, with both a ruler and the clacken … you were normally hit on the hand with the ruler and on the backside with the clacken.[1054]

'Eric', whose skin was dark-toned, received racist treatment from Dawson and other teachers:

> Dawson's favourite thing with me was to come up to me in class, when I was at my desk, and he'd take the chalk duster and wipe my face with it, and then tell me that was much more acceptable. That was in front of the rest of the class. It still makes me cringe when I think about it. I would have been aged 12 then … I got introduced to racism in first year of Senior School and I didn't really know if it was bad or not. I heard the words 'black boy', 'wog', 'jam boy', and 'boy', and these came from the teachers. Dawson was one of the worst.[1055]

Extra-curricular activities: opportunities to abuse children

Hamish Dawson was also known for his willingness to engage in many extra-curricular

1051 Written statement of 'Alistair' (former pupil, 196x–7x), at WIT-1-000001157, p.17, paragraph 69.
1052 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, pp.50–1.
1053 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, pp.150–1.
1054 Transcript, day 358: read-in statement of 'James' (CCD) (former pupil, 196x–7x), at TRN-8-000000073, p.166.
1055 Written statement of 'Eric' (former pupil, 197x–8x), at WIT-1-000001541, p.23, paragraphs 100–1.

activities. The 'Valete'[1056] published in *The Edinburgh Academy Chronicle* of January 1984, following his departure in December 1983, partway through the school year, included the following:

> Rector Watt, in his speech at the 1954 Exhibition, referred to 'another of our new recruits, Mr Dawson, who himself unseen, delighted our eyes by the manipulation of the lighting [for Twelfth Night]. We wish him and his wife well in their new venture, the initiation of some of our younger members into the delights of camping and of climbing in the Cairngorms.' Thirty years later the Commodore of the Steam Navigation Club was initiating young and old alike into the delights of inland waterways. A rough calculation suggests that Hamish spent over six months of holiday on leading camping and boating trips, not to mention innumerable shorter expeditions … In school Hamish was unstinting in his contribution to extra-curricular activities. 'Hysterical muddling', as he called it, was only the last in a long line of pursuits that flourished under his direction. For many years he organised the Football, while himself coaching the Under-12½ XV.[1057]

In the same tribute, there was also mention of Dawson being a 'natural educator' who was 'tirelessly inventive in the exercises and approaches and challenges he devised'.[1058] That description may seem positively glowing. But, equally, it fits so well with what were in fact abusive practices that I can only conclude that others, including the headmaster of the Prep School and the rector, must have known how Dawson behaved towards the boys and took no steps to look beyond the tribute's surface. Or that they did apprehend that something darker than a mere bit of fun was happening but chose to overlook it because of the academic success his teaching produced. The latter also featured in the tribute paid to him in *The Edinburgh Academy Chronicle*:

> He inspired many a future scholar in Iii, became famous as a coaxer of the hesitant over the O-level hurdle and, by his work for the British History Paper at Higher, ranks with the great exponents of his profession. It was fitting that his last set of candidates should achieve gloriously in excess of the statistical probability.[1059]

Dawson's involvement in a wide range of extra-curricular activities enabled him to abuse boys. It was abuse that included some of the worst of his behaviour.

'Alistair' was not only abused physically by Dawson,[1060] he was also sexually abused. After rugby training Dawson would come into the changing rooms and enter the shower area where he would flick the boys with wet towels: 'And everybody was quite conscious that they were sort of trying to avoid being flicked, and it was quite – it was very painful, and it was a very wet towel. And that was a kick for him, I suppose.'[1061]

'Alistair' had a recollection of another teacher being present – an 'acolyte', as he described him – although he couldn't remember who it was, and he was clear that Dawson 'was very much the dominant personality'.[1062]

The boys were all naked and very self-conscious. Whilst 'Alistair' thought the 'excuse

1056 The 'Valete' (Latin for 'farewell') section of *The Edinburgh Academy Chronicle* is where the school publishes formal farewell tributes to staff who are leaving at the end of the academic year, or those who have left during the year.

1057 *The Edinburgh Academy Chronicle*, January 1984, at EDA-000000105, p.1.

1058 *The Edinburgh Academy Chronicle*, January 1984, at EDA-000000105, p.2.

1059 *The Edinburgh Academy Chronicle*, January 1984, at EDA-000000105, p.2.

1060 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, pp.50–1.

1061 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.42.

1062 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.41.

for it … was to accelerate us changing and getting off to go home',[1063] other rugby coaches did not go into the changing rooms or flick boys with towels.

'Alistair' explained how, at rugby practice, Dawson

> would sort of run up and tell you what you should be doing … he would run beside me and you would have this specific address to yourself, which was, you know: 'You played extremely well last time, you are not playing well enough this time' … to the point where, having brought you forward, you were then going to be deserving of punishment if you didn't play well enough.[1064]

There was an occasion one dark afternoon when he told 'Alistair' to stay on after he had changed. 'Alistair' thought what happened next was all 'premeditated … calculated … deliberately manipulative'.[1065] He went on:

> So I was asked to stay on after changing and I was going to be punished. I hadn't, you know, realised I had done anything particularly wrong, but I felt a huge degree of trepidation, because I didn't sort of intuitively trust the man … And then in front of the changing room, looking out over the rugby pitches, was a sort of cricket pavilion, little timber, single-storey building, with a sort of portico and a pediment, and he had the key for that and he took me in … and I was absolutely petrified. I didn't know what was happening … by this time, it was really quite dusky, and he put me over his knees and he took my trousers down and he proceeded to play with me. Started on my bottom and then my groin, and by which stage I was absolutely blubbering and fairly terrified … I have no idea how long it lasted, and it wasn't at all – it was hugely traumatic. And I then had to make my way home, walking, and I do remember that being ghastly. I was blubbering all the way and crying.[1066]



Cricket pavilion

'Alistair' still has a strong visual memory of the event, not that it is something he likes to revisit. He also has the sense it happened again on another occasion. He can still visualise and smell the cricket pavilion. He did not tell anyone at the time, partly because he thought that was what a punishment was – that life was just like that – but also because of the conflicting emotions evoked by Dawson's behaviour:

> It was the lot that you drew, the life you expected, and these were your mentors … I didn't sort of do anything about it because I had been to parties with his two daughters. And I thought it had only happened to me, the incident on the playing field, in the pavilion.

1063 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.43.
1064 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.44.
1065 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.45.
1066 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, pp.46–7.

> You think these things only happen to you because it is done in that sort of way. And I had known his daughters, and so … I had a loyalty to them. You know, it is really awful for them.[1067]

Dawson founded the Steam Navigation Club. During school holidays he would organise puffer trips for pupils, during which he would abuse boys. Dawson's trips only involved younger boys and, according to 'Hugh', he clearly chose 'his favourites to be on his boat'.[1068] 'Sam' (IKA) was selected to go on a puffer trip on the Caledonian Canal when he was around 13 or 14. He remembered the vessel had a shower about the size of a telephone box. It had a curtain, which Dawson ensured was kept open. He then watched boys, including 'Sam' (IKA), showering, and would tell 'Sam' (IKA) to wash and let him see, and to turn round because he needed 'to check' whether he had washed. This happened every night, and whilst Dawson was 'sort of jovial', 'Sam' (IKA) found it very uncomfortable and embarrassing.[1069]

For others it moved beyond this blatant voyeurism. 'Charlie', aged 12, spent five days on the 'Auld Reekie' puffer. The combination of feelings about that trip – positive and negative, generally good fun and abusive – may seem odd, but I am satisfied on the evidence of applicants across the whole case study that it is not at all unusual, particularly where abusive behaviour has become normalised. He explained it this way:

> Hamish Dawson was the lead master on the trip and in charge of the school party … [he] took every opportunity to touch you on the trip. Saying that, horrible and uncomfortable as that was, I have some positive memories of the trip as it was a new experience and it was generally good fun.[1070]

Dawson selected 'Billy' to go on a canal boat trip in 1983. During the trip Dawson sexually abused him:

> I kept a log of the trip which I still have. We travelled by canal boat to Rugby from 27 August until 3 September 1983 …
>
> Dawson styled himself as 'The Commodore' on that trip. He wore a seaman's hat and we had to address him as 'Commodore' throughout the trip. He really was a freak.
>
> I recorded entries in my log for the first two or three days of the trip and they were nice, jovial entries and that I was enjoying the trip. My entries then stop … and it stays like that until the end. That's because he started coming to my bed and fondling me. There was no contact for the first three or four nights, then he touched me every night thereafter …
>
> All the beds could be screened off with a little curtain. Dawson, under the guise of saying goodnight to us, would come and open each curtain and speak to each boy. That's when he would molest me. It was never skin on skin, he would fondle my genitals through my pyjamas. I was aware of him saying goodnight to other people, but because of the curtains you didn't see what he was doing with the other boys. He didn't say anything to me and I couldn't say if it aroused him.
>
> I imagine he was getting some sort of homoerotic joy out of it.[1071]

Given the tenor of all the evidence about Dawson's obsession with boys' bodies, naked or clothed, 'Billy' seems justified in judging these activities on the part of Dawson as an aspect of him being sexually attracted to boys on the trip.

1067 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.52.
1068 Written statement of 'Hugh' (former pupil, 197x–8x), at WIT-1-000001467, p.15, paragraph 56.
1069 Transcript, day 361: 'Sam' (IKA) (former pupil, 196x–8x), at TRN-8-000000077, pp.148–9.
1070 Transcript, day 363: read-in statement of 'Charlie' (former pupil, 196x–8x), at TRN-8-000000079, p.34.
1071 Written statement of 'Billy' (former pupil, 197x–8x), at WIT-1-000001511, pp.20–1, paragraphs 101–6.

The experience of 'Tom' was that:

> if you were in Mr Dawson's class or you … had taken his fancy and you were a boarder, he would … take you … to his house. But, before we went to his house, I remember we went to a pier, and … we had to play a game, which involved running down this pier and doing various things, one of which was climbing through a small red hoop … to tie boats on to and things. But, looking back on it now … boys wriggling through that hoop would affect their clothing and how their clothing sat on them and – but, at that age … you are all doing it for fun, it was only later that I started to really unravel and really see it for what it was. He then also would take you to his house and … you would get some food, et cetera, and he had a ride-on lawnmower, which you would – he would drive and you would sit on his lap while he drove that ride-on lawnmower around his garden … At the time, I thought a ride-on lawnmower was amazing. Now, I look at it and I think it's just so obscene it's untrue … It always involved an awful lot of him rubbing you and rubbing you against him.[1072]

Dawson's abuse in the boarding houses

It was when he was housemaster of Dundas and Mackenzie boarding houses that Dawson had the greatest scope to abuse boys since there was often no other adult present. And there was no proper or effective supervision by the school.

Both boarders and day boys, however, knew about Dawson's behaviour in the boarding houses. There were also boys who had experience of both boarding and being a day pupil at the Academy. 'Andrew' (IHA) spoke of there having been

> bad stories coming out of some of the boarding houses and how it had affected various people … the sort of hearsay stories were starting to come through of people coming into the showers, of unusual forms of punishment … that, if you like, was common knowledge and was commonly discussed.[1073]

Beatings and fear

Such accounts were borne out by the experience of many applicants who had been boarders and had been abused physically, emotionally, and sexually by Dawson. 'Richard' boarded in Dundas House for a year during his second year in the Senior School, when he was aged 12–13. That was Dawson's second year as housemaster. He knew Dawson from having been taught by him during the previous year, and described him as someone who beat 'ostensibly in a jovial way', it being, he thought, seen as jovial by the boys. But, as he added, that was before he had 'any sort of appreciation of the much darker side of his character'.[1074]

'Richard' also recalled an incident when the beating was not jovial, but Dawson had used a joke to set it up. Almost all the boys in his class received a beating for what was, according to Dawson, giving the wrong answer to the question 'Who was chiefly responsible for the production of wool in the Middle Ages?' The boys had answered 'monks' but Dawson 'triumphantly said: "No, it was the sheep"'.[1075] So, 20 to 24 boys who had given the 'wrong' answer were beaten.

As a Dundas House boarder, 'Richard' found it impossible to keep out of trouble: 'If you were a natural 12 or 13 year old, having spent the day in class, you would find it pretty difficult to stay out of Dawson's way.'[1076] As a result he

1072 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, pp.48–9.
1073 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, p.65.
1074 Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, pp.171–2.
1075 Written statement of 'Richard' (former pupil, 196x–7x), at WIT-1-000001160, p.17, paragraph 73.
1076 Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, p.175.

was beaten for all manner of transgressions. In one fortnight he was beaten 10 times:

> I can't now remember all the offences, but I do remember one was for having dirty hands when eating … Another was making too much noise on the stairs going to bed after I'd been told not to by one of the House Ephors. This was in conjunction with another boy [who] made it worse by insisting it was not a time when we weren't allowed to make a noise. This wound Dawson up … I can't remember what the other misdemeanours were, but they were inconsequential. Just a high-spirited youngster being boisterous.[1077]

'Richard' said:

> Among my group, which I can speak to, we just … thought he was a sadist, he just liked beating boys, I didn't think of it in the sense of him being a paedophile, I just thought he was a sadist, we all thought that, and would try to stay out of his way.[1078]

As with the question about wool production, it appears that Dawson was prone to, deliberately and with an ulterior motive, creating reasons to beat pupils. 'Max', whose experience was that if Dawson used the tawse, that would not be on bare skin, recalled:

> For minor things you got a choice. You either got beaten on your bare bum with a slipper, and you would get two whacks with that. Or you get one whack with a tawse, and you could keep your pyjamas on for that. This was for sort of minor things. And if it was more serious offences you would get multiples of that … I usually opted for the tawse, because if a teacher used the tawse there was a punishment book at the school, and he would have to mark that up … I thought well, that's an inconvenience for him, good. Secondly, if some bright spark were to look at the punishment book they would notice that he was beating people more than probably all of the other teachers put together, and might think what's going on, yes. And thirdly, if he used the tawse he wouldn't get to see my bare bum, so, you know, result.[1079]

'Richard' agreed it was designed to encourage young boys to take their trousers down, saying: 'Absolutely … I think he was a sadist and probably a paedophile.'[1080]

In his second term 'Richard' complained to his grandmother about the beatings. She phoned Dawson, and the beatings stopped. He said Dawson 'seemed kind of disappointed and irritated that I had told my grandmother about this'.[1081] The beatings did not stop for others, however, and such was the scale of the physical punishments that, according to what 'Richard' heard, the beatings had got so bad that all the Dundas pupils walked out a couple of years later and refused to go back. Judging by 'Baxter's' account of an occasion when boarders, outraged at the beating he had inflicted on one of their number, left the boarding house en masse to phone home from public telephone boxes to complain to their parents about Dawson,[1082] that may be at least partially correct.

1077 Written statement of 'Richard' (former pupil, 196x–7x), at WIT-1-000001160, p.18, paragraph 75.
1078 Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, p.177.
1079 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, pp.103–4.
1080 Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, p.180.
1081 Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, p.180.
1082 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.166. See also Rebellion section.

Neil Russell became a boarder in Dundas House at the beginning of Dawson's tenure. He knew that Dawson had been nicknamed 'Homo Hamish' by the previous class of Geits but had no idea of the level of 'all consuming fear [he was] to be subjected to'.[1083] Dawson was prone to rages: 'Part of the terror was you had no idea what was going to provoke him … if you go out of your way to bait him, then he will explode. But then he would explode for completely other reasons, or unfathomable reasons.'[1084]

However, it was not only a matter of his unpredictable rages. When he was in a good mood, he could be just as, if not more, alarming:

> The good mood Dawson was … ultimately way more frightening than the bad mood Dawson. The bad mood Dawson would be in a rage. Sometimes he would just come in and rage, rage, rage, and go out. And it might be an unpleasant experience, but nothing actually happened, so that is almost like a light night. Then you could have rageful Dawson and somebody gets hit, but at least you knew, when he was rageful, what was going to happen; either nothing or somebody gets hit.[1085]

In the 1960s such beatings would not always have been seen as out of the ordinary, but it appears they were often excessive and for matters that did not justify corporal punishment. Neil Russell, for example, was beaten very badly and left with bruising and welts for being late with laundry baskets.[1086]

'Finlay' described his experience of moving to Dundas House as 'a leap into cruelty' which is entirely understandable since it was where 'Hamish Dawson ruled by generating an atmosphere of fear of punishment and what would happen to anyone he chose to abuse'.[1087]

'Finlay' described his experience of moving to Dundas House as 'a leap into cruelty'.

Neil Russell described something that was particularly frightening:

> When nice Dawson comes into the dormitory, every … fight or flight antenna is on full alert, because you have no idea what is going to happen and who he is going to start with … how far he is going to go, whether at some point during the proceedings he is going to lose his temper because things don't work out how he wants them to work out, or the particular victim of the night isn't suitably responsive, appreciative, compliant, whatever. So you would be sitting there on your bed, we all sat on our beds, cross-legged, pillows behind us, just sitting there and watching, waiting, wondering, I suppose, wondering what was next … it could … go from just a bit of a joke and a clown and good night, to full-on sexual interference.[1088]

Or, if not 'full-on sexual interference', inappropriate tickling:

> Hamish Dawson would come into the dormitory in the evening at bedtime, select a boy, sit down on their bed, and tickle them … That may seem like an entirely innocent act, but there was something about the man and his predatory behaviour that seemed strange to me … The

1083 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.93.
1084 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.97.
1085 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.98.
1086 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.99.
1087 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.9, paragraph 29.
1088 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, pp.101–2.

> behaviour of Hamish Dawson towards the boys simply was not normal.[1089]

Just as he did in the classroom, Dawson administered punishment beatings in front of other boys. That was not only humiliating but calculated to lead other boys to target his victim as well:

> The culture of child abuse included humiliation. An example of this was Hamish Dawson beating a boy publicly in front of his peers. It was always very carefully engineered by him to ensure that the other boys turned on the victim, not the member of staff. What this achieved was undermining of self-respect and self-confidence of the boys. It was then repeated on multiple occasions.[1090]

Such behaviour horrified 'Finlay' and others, and there was much discussion and sharing of details of the abuse Dawson perpetrated.

'Nobody in authority seemed concerned about it and this reinforced the appalling sense of our abandonment and betrayal by the school.'

What made matters worse for the boys in Dundas House, said 'Finlay', 'was that nobody in authority seemed concerned about it and this reinforced the appalling sense of our abandonment and betrayal by the school'.[1091]

I accept the evidence of 'Finlay' that 'boys all over the school knew what went on'. I share his reaction that 'If many of the boys knew it, I find it very hard to believe that observant members of staff were not aware of the abuse in Dundas House', and, like him, would pose the simple question regarding 'why the school did nothing to arrest it instantly'.[1092]

Violence and control

'Baxter' had experienced Dawson as a teacher in the late 1960s, when he was in Geits, and thought him 'a regular, likeable guy',[1093] playfully handing out jelly beans and coining nicknames for children, which he now sees as grooming. His experience of being a boarder in Dundas House changed his entire view of Dawson; he found he was 'dealing with a sort of different person, who used corporal punishment as a way of controlling the house. This was his personal fiefdom, he was more serious, he was pretty controlling and didn't take much dissent.'[1094]

Dawson, he went on,

> wrote to my parents to … describe himself as an old-fashioned disciplinarian … My parents were 3,500 miles away in West Africa and I think the letter was precisely what they wanted to hear … But, in writing what he did, he was essentially giving himself licence to beat, and my parents would not have intended that … So that also was a sort of grooming … he took that into his own hands and began to wield instruments of torture.[1095]

'Baxter' remembers Dawson's beatings most of all. One of his practices was to deliberately draw out the process and that made it much worse:

> It was ritualised, in terms of putting you on notice that you were going to be beaten, and

1089 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.9, paragraph 31.
1090 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.9, paragraph 30.
1091 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.9, paragraph 30.
1092 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.9, paragraph 32.
1093 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.147.
1094 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.149.
1095 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, pp.152–3.

> then having to wait hours until you were beaten … So you have all that time to think about quite what he is going to do, how many strokes you are going to receive, how painful it is going to be, and whether, when you return to the dorm, you are going to be treated like a hero or a villain by the other boys. So I think the lack of spontaneity was pretty horrible.[1096]

Unsurprisingly, since this was Dawson's domain, there was an element of theatre involved. Beatings took place in the sanatorium at the top of the house and 'you were up there waiting, usually at 9 o'clock at night, and then you would hear him coming up the stairs, the stairs creaking, his leather sandals creaking, and then he would enter the room with a gym shoe and a tawse in either hand'.[1097]

Dawson would offer a choice of implement – six blows if the boy chose a gym shoe but only three if he chose the tawse – in 'Baxter's' experience, both involved the boy having to drop his pyjama bottoms and could involve them being beaten on their bare skin. One parent discovered this and called Dawson, telling him 'on no account should he beat his son on his bare backside'.[1098] Thereafter Dawson left the boy alone. However, 'Baxter' was 'sure he continued in the same vein with children who didn't report being beaten to their parents'.[1099]

'Baxter' described Dawson as a 'sadist' who 'clearly enjoyed getting a kick out of dominating people that were, you know, a third of his age'.[1100] 'Baxter' spent an extra term at Dundas as he was made head of house. In that role, Dawson expected him to 'put lots of little boys' names in books [so that Dawson] would have an assembly line of beatings to perform',[1101] but he failed to do so and felt that, in that respect, he was a disappointment to Dawson since beating boys was something the latter evidently liked to do.

Just as in the classroom, the beatings Dawson administered as a housemaster when he was angry were, on occasion, extreme. A single strike of the tawse from him could inflict dreadful pain and cause injury. 'Roger' experienced Dawson's ire when he had used too much soap to wash the mugs after prep one evening. Dawson said that

> it was out of order and told me to come to his study. I was in my pyjamas and dressing gown. He told me to take my dressing gown off, which I did. He said that I was getting the tawse … I had to bend down and touch my toes. I didn't know how many I was going to get, but he just gave me one on my bare bottom. It was the most incredible pain … I can remember the impact of the hit and immediately standing up. There were tears in my eyes. He told me to pull my pyjamas up and put my dressing gown on.
>
> Afterwards, you always had to show your punishment to the other boys and bare your backside … One of them said that I was bleeding. I didn't get any medical attention. There wasn't a matron in Dundas House. I had a welt on my backside for weeks. I'd have to go to gym and people would be looking at me in the showers, asking what had happened to me. Jake Young, the PE teacher, would have seen the mark.[1102]

Beating a boy for using too much soap when washing mugs was hardly justifiable

1096 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, pp.153–4.
1097 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, pp.154–5.
1098 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.157.
1099 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.158.
1100 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.159.
1101 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.159.
1102 Written statement of 'Roger' (former pupil, 196x–7x), at WIT-1-000001513, p.22, paragraphs 88–9.

and whilst it may have only involved a single strike, to administer it on a bare backside, causing both extreme pain and bleeding, was plainly excessive.

'David' (INR) was involved in a mass beating after Dawson had become incensed by noisy boarders. Left unsupervised while Dawson and his wife held a dinner party, the boys had fun, playing games between Warlord and Fireball secret agents (from popular comics at the time) but with the expectation of a possible beating the next day. That is what happened, and nine or ten boys were punished individually. However, the punishments were frightening, excessive, and extreme. Dawson, said 'David' (INR),

> was fuming. He was absolutely raging. He was almost shaking. He was just possessed … I'd never seen him like that before … I had to take off my trousers and my pants, and I just stood there and he was just watching me … And then he ushered me over and I had to lay over this dining room chair … I just remember feeling extremely exposed … sorry to be blunt, but everything is on display, it's the most humiliating, petrifying, scariest experience that I've ever encountered. He put his hand on my buttocks and I froze because I thought – I knew – I anticipated that I was going to be hit, but I didn't know what else was going to happen and I couldn't see … And I just feel his hand on my buttocks … all he said to me was: 'This is going to hurt me more than it's going to hurt you' … Just soft. It was almost like just preparing me … I have never experienced pain like that since … It was just an uncontrolled rage. It was a beating … being whacked by something … I'm pretty sure it was a sandal, but it was just so, so painful … I don't remember how many. At the time, it seemed a lot to me. I'm presuming it was six.[1103]

On returning to the dorm, 'David' (INR) saw his backside 'was red and just burning … that pain must have lasted for about a week, I reckon'.[1104]

Rebellion

At one stage Dawson's abuse became too much for the boys in Dundas House. 'Baxter' explained how they tried to push back against it when a boy was so badly beaten that

> when he came back to the dorm he showed us his backside. It was like a Pirelli tyre, there were welts and bruise marks … So we all encouraged him to see matron the following morning … She may have given him some Vaseline or something to ease the pain … And then I think it was – there was a lot of snow and it was cold, and we were told that games were cancelled and we could come into the boarding house. So we sat in the common room, all of us, and Hamish Dawson came in, barely able to suppress his anger, saying: 'What are you doing here?' and we said: 'Well, games have been cancelled', and we were all offended by what had happened to our colleague and how badly damaged his backside was, and Mr Dawson said: 'Well, get out of here immediately, and just walk around the small playing field' … And then one by one … we were all hitting the red telephone boxes, calling home, and complaining of what had happened to this individual … the phone was well used that day, and he may have had some sort of kickback from parents, who didn't like what they were hearing.[1105]

1103 Transcript, day 361: 'David' (INR) (former pupil, 197x–x), at TRN-8-000000077, pp.75–9.

1104 Transcript, day 361: 'David' (INR) (former pupil, 197x–x), at TRN-8-000000077, p.81.

1105 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, pp.165–6.

'Baxter' does not know whether the school became aware and if so what, if any, response followed. What he can say is that despite that incident, Dawson's behaviour did not change.

Sexual abuse

Dawson's sexual abuse never stopped. When he visited Neil Russell's dorm he had two favourites, 'one immature, the other very mature … There were many variations on a theme, but at its worst he would tell them to lower their pyjama bottoms and open the front of their pyjama top. He then openly played with their balls and penis.'[1106]

'Roger' believes he

> was one of Dawson's favourites. He'd pull your pyjama trousers down. We were 12 years old so we were just starting to grow hairs and things. He'd pull the pyjamas down to just the threshold of your private parts and then he'd start to tickle you. I think he was looking for some kind of arousal. He didn't actually fondle us, but it was so close to that, almost like teasing. All the other boys were expected to watch when this was happening. Everyone was scared, compliant and I think just glad that it wasn't them. It lasted for a couple of minutes. That happened pretty much every night, but it happened to other boys as well. I seemed to be a popular one who he did this to frequently … You're not sure what's right and what's wrong at that age. I can picture it. It went on for the whole year that I was in Dundas House. There was some chat amongst the boys about what he was doing, but generally it was just embarrassed laughter.[1107]

'Max' remembered the boys' uncertainty about Dawson:

> I think gradually we gained an impression that there was something just not right about some of the things he did. But I think that we couldn't properly verbalise it … There was an occasion I do remember towards the end of the school year … and it was in a dormitory. And he had, well, assaulted one of the boys. He did sort of play wrestling and play spanking kind of things in the dormitories. And I remember us having a conversation after he had gone … and we were talking about why he seemed to target certain boys, because there was one boy in the dormitory who seemed to get it more than the rest of us. And we developed the theory that he preferred brunettes, in other words he preferred prepubescent dark-haired boys. So we were certainly by then getting a pretty clear sense that he was, I think we would have called him a pervert. I'm not sure that 'paedophile' … was in use at that time … I think we were pretty clear what was happening. That he was abusing us.[1108]

'Max' was clear that play wrestling was, in reality, fondling and that Dawson had a habit of wearing baggy corduroy trousers 'which no doubt were designed to cover his erections, but they didn't always do that'.[1109]

On occasion Dawson tied children up before abusing them, as 'James' (KHL), a boarder in Mackenzie House when Dawson was its housemaster, remembered:

> When we were in bed, Hamish Dawson had our hands loosely tied to the frame of the metal bed. Our pyjama bottoms would be pulled down and his hands wandered over our genitals and our stomachs. This was visible to the people in the dorm. There was no attempt to do this behind closed doors. It was done freely, openly, and publicly.[1110]

1106 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.102.
1107 Written statement of 'Roger' (former pupil, 196x–7x), at WIT-1-000001513, p.20, paragraphs 81–2.
1108 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, pp.105–6.
1109 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.106.
1110 Transcript, day 365: read-in statement of 'James' (KHL) (former pupil, 196x–7x), at TRN-8-000000081, p.130.

Two other applicants who boarded in Mackenzie House confirmed that the practice continued into later years. Dawson would approach individual boys when they returned to the house after school. He would, said 'Paul',

> look at them, smile and say: 'I hear you forgot a book', or whatever it was you'd done, and then he would say: 'Remind me', and that would be it. He did that with me, I think once it was because I'd forgotten rugby kit or something like that. You would get the rest of your day done and you'd then be upstairs in bed in the dormitory that night and he would come into the dormitory. That was your cue to 'remind him' … He knew damn well so that didn't really matter. He would shuffle across to you with this horrible grin on his face and while you were lying in your bed, he would take your school tie and tie your hands above your head to the bed. If you held your hands up for him, he didn't always tie them to the bed. He would then pull down your bed covers so you would be pretty much completely exposed and he'd start to tickle and play with you. He would start quite high up on your body but he moved further and further down. If your hands were tied you couldn't go anywhere. He found it all hilarious and the other boys would all witness it. That happened to me more than once … and I saw it happen to many other boys. His hands never went under my pyjamas and he didn't actually touch my genitals but it was just horrible. He was certainly in that area and round the back of my pyjamas.[1111]

Dawson's conduct was, to 'Grahame', 'like a routine with Ken Dodd and we were his Diddy Men',[1112] and at bedtime

> he seemed to spend a lot more time at the top end of the dormitory and sort of picking or interacting with probably the quieter boys in the room, threatening to tickle. The tie and being tied with the tie was the sort of theme … He would just say: 'I'll tie you up and tickle you' … It felt like a sort of a routine that he was doing.[1113]

'He would take your school tie and tie your hands above your head to the bed.'

When boys were doing homework in the Dundas House common room on games afternoons, Dawson would arrive and say that the room was very smelly. In a show of checking who had and hadn't showered after rugby, he brought out a theatrical hat which 'Max' thought was a fez[1114] and picked out of it, apparently at random, three names 'Max' was sure were just the names of boys he felt like hitting or 'boys he fancied'.[1115] Those who were thus chosen had to go into his study where they were required to take all their clothes off. Dawson would examine them, and if they had dirt on their bodies, he beat them hard.[1116]

Voyeurism and cold water

Dawson watched boys in the house showers and bathrooms, and in the sports pavilion. These were plainly acts of voyeurism:

> Dawson was really the only one that would come in and stand in the shower area or come into the bathroom when you were having a

1111 Written statement of 'Paul' (former pupil, 197x–x), at WIT-1-000001381, p.16, paragraphs 86–9.
1112 Transcript, day 362: 'Grahame' (former pupil, 197x–8x), at TRN-8-000000078, p.33.
1113 Transcript, day 362: 'Grahame' (former pupil, 197x–8x), at TRN-8-000000078, p.34.
1114 Written statement of 'Max' (former pupil, 196x–7x), at WIT-1-000001270, p.14, paragraph 62.
1115 Written statement of 'Max' (former pupil, 196x–7x), at WIT-1-000001270, p.14, paragraph 62.
1116 Written statement of 'Max' (former pupil, 196x–7x), at WIT-1-000001270, p.14, paragraph 62.

> bath. The others … would shout something or stick their heads around the door but they wouldn't stay, whereas Hamish Dawson tended to come in and stand over you … and watch us all showering.[1117]

> He was fully clothed whenever I saw him. With me he only ever walked in and stood there watching us. It was just him looking … The pretence was that he was making sure we were clean but there was another side to it as well. I did hear stories that he sometimes stripped off and got into the showers with boys but I didn't ever see that.[1118]

Cold baths and throwing cold water over pupils were regular and abusive practices Dawson carried out. Cold baths, said 'Baxter', were given for

> being unpunctual, or not able to get up in the morning. But it wouldn't have been a beating offence and was a different sort of offence, where you ended up sitting in a cold bath for up to a minute while he looked on, sometimes with other boys looking on with him, as though it was a bit of a practical joke. But it was darn cold.[1119]

There was a sinister aspect to this behaviour. 'Roger' felt it was ritualistic and that

> Dawson would get his thrills from that. It started about a month into my time in Dundas House. That could happen if you were caught talking after lights out, but otherwise it was this sort of dawn raid. It was almost like you were in a prison camp. He'd pick on a dorm. It was infrequent, but it went on throughout the year. Suddenly, you'd be woken up in the morning and told to go upstairs. You'd have to strip off and lie in this bath. That happened to me. He wouldn't single one person out. It would be three or four people. You'd get in the bath then you'd get out and the next person would go in. You had to lie there until Dawson told you to get out.[1120]

Occasionally Dawson would take Dundas boys across to the sports pavilion changing rooms beside New Field, where there was a sunken bath, ostensibly to punish them. Once there, boys

> had to take [their] clothes off. He would fill buckets of cold water and throw them over you. You'd be standing in the sunken bath. The water would run away and then he'd do it again and again. He'd then just tell you to get dressed and you'd go back to the boarding house. That happened to others as well, but we'd be taken individually. There would always be some weird reason that you had apparently done something wrong, hence receiving this punishment.[1121]

'Max', looking back as an adult, was clear that Dawson enjoyed telling boys to take their clothes off and looking at them.[1122] While administering this punishment and watching the naked boys, he would instruct them to perform some sort of test which could involve a boy having to recite a poem or a tongue twister, or do mental arithmetic. If he made a mistake, Dawson threw 'buckets of cold water' over him.[1123]

Dawson could also punish the entire house, such as when nobody would own up to a misdemeanour. 'Danny' said:

1117 Written statement of 'Paul' (former pupil, 197x–x), at WIT-1-000001381, pp.8–9, paragraphs 44–5.
1118 Written statement of 'Paul' (former pupil, 197x–x), at WIT-1-000001381, p.15, paragraph 85.
1119 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, pp.161–2.
1120 Written statement of 'Roger' (former pupil, 196x–7x), at WIT-1-000001513, pp.20–1, paragraph 83.
1121 Written statement of 'Roger' (former pupil, 196x–7x), at WIT-1-000001513, p.22, paragraph 84.
1122 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.107.
1123 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.108.

> He made everyone go to the sports changing. We were beaten, and then we were made to take a cold shower, in groups of five, singing hey diddle diddle, the cat and the fiddle. We were naked and all of the showers were occupied. I think we were turned clockwise. It was bizarre, and deeply upsetting.[1124]

After that incident, Dawson told 'Danny' that he 'would make someone a nice wife one day'. 'Danny' felt 'he knew what he was saying'.[1125] He heard that one boy had told his parents about Dawson's behaviour in the showers and that they they reported it to the rector – 'some parents get very angry about perversion'.[1126] After that, the boy went to another school.[1127]

'David' (INR), like so many other boys, also experienced Dawson's behaviour and what troubled him most was that he

> would wait at the back of the boarding house and … if you were late back, or if you had not taken a coat and it had been raining, then you were sent to the shower room, downstairs … you would strip off and stand along the wall. And he would stand in the corner and … basically, when it was your turn, you stood under the shower, which was a cold shower. You were stark naked and he would make you recite a poem. It tended to be Twinkle Twinkle Little Star and, whilst you were reciting that poem, you had to turn around, revolve around – you were literally stood up, you had to keep your hands out and your legs apart, so you couldn't cover your private parts up … whilst he stood there and watched you.[1128]

This would also happen to groups of boys. 'David' (INR) had had abdominal surgery, and found it humiliating, degrading, and particularly difficult to bear because 'I had a scar that ran from hip to hip. I was incredibly conscious of that, let alone conscious of anything else, and there I was spinning round and round and round in front of someone, who obviously got pleasure from that. It was sick … it wasn't right'.[1129]

Impact

For many former pupils, it is clear that the impact of Dawson's abuse has been and remains profound. In the case of 'Max', for example, there were

> a couple of times, once in the early 1990s, once in the mid-noughties, I think, where … the wheels came off, really properly came off, and I was referred to the Royal Edinburgh Hospital as an outpatient and had two fairly extensive periods of one-to-one psychotherapy, and the focus of that was on school. They fairly quickly homed in on school. So, yes, it is not something that has ever been resolved, and I am not sure that it can be, really. I think that putting it in a box and putting it away is probably the safest thing to do with it, on the whole.[1130]

He had been back to the school and found most of it 'fine', save that when he got to the former Dundas House 'that wasn't so fine, really … It was like going past Bates Motel … It was a pretty extreme reaction … he was and, I suppose, still is the bogeyman.'[1131]

1124 Transcript, day 358: read-in statement of 'Danny' (former pupil, 196x–7x), at TRN-8-000000073, p.189.
1125 Transcript, day 358: read-in statement of 'Danny' (former pupil, 196x–7x), at TRN-8-000000073, p.188.
1126 Transcript, day 358: read-in statement of 'Danny' (former pupil, 196x–7x), at TRN-8-000000073, p.190.
1127 Transcript, day 358: read-in statement of 'Danny' (former pupil, 196x–7x), at TRN-8-000000073, p.190.
1128 Transcript, day 361: 'David' (INR) (former pupil, 197x–x), at TRN-8-000000077, pp.62–3.
1129 Transcript, day 361: 'David' (INR) (former pupil, 197x–x), at TRN-8-000000077, pp.64–5.
1130 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.121.
1131 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.122.

'Max' 'was really very, very angry and quite distressed'[1132] reading Dawson's valedictory, emotions that many of Dawson's past pupils are bound to have shared in adulthood.

'Malcolm' provided some thoughtful and careful reflections:

> I am careful not to over-attribute impact to what happened with Dawson because it is part of a bigger jigsaw of my experiences, but it did disturb me later in ways I didn't realise at the time. I was 10 and 11 years old and so several years before my puberty and something sexual was happening that I didn't understand. It made me very uncomfortable and I developed an odd awareness of my body that I had never had before. I am aware that it changed my sense of self at a key time in my life.
>
> When I went to boarding school in England for two years directly after leaving the Academy, I was quite disturbed and ran away a lot. I think possibly that was because something sexually had happened that shouldn't have happened and I couldn't make sense of it at that age. It was a time of huge transition in my life anyway with moving to England and going to boarding school, and the experiences with Dawson added another layer of vulnerability to my development. I am gay and had some decades of early adult life not being able to sustain stable relationships. I think that is very shame based, and I think the Hamish Dawson experience contributed to that. It made my sense of myself as a sexual person harder, which in turn made physical and emotional intimacy harder for me. It reduced my ability to sustain relationships.
>
> I have thought a lot about why Dawson picked me. I was very articulate as a child and also precocious with it, and I was picked to be the lead [in a play]. Being gay I wonder if there was something to do with gender non-conformity that I was picked to be the lead in the play … It makes me wonder whether Dawson identified that in me and picked me out.[1133]

For others the impact has been sadness and guilt, whilst taking care to acknowledge what, in contrast to their experiences of being abused, was good about their experience of the Academy. 'Baxter' had a lot of respect for most of his teachers: 'They weren't beaters. They didn't beat. They were just good teachers. They held your attention, they were motivational, and they didn't need to do that stuff, in the main, when I think of the good guys. And I'm sorry that, you know, all of this is about the bad guys.'[1134]

He felt he was being a clype by coming forward as an applicant yet Dawson 'was like a cloud that always hung over the experience of the Academy'.[1135]

The impact was most recent for Jenny Pearson, who only learnt of her father's behaviour in the 2020s. The school's handling of the matter at that time exacerbated her distress:

> My lifelong loathing of Edinburgh Academy has not been helped by the current regime. I will never forgive them for not warning me about the allegations against my father before Nicky Campbell's podcast was broadcast on 27 July 2022. They were given a lot of notice by Nicky Campbell's producer, but they didn't give me any advance notice. I raised that with the rector but his response was despicable.[1136]

It was, however, to Barry Welsh's credit that he faced that criticism head-on and volunteered that:

1132 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.114.
1133 Written statement of 'Malcolm' (former pupil, 197x–8x), at WIT-1-000001324, pp.9–10, paragraphs 45–8.
1134 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.169.
1135 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.170.
1136 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, p.98.

> We don't ever set out to do harm and to hurt, and I'm really conscious [that] some of the decisions I've made had a very negative impact on Jenny Pearson in particular, because of the nature of police investigations and things like that. I've done things that I know have annoyed her and I know have upset her and I don't mean to leave that as an echo from this process. That's never been my intent and if I could undo that I would.[1137]

Such candour and regret was a world away from the Academy of the past, a school that singularly failed to protect children from Dawson's abusive practices.

How much was known by The Edinburgh Academy?

Complaints were made about Dawson throughout his tenure at the school. 'Finlay's' mother, when told by her son

> in some detail what had happened at Dundas House … took immediate action and telephoned the school to arrange an appointment with the rector who, at that time, was Bertie Mills. A meeting was arranged within two days. She went to the meeting, and she came back home remarkably soon. She reported to me that she had started to explain her serious concerns about Hamish Dawson to the rector and he cut her off. He lifted the telephone, and while my mother waited, arranged for my immediate transfer to a senior boarding house and then concluded the meeting. This premature transfer between boarding houses was very exceptional since a one-year stay in Dundas House was not open to negotiation. The whole meeting was short, but long enough for my mother to realise that Bertie Mills knew exactly what was going on with Hamish Dawson.[1138]

Dawson's use of pornography became known to the same rector.[1139]

Mills' successor, Laurence Ellis, was also told about Dawson's behaviour. 'Munro' thinks that Dawson sent him to Ellis after he refused to bend over to be beaten for banging a door. Ellis questioned him

> and I explained what had happened. I told him I was prepared to take a beating with the clacken if I had done something wrong, but I told him that I wasn't prepared to be tickled, given a sweet, and then beaten by Dawson with one of his implements. I don't recall Ellis reacting much to what I was telling him and instead I was sent away. Nothing more was said and nothing got sent back to my parents.[1140]

'Eric' went to

> the rector, Mr Ellis, to complain three times about Hamish Dawson, Jake Young, and all of the teachers. Ellis was a verbal bully … One of his sayings to me was 'Show offs and disruptors will be punished'. I was told I was lying and making it up, and I was disrupting the class by showing off. I was told the school was there to make a man of me and I should be thankful to have the chance of a wonderful education.[1141]

Yet it appears that Dawson's departure in late 1983 did not come about because of any disciplinary process, but rather because he took umbrage at being passed over for the role of senior master. Jenny Pearson said:

1137 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, pp.147–8.
1138 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.10, paragraph 34.
1139 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, p.96.
1140 Written statement of 'Munro' (former pupil, 196x–8x), at WIT-1-000001392, p.21, paragraph 105.
1141 Written statement of 'Eric' (former pupil, 197x–8x), at WIT-1-000001541, p.28, paragraph 117.

> I have a box of letters from my parents' house … in which there are letters from colleagues of my father's. They imply things about senior management decisions. The flavour is that something that should have been given to him was not given to him and that was why he had retired. That comes through in all of the letters.[1142]

It was the second time that Dawson had not been promoted. She also remembers his anger when he was not made senior housemaster in 1977:

> It's one of the few times that I can remember my father shouting … I was still living in the Mackenzie House at the time. It was not a happy period. I do remember a lot of grief. I think I can remember who got the post. He was another person that my father would say horrible things about.[1143]

Such failures to progress could suggest that the Academy was aware of Dawson's behaviour but compromised its response to ensure that he remained in post, thereby providing the school with an able teacher and one who would gladly spend as much time as possible with the boys. That is, he was useful to the school, and the school was unwilling to dispense with his services for that reason. If that is correct it would be utterly reprehensible.

The views of applicants as to the school's degree of knowledge is mixed, though the majority think that staff must have been aware. Nicky Campbell, for example, recalled a teacher coming in when a boy was over Dawson's lap and then leaving. Nothing was said, but he expected there would have been staffroom discussion about it.[1144] 'Munro' said: 'I always had geography immediately after history and as I would walk into [a tutor's] class, he would greet me and asked if I had survived okay. He and all the other masters knew exactly what Dawson was like.'[1145]

On the other hand, 'Sam' (IKA) thought they

> couldn't have. They would probably have known him as an eccentric-type man. He used to wear lilac socks and he was the first man to have a three-wheeler scooter that had two wheels in the front and one at the back. And he always wore lilac and purple. He was just a bit eccentric. So no one would have known; how would you?[1146]

'Alistair' said:

> My parents, and I think the headmaster, they were all decent people, absolutely fabulous people. But, culturally, I think these things were just – they hadn't opened up the conversations in the first place, so the space wasn't there for the discourse to happen. And then on the other, I didn't, I don't think they even thought that things like that did happen. Because they were actually effectively quite innocent … And I think, for example with the headmaster, that probably led to dis-action … not acting and not knowing how to respond.[1147]

None of the Academy staff who provided evidence knew, though there was some anxiety about his style. Colin Turner, who was given a lift to work by Dawson at one time, never suspected anything, though he acknowledged Dawson 'had a sort of relationship with … boys which others didn't have. He was very close to some of them and

1142 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, p.96.
1143 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, pp.77–8.
1144 Transcript, day 364: Nicky Campbell (former pupil, 1966–78), at TRN-8-000000080, pp.35–7.
1145 Written statement of 'Munro' (former pupil, 196x–8x), at WIT-1-000001392, p.7, paragraph 37.
1146 Transcript, day 361: 'Sam' (IKA) (former pupil, 196x–8x), at TRN-8-000000077, p.146.
1147 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, pp.55–6.

they went on these trips, but I still didn't think of it as being in any way a deviant until it came out in the newspapers.'[1148]

Rob Cowie felt similarly, although he did remember Dawson saying that teachers shouldn't be frightened to go into the showers: '[at] the time I thought I wasn't sure I would do that … it didn't feel right. It didn't feel comfortable'.[1149] Howard Haslett, the school chaplain, is clear that he was not told about Dawson and added that he had spoken to the house tutor who had worked for three years in Mackenzie House with Hamish Dawson and who 'never ever had the slightest suspicion about anything'.[1150]

While I accept that individual teachers did not specifically know what was going on, it is clear that there were anxieties about Dawson's behaviours and matters that should have been seen as red flags. They could have been acted upon. However, that is a world away from how Dawson was managed by a succession of rectors. I am satisfied that, even allowing for innocence and understandable unwillingness to believe that any teacher could behave in such a fashion, there was ample material that should have prompted the school to take action. Had that happened, Dawson could have been prevented from carrying out abuse over three decades. He was a violent man, even for the 1950s, and complaints about his behaviour were, on the evidence, being received from parents throughout the 1960s, 1970s, and 1980s. His use of pornography and of the services of a prostitute were known about, and the same was true of the domestic difficulties he faced which must have impacted on his ability to care properly and appropriately for boarders. And they no doubt increased his desire to be with the boys rather than in his home environment.

The man remained in post, abusing children for decades.

The man remained in post, abusing children, and was very much a fixture in classroom, boarding house, and extra-curricular activities for decades. Whether the school was wearing blinkers or looked the other way through choice does not matter. It never faced up to the damage he was doing. That was true even on his retiral and when the school published an obituary for him after his death, choosing, as noted, the easy option of fulsome praise without reflection or criticism. 'Hugh' attended a school performance of *The Mikado* in the early 2000s, to which old boys from earlier productions had been invited. The rector 'took me to one side and asked me about Hamish Dawson because there had been a complaint … Even then I thought such actions were open to misinterpretation and shared that view with Mr Light.'[1151] 'Hugh' has changed his mind since, but it was a missed opportunity for the school to investigate and, ideally, to raise the matter with its alumni as, for example, Loretto School had done publicly following revelations about Guy Ray-Hills in late 2001.[1152] Instead, and at exactly the same time as Loretto School was open with boys who might have been abused by Ray-Hills, the Academy chose not to be proactive. A record

1148 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.58.

1149 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.114.

1150 Written statement of Howard Haslett (former chaplain and teacher, 1968–99), at WIT-1-000001354, p.10, paragraph 42.

1151 Written statement of 'Hugh' (former pupil, 197x–8x), at WIT-1-000001467, p.14, paragraphs 54–5. John Light was, at that time, rector of the Academy.

1152 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021, p.51.

of the complaint, dated 5 November 2001, which included references to Wares, Dawson, and Turner, as well as discussions with the complainer, was kept but no further action was taken.[1153]

Even when a number of letters of complaint about Dawson were received in 2014 and 2015, the then rector, Marco Longmore, shared his regret at reading them but also said: 'an investigation is currently being conducted into matters, which may or may not be linked to your own experiences, and therefore whilst this investigation continues, I will not be able to comment further'.[1154] Since the investigation referred to concerned Iain Wares and not Dawson, the rector's response reflected an exercise in damage limitation and preservation of reputation rather than frankness. A meeting between Police Scotland and the Academy took place six days later, on 10 February 2015, when it was confirmed that there was no active investigation beyond that in relation to Iain Wares.[1155]

Boarding schools are naturally mindful of the harm that can be done to their reputation through revelations of allegations of abuse and the ensuing bad press, but their primary obligation must be to their pupils, past, present, and future. It is more than disappointing that it is only under its current leadership that the Academy fully accepted that it could and should have done much more to face up to the dreadful abuse perpetrated by Hamish Dawson.

Hamish Dawson's practices: remarkably similar to those of abusers employed at other schools in the case study

The means employed by Hamish Dawson to draw children in, to engage them, to control them, and to groom them involved a confident use of humour, being overfriendly to the boys, acting a part in dramatic performances to his gallery of children, plying them with sweets, engineering opportunities for his voyeurism, using practices that enabled him to touch children under the guise of it being fun, and engaging in outbursts of angry violence. It is not at all surprising that Colin Turner described him as having 'very extraordinary relationships with young boys'.[1156]

These aspects of his behaviour were remarkably similar to those characteristic of some other abusers in the boarding schools case study. Four particular examples come to mind: one spanning several decades from 1960 onwards, one from a similar era, and two from the 1980s and 1990s.

James Rainy Brown, Merchiston Castle School

James Rainy Brown was employed as a teacher by Merchiston Castle School between 1960 and 2013 (part-time from 1997).[1157] He abused boys sexually and physically. He engineered voyeuristic opportunities to watch boys when they were naked[1158] and to join them in their nudity.[1159] He used pretexts to engineer opportunities to touch children.[1160]

1153 The Edinburgh Academy, File note, 5 November 2001, at EDA-000000081.

1154 The Edinburgh Academy, Letter from rector, 3 February 2015, at EDA-000000232, p.2.

1155 The Edinburgh Academy, File note, 10 February 2015, at EDA-000000088, p.2.

1156 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.60.

1157 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 5: The provision of residential care in boarding schools for children at Merchiston Castle School, Edinburgh, between 1930 and 2021, p.85.

1158 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 5: The provision of residential care in boarding schools for children at Merchiston Castle School, Edinburgh, between 1930 and 2021, pp.86–7.

1159 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 5: The provision of residential care in boarding schools for children at Merchiston Castle School, Edinburgh, between 1930 and 2021, p.86.

1160 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 5: The provision of residential care in boarding schools for children at Merchiston Castle School, Edinburgh, between 1930 and 2021, pp.86–7.

He was described as eccentric and also as a man who was attracted to children.

Rainy Brown was

> voyeuristic and devious. The voyeurism involved him exposing himself or encroaching on your privacy. He made lewd and inappropriate comments. He was corrupt in the sense that there was this toxic culture which was of his own fashioning. He created the culture and operated within it. It was based on free and easy movement between undressed 11-year-old children, having punishments that were not appropriate.[1161]

These punishments included boys having to line up naked before being 'shoved' down to their shoulders in a cold bath.[1162] Rainy Brown also consistently encouraged 'skinny dipping',[1163] he organised naked 'dooking for apples' at Halloween, and he slept naked – something he openly mentioned to a pupil he was to share a room with.[1164]

He also played a full and active part in the overall life of the school and of the boarding house of which he was head; he was very much a fixture in the school even after his employment had ceased. He helped with activities within and beyond Merchiston. He was undoubtedly useful to the school.

Guy Ray-Hills, Loretto School

Guy Ray-Hills was an 'outstanding teacher of French'[1165] employed by Loretto School between 1951 and 1967. In the 'gushing valedictory remembrance' written by the then head of the junior school, there was reference to his 'keenness, gaiety and conscientiousness' being 'boundless, in the classroom, on the games field and in everything he did' and his 'great talent both as an actor and as a producer'.[1166]

He too was evidently very useful to the school.

And he was a character. Ray-Hills taught classes 'like street theatre with himself as the brilliant leading man',[1167] he engaged in rituals,[1168] he was 'flamboyant', 'eccentric', and 'quite clever in that he made himself almost a figure of fun'.[1169] Further, he used props, including a plank of wood which had been sculpted into the figure of a naked woman, naming 'her' 'Caroline' and

1161 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 5: The provision of residential care in boarding schools for children at Merchiston Castle School, Edinburgh, between 1930 and 2021, p.88.

1162 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 5: The provision of residential care in boarding schools for children at Merchiston Castle School, Edinburgh, between 1930 and 2021, p.88.

1163 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 5: The provision of residential care in boarding schools for children at Merchiston Castle School, Edinburgh, between 1930 and 2021, p.90.

1164 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 5: The provision of residential care in boarding schools for children at Merchiston Castle School, Edinburgh, between 1930 and 2021, p.69.

1165 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021, p.48 and p.46.

1166 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021, p.38.

1167 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021, p.167.

1168 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021, p.168.

1169 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021, p.40.

caressing her during lessons.[1170] He also had a 'fiery temper'.[1171]

William Bain

William Bain – a twice-convicted and admitted abuser of schoolboys – was 'an intelligent, imaginative and inspiring teacher of physics'[1172] who was employed by schools including Keil School, Dumbarton, where he was head of physics, between 1987 and 2000. Like Hamish Dawson and Guy Ray-Hills, he was overgenerous with his time, going above and beyond the call of duty, for example allowing boys into his physics lab in the evenings where he would help them with prep, and assisting with the day-to-day running of the school.[1173] Again, he was very useful to the school. He would give boys biscuits and engage in play fighting. He was risqué in his treatment of them, and would use sexual innuendo and tickle them.[1174]

A Gordonstoun teacher

A teacher employed by Gordonstoun from 1983 to 1991 was overfriendly to pupils, behaving more as a friend than as a teacher and looking out for children who were lonely or shy. He also made himself very useful to the school and was highly engaged in extra-curricular activities including radio ham clubs, canoe clubs, the school fire service, and judo clubs. The latter enabled him to progress to a form of wrestling that involved long and inappropriate touching of children. He engineered situations that gave him other pretexts for touching children and seeing them naked. He tickled children. And, like the others referred to above, he could be very stern, turning on pupils without warning.

Prosecutions and convictions

Both Bain and the Gordonstoun teacher were convicted of numerous offences against children.

James Rainy Brown was the subject of allegations involving the abuse of children which were in the course of being investigated in 2013, but he died by suicide shortly after being told of the investigation.

Guy Ray-Hills was charged with offences against children but never put on trial as the Crown accepted medical evidence provided by the defence that he was unfit. After having left Loretto School, however, he accepted that there was 'no doubt whatsoever that what [he] did was wrong'[1175] and that 'probably [he] should never have taken a job in a school in the first place'.[1176]

In 2016, and again in 2025, William Bain pled guilty to multiple charges of having committed offences against children[1177] and

1170 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021, p.48 and p.168.

1171 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021, p.48.

1172 Written statement of John Cummings (former headmaster, Keil School, 1993–9), at WIT-1-000000491, p.22, paragraph 116.

1173 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 6: The provision of residential care in boarding schools for children at Keil School, Dumbarton, between 1959 and 2000, p.68.

1174 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 6: The provision of residential care in boarding schools for children at Keil School, Dumbarton, between 1959 and 2000, pp.55–6.

1175 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021, p.68.

1176 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021, p.67.

1177 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 6: The provision of residential care in boarding schools for children at Keil School, Dumbarton, between 1959 and 2000, pp.189–90.

was, on both occasions, sentenced to years of imprisonment.

The Gordonstoun teacher denied having committed the offences with which he was charged but was convicted and imprisoned. He subsequently pled guilty in England to possessing indecent images of children and was sentenced to further custody. In evidence given to the Inquiry, he admitted having had an interest in male children from a young age.

Hamish Dawson was never charged.

These were all manipulative men who not only failed to restrict their behaviour to what was within proper boundaries but seem to have delighted in breaching those boundaries, time and again. Much of what they engaged in was cynical, deliberate manipulation of children's emotions and was sexually motivated.

Moreover, they were all men who committed appalling breaches of that precious commodity, trust. They breached the trust placed in them by the children they taught and, in the boarding house context, were supposed to be caring for *in loco parentis*. They breached the trust of the children's parents. And they breached the trust placed in them by the schools.

In the case of all these men, there were clear indications that they presented a real risk to children, but blind eyes were turned by schools who should, instead, have taken prompt action. There may be explanations – whether the prevailing culture, the fact that the personalities of these men distracted the schools from focusing on the children, that they were good teachers, or that they were too useful to the school – but there were no excuses.

The Academy, in common with these other schools, fell into a trap of its own making. The children targeted by Hamish Dawson didn't have a chance.

11 Reporting

Most children at The Edinburgh Academy did not report the abuse they experienced. There were many reasons for that: some were scared, some did not appreciate that they were being abused, and some did not have the language to explain what was happening. Nor was the culture of the Academy such as to encourage or facilitate the reporting of concerns. As 'James' (KHL) said: 'Why we didn't question it is an unanswerable question. No one seemed to share what was happening outside of the school walls with anyone.'[1178]

The culture of The Edinburgh Academy

Whilst as at January 2026, the school had introduced an electronic system called 'Chatterbox' which pupils can use to raise concerns directly with the pastoral care team by means of an anonymous form, the culture used to be very different. It provided no such means of communication but, rather, it acted as a significant impediment to reporting. 'Finlay', a pupil in the 1960s, made that very clear:

> The school culture valued secrecy and isolation, corporal punishment and fear, and included normalising abusive behaviour by its staff, bullying, and victim blaming from an early age.[1179]
>
> …
>
> There was a general unwritten rule that one did not tell one's parents anything not acceptable to the school … It was as if one had to side with the school against those external to it. Starting in Mackenzie House, it was made clear that letters written on Sunday morning would be censored by the housemaster before they were sent out. We were instructed that the letters had to be two sides and contain appropriate information … It did not matter whether letters were actually censored or not because this was all part of the culture of fear of reprisal behind which secrecy was protected. As I got older, I reached an age where I could write an uncensored letter … Even then I would never have put anything in a letter that criticised the school. I would never have dreamt of it. There was a constant niggling instilled at the back of my mind that the school might find out and retaliate.[1180]

'Letters written on Sunday morning would be censored by the housemaster before they were sent out.'

That culture persisted for decades. 'Stephen', who was a pupil in the 1970s, said: 'And of course we weren't saying anything to our masters, I learnt that. You don't speak to the teachers at school. That's a no-no. If you speak to the teachers at school, it is just going to get worse.'[1181]

'Cameron', a pupil from the early 1970s to the late 1980s, was badly bullied by boys who, he

1178 Transcript, day 365: read-in statement of 'James' (KHL) (former pupil, 196x–7x), at TRN-8-000000081, p.123.
1179 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.4, paragraph 10.
1180 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, pp.4–5, paragraphs 12–13.
1181 Transcript, day 358: 'Stephen' (former pupil, 197x–8x), at TRN-8-000000073, p.143.

said, 'made my life hell' to the extent that he would hide at break times and 'go home at lunchtime', but

> it never crossed my mind to go to a teacher. It never crossed my mind to tell somebody. Not because there was some kind of omertà. I just wouldn't have dared. I wasn't afraid that the teacher would do something. I was afraid that the other kids would find out and it would make my life worse, not better.[1182]

'Alistair' explained that:

> There were many tabooed areas that simply weren't part of the conversation. And a lot of those to do with how the school was run I think were part of that. It was accepted that's what the institution offered and that's what one accepted … The whole regime was an edifice that was set in place. To question the institution was to challenge it. So that was the ethos, I suppose.[1183]

Also, whilst it might be theoretically possible for boys to report abuse to their parents, they could feel unable to do so. For instance, 'Alistair', who was abused by John Brownlee and by Hamish Dawson, was able to talk to his parents about some things, but was not able to tell them about the abuse. His father was

> very siloed and constrained in conversation, in terms of the limits. My mother's limits were wider, but as somebody who … had come from the Commonwealth to Edinburgh, she, I think, struggled to integrate, so … deferred very much to the cultural milieu she was in, as far as she could.[1184]

'Fred' explained that pupils 'weren't supposed to be emotionally supportive of each other',[1185] so boys refrained from showing signs of weakness or vulnerability. Moreover, the school, both members of staff and its Court of Directors, simply did not consider the possibility of boys being abused. 'Robert's' father was a member of the Court, and 'Robert' was 'not sure how much he or the other governors were aware of what abuse was taking place. My father always had the opinion that the Academy could do no wrong.'[1186] That appears not to have been unusual amongst parents.

Norman Jack, who taught in the Prep School for many years, would sometimes try to help boys who were loners or seemed to be struggling, for example by trying to involve them in new activities, but he thought that the boys were generally 'very good at looking after themselves'.[1187] What he meant by that is not clear, but there is no indication of him encouraging them to report any concerns to him or to any other member of staff. He did, however, try to encourage parents to speak to him:

> Personally I made it a practice to give my home telephone number to parents at the beginning of each school session. This was because I was keen to hear first-hand of any concerns or worries relating to my pupils. Sometimes you don't hear it in the school during the school day and I liked to think that parents were able to talk to me during an evening, as they did, to speak about any concerns they might have had. I was contacted by parents and it was mainly about concerns the parents had over the progress of their

1182 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.20, paragraph 66.
1183 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.11.
1184 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, p.14.
1185 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, p.38.
1186 Transcript, day 359: read-in statement of 'Robert' (former pupil, 197x–x), at TRN-8-000000075, p.194.
1187 Transcript, day 365: read-in statement of Norman Jack (former teacher, 1965–2000), at TRN-8-000000081, p.175.

> children … about their child perhaps being a bit of a loner or wasn't happy in some way or another … I would firstly try to speak with them. Not too much, as that might put them off, but I would try and involve them in activities … That usually worked quite well. But I must say something like that didn't happen very often, as by and large the children were very good at looking after themselves.[1188]

It is clear from his evidence that, although he did not actively encourage children to report concerns to him, because, as he explained, any complaints they had about other teachers was not 'the sort of thing I would like to talk about',[1189] he wanted to help them if he could. Some of them must have sensed that:

> I did have children come to me and tell me about bullying or something like that … [they] would come and speak to me in my classroom in the morning. I was always there and I would have a chat with them. I wasn't a guidance teacher – there was no such thing then – I was an ordinary teacher. I was their teacher. I got to know them very well and they would come and speak to me very informally.[1190]

But Norman Jack's approach ruled out any child reporting to him that they were suffering abuse from a member of staff, as he did not think it would be fair on his colleagues to talk with them about that.[1191] Indeed, when Norman Jack heard boys talking about the abuse being perpetrated by Iain Wares, he took no action.[1192] By the time he provided his statement in 2023, long after having retired, he realised he should have done so. Of course, the attitude, culture, and outlook of the school was such that it was not until the early 1990s that candour was encouraged even when what was at stake was the safety, wellbeing, and protection of the children in its care.

So far as the possibility of parents reporting concerns about abuse to Norman Jack, that was, of course, dependent on their sons having first reported it to them and, on the evidence, that did not often happen.

Another fundamental problem was the Academy's unwillingness to believe that there was a possibility boys were being abused in the school. 'Hugh' felt that:

> if you were to report bullying or a similar incident then you would not necessarily be believed by the teachers. I had the impression that the boys were considered as having the predisposition of 'telling stories' that might not be true. Even if you were to give an account, you would assume that the listener would think it was exaggerated or may not have occurred at all.[1193]

He went on:

> I don't think I ever formally reported bullying or abuse. I would talk to teachers informally in my senior years, particularly about individuals who were being bullied. It was always a bit of a mystery as to what happened if you raised something. There was an atmosphere that

1188 Transcript, day 365: read-in statement of Norman Jack (former teacher, 1965–2000), at TRN-8-000000081, pp.174–5.
1189 Transcript, day 365: read-in statement of Norman Jack (former teacher, 1965–2000), at TRN-8-000000081, pp.177.
1190 Transcript, day 365: read-in statement of Norman Jack (former teacher, 1965–2000), at TRN-8-000000081, pp.176–7.
1191 Transcript, day 365: read-in statement of Norman Jack (former teacher, 1965–2000), at TRN-8-000000081, p.177.
1192 Transcript, day 365: read-in statement of Norman Jack (former teacher, 1965–2000), at TRN-8-000000081, p.182.
1193 Written statement of 'Hugh' (former pupil, 197x–8x), at WIT-1-000001467, p.17, paragraph 63.

> something would be done, but perhaps behind closed doors. There was an opacity about how concerns were managed.[1194]

Likewise, 'Josh' found that: 'the whole environment of Edinburgh Academy didn't lend itself to being a place where things could be reported. You just didn't have any confidence that you would be believed and you worried about the potential repercussions. There was just too much at stake.'[1195]

Yet, as he rightly observed, there 'shouldn't be anything at stake when you are trying to report something that has gone wrong'.[1196]

'James' (KHL), a boarder who was the victim of severe sexual and physical abuse perpetrated by other boarders, could not report using words. His behaviour spoke volumes but the school did not 'hear' it. He

> was so sad at school and I didn't know what to do. As a way of trying to call for help I self-harmed. The scars and marks were visible. I didn't understand why I did it. I was confused. In hindsight, it was my way of trying to tell the world something was wrong. What made it worse was that I was asked how it happened and I didn't have the balls to say why I'd done it. I pretended and said I'd fallen. It didn't add up and I guess no one believed it. I then felt even worse because I didn't have the courage to take the necessary step forward and use that as a springboard to tell people what was happening. Instead, I used it as a springboard to take a further step back and return into my shell. I had to live with the scars for however long it took … I was losing confidence in myself as a person day by day.[1197]

That sadly demonstrates that there may have been visible evidence of harm, but children would not feel able to explain that what lay behind it was that they were being abused.

No clyping

Academy boys knew to refrain from clyping. That was part of the culture. The school 'instilled in everyone that you did not clype on anybody for anything that happened'.[1198] 'James' (ICW), who was in Iain Wares' class, witnessed him sexually abusing boys and he knew it was not right. He could have reported it – if not to the school, then to his father, yet he did not do so. As to why not, he said: 'I honestly don't know … it was one of my biggest disappointments in my life that I didn't report it, especially to my dad, being a consultant paediatrician.'[1199]

'Baxter', a boarder who experienced Hamish Dawson's abusive practices in Dundas House, had misgivings about coming to speak to the Inquiry, even though decades had passed since he had left the Academy, as 'I felt I was being a clype'.[1200] He observed:

> One of the things about public schools, perhaps, is that sort of sense of honour; that you don't tell. That you keep it in-house. You don't wash your dirty linen in public, which I am doing now … It was just a kind of sense of honour. What do the Mafia call it? Omertà, where you stay silent. Sometimes it is the easier course.[1201]

1194 Written statement of 'Hugh' (former pupil, 197x–8x), at WIT-1-000001467, p.17, paragraph 64.
1195 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, p.180.
1196 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, p.180.
1197 Transcript, day 365: read-in statement of 'James' (KHL) (former pupil, 196x–7x), at TRN-8-000000081, pp.132–3.
1198 Written statement of 'Alex' (former pupil, 196x–7x), at WIT-1-000001505, p.16, paragraph 71.
1199 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, pp.135–6.
1200 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, p.170.
1201 Transcript, day 356: 'Baxter' (former pupil, 196x–7x), at TRN-8-000000074, pp.170–1.

Members of staff also knew about the code of silence. Rob Cowie was

> aware of the don't clype … but I'd like to have thought they would have come and could have trusted me really, or trusted any member of staff … if there was something bothering them or some issue with other pupils or another member of staff.[1202]
>
> …
>
> I mean people would have talked to somebody that they trusted, I think, on the staff, in the first instance and hopefully that would have been then reported further up the line or they would have been recommended to go and speak to the rector about it and then the staff would have talked to the rector about it. It's kind of understood, it's assumed … there wasn't a formal process.[1203]

Members of staff also knew about the code of silence.

I am sure that Rob Cowie's expressed hope was genuine. But it never happened and he could not recall any pupil ever speaking to him. His assumption was misplaced and no doubt it was, likewise, wrongly assumed by too many members of staff that all was well.

Lack of understanding

When Neil Douglas's mother found out that he had been abused, her first question was: 'Why didn't you tell me?'[1204] but, as he explained:

> I wouldn't have recognised it as a sexualised act at that age. We're using sexualised language now and I probably used that in my statement. But what did I know about it at that age? Sex education didn't happen until we got into the Senior School and I'm not even sure that was in the Geits, it was probably in the second year. So what was I going to tell my parents?[1205]

'Alistair' accepted that:

> my own children probably would have talked about it when they were 11, but I wasn't of that culture … I thought that's what a punishment was … I thought life was like that. I had no other measure of calibrating his behaviour … life was like that, and it just seemed that that was what it was … They were [the] authority figures. They would tell you what life is like. They are your mentors. And you don't question them. I mean, they are the adults in the room.[1206]

Likewise, 'Alex' observed:

> When you grow up in that kind of system, you don't really understand what is acceptable or not. All you know is this is what happens and that this is the way it is. And we didn't have that kind of language, as 9, 10, or 11 year olds, to properly talk about what was being done to us.[1207]

And although 'Arthur', when speaking to his parents, did try to tell them 'how awful it was', he recognised that 'I didn't really have the vocabulary for it, certainly when I was very young'.[1208]

1202 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, pp.81–2.
1203 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, pp.101–2.
1204 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.83.
1205 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, pp.83–4.
1206 Transcript, day 356: 'Alistair' (former pupil, 196x–7x), at TRN-8-000000074, pp.38–9.
1207 Written statement of 'Alex' (former pupil, 196x–7x), at WIT-1-000001505, p.16, paragraph 71.
1208 Transcript, day 365: read-in statement of 'Arthur' (former pupil, 197x–8x), at TRN-8-000000081, p.19.

Abusive behaviour as a norm

One of the many chilling features of child abuse is that children do not always know that it is something that should not happen. They do not know that it is wrong. They are all too likely to regard it as a part of normal life, however distressing and upsetting it may be. They know no different. Life, they learn, has its ups and downs, and they are liable to think they just have to get used to the latter, however much they hope for the former.

'Douglas'

> never talked to other teachers about it. There was no person in the school that you could have gone to … the school was devoid of any nurturing or – you know, it just was – it was a hard, hard place. Very hard, nasty place. But I never talked to my parents … I think in part it was because it became so normalised that I didn't think – I thought this must be, you know – it's okay.[1209]

> 'The school was devoid of any nurturing.'

'James' (KHL) felt:

> The thing that really messed us all up so much was this process of denial that lived with us for the whole time at school and became embedded in us. We were all lucky kids because we were sent to a well-established private school. Within the means we had as young children we understood that we had been sent to the school by parents who thought that school offered us a good education and would give us opportunities in life. Some of my classmates' parents were even friends of the teaching staff who, ironically, were mistreating my classmates. As young kids we couldn't understand how these two things could be put together. We were in a good school, where we were supposed to be looked after, and here we were being mistreated at horrendous levels. There was a confusion in our minds. It was a total contradiction. We grew to think this is what school was like.[1210]

As 'Arthur' explained, the norm was that 'you were told you were privileged to be there and it was making a man of you, character building. You felt like you were supposed to suck it up. If you were a strong wee man you were supposed to get in there and deal with it and not complain.'[1211]

Howard Haslett was a member of staff for over 30 years from the late 1960s. In 2025 his son, who had been a pupil at the Academy, was asked to appear as a witness in the examination of facts hearing at Edinburgh Sheriff Court in relation to John Brownlee. Howard Haslett explained that his son 'mentioned a few details and I asked him why he didn't tell me at the time. He said he thought it was the norm and what happened at school.'[1212]

Absence of trust

'Andrew' (IHA) explained: 'Very, very few people took what they were going through and brought it back to teachers, because I think there was a basic lack of trust between the boys and the adults.'[1213] 'David' (IBR) said: 'They would just have assumed it was lies.

1209 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, pp.20–1.
1210 Transcript, day 365: read-in statement of 'James' (KHL) (former pupil, 196x–7x), at TRN-8-000000081, p.136.
1211 Transcript, day 365: read-in statement of 'Arthur' (former pupil, 197x–8x), at TRN-8-000000081, p.19.
1212 Written statement of Howard Haslett (former chaplain and teacher, 1968–99), at WIT-1-000001354, p.18, paragraph 85.
1213 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, p.73.

I had no trust in them and nothing would have been done.'[1214]

Embarrassment

'Andrew' (IHA) was abused by Iain Wares. For him it was

> an extremely odd experience to go through … and the last thing you want to do is reference what's just taken place, because it is so profoundly shocking and embarrassing. And embarrassment plays a very, very large part in this, in the sense, I presume, the person is relying on you not saying anything out of sheer embarrassment. So in some vile way you become complicit with the behaviour because you sort of can't escape it. It is the strangest thing, isn't it? People always mention: well, surely you would shout or jump away? You don't because you are in the thrall of this person's control of a situation.[1215]

'Gavin' shared that view and, like so many others, did not speak to his family. He thought 'Wares was well aware that kids might not want to come out with these things to their parents as they were paying their fees or they were simply embarrassed'.[1216]

As 'James' (ICW) explained, in relation to Iain Wares' sexual abuse of Prep School boys, his classmates would use phrases like '"Oh, it felt nice, I felt warm". And it is a pretty horrific thing to think of – that's their first sexual experience.'[1217]

It seems inevitable they would feel embarrassed. Deeply embarrassed. How could they tell their parents? Or any other adult?

Limitations in speaking with family

Many children who were boarders lacked the financial resources to report to parents or relatives. Referring to the old-fashioned red public telephone boxes, Sam (IDU) said:

> I mean, I used to sort of fantasise about going into one of those red boxes with the A and B buttons, but I never did. Didn't have the money for it, to be honest, because the only cash you got was a shilling pocket money a week. So, yes, no phones, no communication, just a letter written under supervision on a Sunday morning in Mackenzie House.[1218]

'Sam' (IDU) did think he had been able to write what he wanted without it being censored, but that was not 'Tom's' experience. Since his parents lived in Hong Kong, letter-writing was really his only means of contact with them. Initially, 'Tom' was in John Brownlee's house. Letters had to be taken to Brownlee, who would tear up any he did not approve of and tell the child to try again. 'Eventually, there came a point where you just wrote and said you were having a great time and everything was fine.'[1219]

Loyalty to parents

'Max' never told his parents he was unhappy or that he was being abused; this was for a

1214 Transcript, day 363: read-in statement of 'David' (IBR) (former pupil, 198x–x), at TRN-8-000000079, p.200.
1215 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, p.89.
1216 Transcript, day 357: read-in statement of 'Gavin' (former pupil, 196x–7x), at TRN-8-000000072, p.188.
1217 Transcript, day 357: 'James' (ICW) (former pupil, 196x–7x), at TRN-8-000000072, p.135.
1218 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, p.50.
1219 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.36.

reason not uncommon amongst pupils who were aware of the financial burden their being at the Academy put on their parents. He was conscious of them making sacrifices: 'Although they were sort of professional class people, they weren't well off at all, and so sending me to a private school was a huge … burden, financially, on them. So I think that was part of it.'[1220]

Giles Moffat did not tell his parents he had been abused at the Academy until he was in his 20s:

> They did believe me. My mum was very upset about it and, of course, they did the 'Well, why didn't you tell us at the time?' … I can explain it now, which was just the pressure of being put in that privileged environment, where they're investing in you and where if you say anything you are going to get crucified when you go back … It's funny, with my kids … if we hear any whiff of trouble at the school we are on it like maniacs … I think the power structure was completely different in those days … Parents … just had to conform and be grateful.[1221]

'Sam' (IKA) knew his parents were proud of him being at the Academy and that meant

> because they had struggled, in their eyes, to get me in and it was a status symbol for my mother … a Trinity lady, to say: 'My son's at Edinburgh Academy' … my mother, she wanted everybody to be happy and everything had to be nice. So I … remember one day saying I didn't have a very good day and this upset her, so I got used to saying: 'I had a good day'.[1222]

Some reporting

Some children did disclose aspects of their abuse to their parents or other family members, but the responses varied. On the few occasions when parents took matters up with the school, it was often to no avail. Instead, the Academy discounted warnings or resolved matters without addressing the fundamental issue, allowing abusers to continue in the school's employment and the children exposed to them to remain at risk.[1223]

When parents took matters up with the school, it was often to no avail.

At least two children reported to their parents that they were being abused by William Bain, and at least one parent reported the abuse to the school. 'Fred' said:

> I think we just thought it was normal that there were odd teachers … I think we thought the school dealt with it. These things were dealt with by adults … I just assumed adults dealt with these things and I trusted them to do it. And it was only much later that something came out that caused me to doubt that.[1224]

'Spiro' told his mother about being abused. He explained:

> When I was at the end of my first year at Senior School, I told my mum about some of the physical abuse. I didn't go into any detail in

1220 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.118.

1221 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, pp.177–8.

1222 Transcript, day 361: 'Sam' (IKA) (former pupil, 196x–8x), at TRN-8-000000077, pp.118–19.

1223 Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, p.165; Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.10, paragraphs 33–5; Written statement of 'Gus' (former pupil, 197x–8x), at WIT-1-000001372, p.21, paragraphs 103–4; Written statement of 'Eric' (former pupil, 197x–8x), at WIT-1-000001541, p.28, paragraphs 117–19.

1224 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, p.47.

> relation to the violence as I found it difficult to put into words. I never told her about any sexual abuse or that the teachers had touched me. She could see I was distressed, and I told her that I had been bullied by teachers as well as students. My mum went to the school to talk to the headmaster about it. My mum was told that I was always 'away with the fairies', a chatterbox, talking and singing and wasn't paying attention in class.[1225]

Parental responses were not always supportive. 'Andrew' (IBO) told his parents he was being bullied, 'but they just told me to fight back. One of my sisters knew most [about it] … at one point she petitioned that I be moved school … My parents wouldn't have any of it and told me I had to complete my Academy education.'[1226]

Reporting past abuse to the school

When former pupils began, in adulthood, to report the past abuse perpetrated by a number of members of staff, the Academy's response was largely defensive and it took years before empathy, a real will to understand, and a desire to have open and honest conversations emerged with any clarity.

Reporting in the 2000s

On 28 October 2001 Iain Glen, a former pupil and well-known actor, spoke of being sexually abused by two teachers in an interview published in a Sunday newspaper.[1227] It was re-reported the following day in two other newspapers. An article by another former pupil about there having been a reign of terror in the 1950s, including regular unjustified beatings on flimsy grounds, was published in one of the newspapers on 30 October 2001.[1228]

The rector, John Light, wrote to the author of the 30 October article the following day, explaining that he had read the newspaper reports and noted that the former pupil had stated he received treatment during his school days which amounted to a 'reign of terror'. Light continued:

> I am naturally very concerned to establish what occurred – and am equally anxious to ascertain the identity of any teacher who is alleged to have mistreated Mr Glen or any other pupil during his school career.
>
> My reasons are twofold. Firstly, I know many teachers who have had a long career at the Academy. They are bound to feel that they are suspect by association, when in fact they have worked with real integrity and have set themselves the highest standards. They deserve the assurance, whether in retirement or in post, that their reputation is not in question.
>
> Secondly, it is conceivable even after the passage of time that a teacher is still practising when there are allegations which he or she should confront. We here have a real obligation to ensure that pupils in other parts of the country are not exposed to risk because important information has not been passed.
>
> I would be pleased to meet you if you are able to spare me half an hour. Meanwhile, please be assured of two things. Firstly, we do not seek to sweep a problem into a convenient corner, even if the problem relates to previous decades. Secondly, you have met current pupils and me in recent years. I hope that we were able to demonstrate that, at the Academy of

1225 Written statement of 'Spiro' (former pupil, 198x–x), at WIT-1-000001529, p.21, paragraph 88.
1226 Transcript, day 363: read-in statement of 'Andrew' (IBO) (former pupil, 196x–7x), at TRN-8-000000079, p.21.
1227 *Scotland on Sunday*, 28 October 2001.
1228 *Edinburgh Evening News*, 30 October 2001.

today, we have high expectations of pupils. However, they are fully fledged people who deserve our respect and support at all times.

I look forward to hearing from you. Kind regards meanwhile.

The terms of the letter certainly demonstrated green shoots of the growth of a new and better attitude, but it is striking that the interests of staff who may be tainted by association are mentioned first, and any mention of the interests of surviving past pupils who may have suffered abuse is absent.

A file note, prepared by the rector for a meeting on Friday 2 November 2001, sets out the school's response. It also discloses that a further former pupil from the 1960s had written to the school urging it not to reject the claims published in the media. The rector had telephoned him and was told by the former pupil that he had been sexually abused by a named teacher in 1968. The rector assured him he would make a file note and, in the event of the matter having to be taken forward, would 'ensure that he is approached'. But matters were left there; the rector did not, for instance, offer to meet with the former pupil at that stage.

Very properly, the note also reveals anxiety about the possibility of an abusive teacher still teaching (and therefore the potential risks to children) – as alluded to in the letter quoted above – for which the school accepted a responsibility to investigate, and it confirms that current pupils were spoken to and assured that 'today's standards have to be impeccable'. Parents and the Court were written to, and contact was made with both former pupils asking them to get in touch.

Advice was sought from the meeting by the rector on a number of levels:

- Was there scope for prosecution given the passage of time?
- What was the school's liability?
- At what stage would insurers need to be brought into the picture? The school had hitherto been very careful not to admit any liability.
- Should there be legal advice for the next step?: 'It strikes me that we have no role in protecting former pupils who are now adults. However, there is a risk of damage to the confidence of current parents if evidence of old malpractice emerges which we knew about and chose to ignore.'

All those concerns are understandable, but the school had not reached the stage of appreciating what may have been the long-term and possibly subsisting impact on past pupils who were survivors of abuse at the school.

The rector had a telephone conversation with Iain Glen on 5 November 2001, during which it was confirmed that the two teachers he referred to were Iain Wares and Hamish Dawson. Iain Glen, whilst not wanting to make a formal complaint to the school, did intend to report the matter to the police.[1229] The rector thereafter spoke to members of staff who had worked with Wares, and to James Burnet, a former headmaster of the Prep School. None of them could recall anything adverse in relation to either Wares or Dawson. He also spoke to the police who, when given Wares' name, confirmed that there were no ongoing enquiries.[1230]

1229 The Edinburgh Academy, File note, 5 November 2001, at EDA-000000081.

1230 The Edinburgh Academy, File note, 16 November 2001, at EDA-000000003.

What the school failed to do was take any steps with a view to finding out whether the abuse by either teacher had been more widespread. The rector did not, for instance, do as Loretto School had done, which was to write to its former pupils about the abuse perpetrated by a teacher, Guy Ray-Hills, which had come to light following publication of an article in *The Observer* in August 2001.[1231] Loretto issued a press release, followed up with a letter to boys taught by Ray-Hills inviting them to report abuse, many of whom did so.[1232]

I do not consider that this was part of any attempt to cover up what had been discovered. However, it does show the school naively thinking that the problem had been contained and would disappear. In relation to the disclosures about Wares' and Dawson's abuse of Academy pupils, the minutes of the meeting of the Court of Directors held on 1 December 2001 record that: 'The recent reports concerning alleged assaults, including sexual, upon pupils at the School about 30 years ago. The meeting considered, on balance, most parents and Accies were dismissive of the reports, perhaps regarding the matter as being of the past.'[1233]

At the next meeting of the Court, in early February 2002, a marketing consultant, who had been instructed to advise on the school's overall marketing strategy, presented her report. She made a number of points, including: 'Following recent incidents, the focus of media attention may have moved from the School. If that were so, perhaps it would be appropriate now to endeavour to establish closer relationships with media editors. The publication of any positive stories about the School would be helpful.'[1234]

Protection of the school's reputation was to the fore and it was evidently deemed more important than addressing abuse, including what might have happened in the past about which they did not yet know. The minute of the meeting recorded that it had emerged from the ensuing discussions with the marketing consultant that: 'Our policy should be partly defensive in order to retain existing pupils'.[1235]

The focus was on the present and the future, and any thought of damage done in the past appears to have been set aside. That approach was to be repeated over the next two decades. Nicky Campbell, in his 2004 memoir, stated: 'There were to my certain knowledge two teachers in my time there who took an unhealthy sexual interest in small boys and another who took an unhealthy interest in hurting them.'[1236]

He expected a reaction from the school, particularly after the 2001 press reports, but 'was quite surprised there was nothing. I would have thought the school might have said something, but … it was a damage limitation exercise. It was like the porcupine strategy.'[1237]

1231 Don Boyd, 'A suitable boy', *The Observer*, August 2001, at INQ-0000000369.

1232 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021.

1233 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 8 October 2001, at EDA-000000397, p.36.

1234 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 25 February 2002, at EDA-000000396, p.2.

1235 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 25 February 2002, at EDA-000000396, p.2.

1236 Nicky Campbell, *Blue-Eyed Son: The Story of an Adoption* (Pan Macmillan, London: 2005).

1237 Transcript, day 364: Nicky Campbell (former pupil, 1966–78), at TRN-8-000000080, p.50.

'I look back on it as a place which tolerated abuse, while at the same time practising a culture of obfuscation and denial.'

'James' (ICI) read the press report, recognised Iain Wares, and noted that while the story

> disappeared very quickly indeed from the newspapers, the media … it had made a significant impression on me and I thought: well, you know, there are other people out there and they are prepared to talk about it. And then several years after that, I noticed in a regional newspaper, in southern Scotland, that a pupil had also made a public complaint about what had happened to him at The Edinburgh Academy, and that was somebody I actually knew from school, I recognised the name … Then, in 2008, I read an article in the Academy *Chronicle* by David Standley and he wrote at some length about how wonderful the Academy was, how he had spent almost his entire career there, and it was a wonderful school … and there was a phrase in his article which annoyed me, which is he said: 'But of course back then we didn't have health and safety to worry about', and that angered me greatly.[1238]

'James' (ICI) emailed a letter to David Standley, then deputy rector, on 29 August 2008, in which he said:

> Like you, I was part of The Edinburgh Academy in the 1970s. My early days at Henderson Row are somewhat mixed up with some of yours. So like you I experienced the same air, the same sometimes dusty classrooms, the same sometimes dusty colleagues. I was one of your pupils, you were one of my teachers.
>
> I can't say I share your enthusiasm for the establishment, but then our experiences will have been rather different. For me the Academy is not somewhere I associate with a successful career. I look back on it as a place which tolerated abuse, while at the same time practising a culture of obfuscation and denial.
>
> Among your colleagues was a teacher whose habit it was to seek out young boys and humiliate them in front of his class. He did this by fondling their genitals in full view of his pupils. His victim would be told to stand next to his desk. Once there he would induce them to face the children. Once this was sorted out he would introduce his hand up their shorts and fondle their penis. He would do so slowly, methodically even, while paying care and attention to the minutest of details. He was always at pains to roll back the foreskin as far as it would go.
>
> He was a rugby player and fond of sports. When he took the class out to the fields at Arboretum Avenue it was a regular scrum to avoid being the last boy out of the showers. If you were in the slightest way tardy then he would appear slowly out of the steam to block your exit. Next door you could hear the sounds of your fellows escaping into the night. There was no shorts now to impede his eager fingers.
>
> Some years after these events I confessed what had happened to my late mother. Shocked, she repeatedly attempted to lodge a complaint. Fobbed off with 'That sort of thing couldn't happen here', she spent several frustrating weeks trying to convince both my class master and the rector that something had happened, all to no avail. So this particular teacher vanished back into the clouds of steam, where, for me, he still remains. Years later I read somewhere that he had been dismissed, for what I do not know …
>
> As you so rightly pointed out on the EA website, the external pressure from educationalists,

1238 Transcript, day 357: 'James' (ICI) (former pupil, 196x–7x), at TRN-8-000000072, pp.47–8.

> politicians and the health and safety executive made little impact in those days. I know you did not mean it like that, but try and see it from my point of view.
>
> As a class we were shamed by this man, collectively and as individuals. We spent hours in his company, straining not to be picked out. The effort was almost physical. Unfortunately I was not very good at it. Unfortunately I was picked out more often than I care to remember.
>
> This meant I later found it almost impossible to trust my teachers. This meant I did not trust you. As I recall, you too were a man with fair hair, you too were someone who was interested in sports …
>
> I am sure the Edinburgh Academy has changed. I am quite certain that you have been part of that process and have given much to this institution where individuals matter. I have no particular bone to pick with you or, for that matter, with the school, there is no lawyer waiting in the wings. So why am I writing this? I am not absolutely sure. It's fashionable to talk about closure. I find buzz words like this as trite as you probably do.
>
> I think I am writing this because it took me the best part of 30 years to start to like and appreciate rugby. In a way I am writing this because I still expect the worst from people until proven otherwise. I am definitely writing this because I was never able to relax in any EA classroom.
>
> On several occasions I considered writing to previous rectors, but then why? They were not there at the time. Then, by chance, I saw your name and read your story. Two pasts that started at the same time in the same place, only your version has absolutely nothing to do with mine. I prefer yours. I am writing this because, to the best of my knowledge, you are the last person left who was there.[1239]

David Standley shared the email with the then newly appointed rector, Marco Longmore, asking for a discussion about it 'on Monday', which was the beginning of the following week. They appear to have had such a discussion.[1240] At some point between then and two weeks after 'James's' (ICI) letter had been received, on 12 September 2008, David Standley replied to him in these terms:

> I was very concerned and indeed horrified to read your recent email. The matters that you raise – even though they are quite historic – are the opposite of the type of School experience that the School seeks and promotes for all our pupils. After such a considerable number of years it is difficult to see what can be achieved in investigating these allegations. If you do however wish the School to assist in such a process I would advise you to make contact with the Rector.[1241]

'James' (ICI) replied the same day, saying he had decided to leave the matter there, and David Standley passed that correspondence to the rector with an email saying simply: 'No further action needed, but suggest that we file the whole thing somewhere in case anything resurfaces.'[1242] Nothing more than that. No observations about what he had accepted was a horrifying account of the Academy having employed and retained a prolific abuser of children in its midst for years. No observations of regret that an Academy pupil had suffered as 'James' (ICI) had. No expressions of shock that many boys appeared to have suffered similarly. No suggestion that the school ought, itself, to investigate matters further. No indication of an appetite to learn from

1239 The Edinburgh Academy, Email to deputy rector, 29 August 2008, at EDA-000000223, pp.1–2.
1240 The Edinburgh Academy, Email to rector, 29 August 2008, at EDA-000000223, p.1.
1241 The Edinburgh Academy, Email from deputy rector, 29 August 2008, at EDA-000000223, p.3.
1242 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.156.

'James's' (ICI) experiences. And no suggestion that the school needed to think about and address the impact which that abuse had had. If any of these or similar highly pertinent questions were addressed during their discussions, there is no record of them.

And 'James's' (ICI) letter was not, it seems, placed on the agenda for the next meeting of the Court – not even on an 'information only' basis – given that there is no mention of it in the minutes.[1243] Put shortly, the approach was that there was nothing to worry about, nothing needed to be done, and the correspondence could be filed and, hopefully, forgotten about. How wrong they were about that.

Having received such a detailed account, which made it clear that serious sexual abuse was regular and involved multiple children, although it did not name the abuser, it is unfathomable why the school took no action to find out more, alert the police, and contact its alumni. David Standley did not suggest a wider canvassing of former pupils, saying in evidence that he was unaware of the 2001 complaint, although he acknowledged that 'when I read that email … there would be no reason to make anything up like that. And in that case, then if one, then there may be others.'[1244]

That is the point: the school certainly did know of the 2001 complaint, since records had been kept.

Marco Longmore received four further communications concerning Hamish Dawson. On each occasion, sympathetic replies were sent, encouraging contact with the police and giving assurance of school cooperation with the authorities, but nothing more than that. Barry Welsh, Marco Longmore's successor, spoke of his predecessor being well respected and highly regarded but also being a 'process man' whose responses to these communications were in a standard 'mechanistic'[1245] style. His were of a different tone; he learnt that 'person-to person contact, a humanistic response, a human response is key'.[1246] He is right about that.

There was press publicity again about both Fettes College and the Academy, including an explicit reference to the fact that Loretto had received 35 letters after it contacted former pupils,[1247] but once again the Academy did not reach out to its past pupils. When asked why the Academy had not followed that example, Marco Longmore said that while 'we were open to the principle … we didn't think it was the right thing at that time for the school to take the initiative to write out whilst there was an active investigation, which more than likely linked to the correspondence I was receiving'.[1248]

That – an example of his process-driven approach – was the explanation for not engaging further with pupils who had written to complain,[1249] as was the fact that 'it didn't occur as the main focus for what we were trying to do to support allegations that were being made, because of the active police investigations that were taking place', there being 'a sense of what is the appropriate investigatory body and I don't think anyone, myself included, felt that the school was'.[1250]

1243 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 21 February 2008, at EDA-000000390, p.25.

1244 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.168.

1245 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.134.

1246 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.134.

1247 See, for example, *The Scotsman*, 2 February 2015, at EDA-000000118.

1248 Transcript, day 367: Marco Longmore (former rector, 2008–17), at TRN-8-000000083, p.43.

1249 See Hamish Dawson chapter.

1250 Transcript, day 367: Marco Longmore (former rector, 2008–17), at TRN-8-000000083, p.42.

'I cannot see how a responsible organisation can have one of its ex-teachers in prison and not contact the boys he would have taught.'

Whilst that is all indicative of the school being aware of having a duty to assist the prosecuting authorities, it is unclear exactly what its policy extended to otherwise. There is, for example, no indication of the Academy even considering reaching out to former pupils in the way that Loretto had done; I do not accept that such action would necessarily have been inconsistent with its duty to assist the prosecuting authorities or with the protection of its legitimate interests in relation to appropriately defending any future litigations against the school, the latter obviously having played a part in its decision-making at the time.

When asked whether, with hindsight, the school should have acted differently, Marco Longmore's answer was markedly cautious to the point, it could be thought, of obfuscation or, at the very least, being unduly defensive:

> There's always the opportunity to do things differently, looking back, but I do think there was the intention and purpose that drove the actions that were taken were for the benefit of a meaningful outcome to those whose allegations were being made that could then find a suitable response. We felt that the criminality that was being suggested in the allegations deserved that.[1251]

The case of William Bain was a different matter, however, as he was convicted in 2016 and, at the time, there were no ongoing relevant police investigations. But the Academy, despite knowing that a prolific abuser had worked in the school, did not contact the relevant alumni. Marco Longmore explained that this was because the police had told him there was no knowledge of abuse at the Academy,[1252] but I do not accept that as a satisfactory explanation for the school not being proactive. Indeed, had it been, it could have accelerated the second prosecution of Bain, which resulted in him being convicted of further charges, including ones involving complainers who had been pupils at the Academy. Such acceleration would have eased at least some of the strain and stress that must have been suffered by the complainers as the prosecution process dragged on.

The school's approach has enraged many former pupils. It seems clear that their reactions might well have been avoided or at least been less fierce had not only transparency and candour been to the forefront, but also a real effort to look at matters through their eyes.

'Fred', for example, spoke powerfully of the school's handling of William Bain:

> I hear continually from the school … I get regular communications from them, whether it is asking for money or sending me a magazine, and the magazine is telling me what other boys have done. But my knowledge of this Inquiry comes from outside the school, and my first knowledge that that … physics teacher had been arrested and spent time in prison came from outside the school. So at no point did they attempt – until I think the recent national publicity generated because they have an old boy who is a radio host – have the school attempted to contact people … It has all happened post-fact, I would say, of them being outed, if that's the right expression … I cannot see how a responsible organisation can have one of its ex-teachers in prison and not contact

1251 Transcript, day 367: Marco Longmore (former rector, 2008–17), at TRN-8-000000083, pp.43–4.

1252 Transcript, day 367: Marco Longmore (former rector, 2008–17), at TRN-8-000000083, p.45.

the boys he would have taught and said: 'I wanted to make sure – as a minimum – I want to make sure that nothing happened.'[1253]

'Fred' made some other pertinent observations:

> School culture comes from the current management of the school. The current board of directors decided not to do anything. And if they are not prepared to do anything because it is historic, how can people have confidence they are prepared to do something contemporary, if things happen again? … There is still a thing that these schools do not want their reputations damaged. But what you end up in is this situation, where you have failed to get ahead of the story … if you look at it from a pure PR point of view, but they have failed to support people. The people who are there now are not responsible for the way people were let down then, but they are sure as hell responsible for the fact that they are letting them down again … it is impossible to look at it in any other way. I have no axe to grind with the school either way. Yes, they are part of my history, but I am not part of their present.[1254]

'Fred' recognised the recent efforts and apologies of the current head, Barry Welsh, but said:

> There is no point in apologising once you have been found out … in these situations, yes, you should apologise. But, actually, the atonement comes from admission, not from getting caught … I don't believe them. I don't believe they are sincere because nothing they have done up to now has indicated sincerity.[1255]

Others felt similarly. 'Richard' said:

> I am disappointed that the Academy hasn't done more, in that they have known for months about Dawson and there has certainly been no attempt to contact me. It must be pretty clear that I was one of the cohorts that was in a boarding house when Dawson was wandering around. You know, I am in the alumni database and all this stuff. So I don't think they have done anything to try to encourage victims to come forward specifically … and then following on from that, if they did identify people, they have done nothing to try to see what can be done about it.[1256]

'For a school that portrayed itself as producing the best, it also harboured and defended some of the very worst and most dangerous people in society.'

'Henry' stressed that schools need to be honest:

> We expect our pupils, the children we're looking after, to be honest. How can they not be honest themselves? They didn't do anything about it in the 1990s. They didn't do anything in the … 2000s, 2010s. They must have known that there was this record of fairly heinous abuse and decided, I guess, that the school's reputation and the business would suffer if it was public. So they put themselves and their business and the reputation ahead … of us, and that is heartbreaking … I just wish they'd spoken out.[1257]

'James' (IEE) said: 'Throughout this time, the school repeatedly ignored and covered up this abuse. The irony is not lost on me [that] for a school that portrayed itself as producing the best, it also harboured and defended

1253 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, pp.49–50.
1254 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, pp.51–2.
1255 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, pp.52–3.
1256 Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, pp.190–1.
1257 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, pp.62–3.

some of the very worst and most dangerous people in society.'[1258]

And, as 'Douglas' said: 'Evil triumphs when good looks the other way.'[1259] The Academy was, on the evidence, a good school in many respects, but for far too long it looked the other way and the evil in those who abused children triumphed wherever it was able to hold sway.

Response to evidence about reporting

Barry Welsh became rector of the Academy in August 2017. He first received a complaint about past abuse from a former pupil in February 2018 and acknowledged he had simply used his predecessor's style of reply.[1260] That changed on receipt of the second complaint, from Neil Douglas, which led to an exchange of emails with a very different tone. He wrote:

> I cannot comment on what other rectors may have said to you but my advice is to call Police Scotland, it will help in their enquiries as we are currently doing … There is an active investigation underway with the hope of extraditing 'Edgar', it is utterly wrong these things were done and I am ashamed as the current rector that these things were not dealt with immediately back then, schools should be safe places and I hate the fact my school was not back then … Don't hesitate to get in touch if I can be of any help and provide further assistance.[1261]

The reason for using a different approach from that of his predecessor Marco Longmore was because his own style had evolved, reflecting his individual character and the lessons he had learned on the job, some of which developed from further engagement with other alumni. Barry Welsh explained that he moved away from the mechanistic approach used by Marco Longmore to a human approach because that was what was and is now required.[1262]

The Directors of the Court of the Academy support him and are 'absolutely' with him on this.[1263] Such a shift in attitude and approach is a very positive step forward.

The evidence Barry Welsh heard had a powerful impact on him:

> One of the most striking things that I have felt … is just how powerless and alone our former pupils felt, and how they felt unable to come forward and tell other people what was happening to them … Pupil voices were not listened to and, often, pupils were punished, or called liars, when they spoke up.[1264]

Looking ahead, he pondered whether the school is the best 'person' to communicate with its former pupils, explaining he had

> learnt there's so many reasons not to come forward … and actually I can't say that if I had written a letter, no matter how well I had crafted it and how much feedback I'd had from

1258 Transcript, day 360: 'James' (IEE) (former pupil, 198x–9x), at TRN-8-000000076, p.114.
1259 Transcript, day 361: 'Douglas' (former pupil, 196x–7x), at TRN-8-000000077, p.44.
1260 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.132, and EDA-000000183.
1261 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.133.
1262 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.134.
1263 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.136.
1264 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.138.

> lawyers and PR companies to make it this letter, I'm not sure it would give me the outcome I wanted.[1265]

Without coming to a firm view himself, he acknowledged

> the incredible impact that Nicky Campbell had in opening a door and giving permission for our pupils to say it's okay and to take away that guilt and shame. It happened to me also. For him to say that changed the world, it gave them the ability to speak. A letter from us wouldn't have done that. I really don't believe that. My former pupils needed to have someone to say: 'Yeah, this happened to me and it's okay', for them to feel it was okay as well, and for a moment to park that guilt and shame that they had … I can't get over how incredible that's been. I think it's made such a difference, just so impactful. And I'm very, very grateful for it.[1266]

Barry Welsh makes a fair point, but very few schools will have a former pupil with the audience reach of Nicky Campbell, and while his efforts had a wide impact, that does not mean that open and honest communications from the school itself would not have been valuable and beneficial to those past pupils who suffered abuse.

1265 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, pp.146–7.

1266 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.147.

12 Reflections

Applicants and other witnesses provided many very thoughtful and insightful reflections. A representative selection of these are set out below.

The difficulty of speaking about the past

'Colum' expressed concern that many victims of abuse at The Edinburgh Academy had not come forward to the Inquiry. He thought that could be because 'from my era, a lot of them won't want to go back there'.[1267] That is not surprising; I have learnt from listening to many applicants in all the Inquiry's case studies to date that it can be very difficult for adults who were abused in care as children to revisit those times.

'Andrew' (IHA) explained what a complex and troubling process it can be:

> One of the most disturbing things is to lift the lid … on your past and then the way I described it was that these had been stagnant waters for decades and then you stir them up … suddenly all the mud and all the silt is sort of floating around. And even though it was stagnant, it was kind of clear in your mind and suddenly it has become muddy and silty, and all these emotions are coming up and bubbling through … But, of course, that is the process you must go through if you want the water to become clear … I had this image of myself, and then it took 45 years on to lift that lid and realise I was just a vulnerable screwed up little kid, and it was deeply wrong, what happened to me. And I had never really seen it that way.[1268]

> 'I was just a vulnerable screwed up little kid, and it was deeply wrong, what happened to me.'

As did 'Arthur':

> People maybe think that after speaking to the Inquiry I can put my experiences behind me, but I don't think that's the way it works. It's more: can you confront it, integrate it, and then move forward as someone who has come to terms with that experience? That's what I'm currently doing. I know there is interest in the physical and sexual abuse side of this, but actually the more long-lasting effects of it are the isolation, abandonment, and fear, being aware of how dark and alone one can be in life. I think if you do that to a child so young, it's like shooting them with a harpoon, wounding them. What I did was run away as fast as I could from what had happened. Then I had nothing to do with the school and didn't ever talk to anyone from the school environment again. I went as far away as I could, but there is only so far you can run with the line before it pulls you up short. I see this process as a means of detaching that and maybe ending up with a scar and not an open wound.[1269]

1267 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.135.

1268 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, pp.76–7.

1269 Transcript, day 365: read-in statement of 'Arthur' (former pupil, 197x–8x), at TRN-8-000000081, pp.29–30.

'It was normal to groom 11 year olds with jelly babies, touch them up and use sadomasochistic sex toys to molest them in front of 20 others.'

The awfulness of what was normal

'Henry' was one of many applicants who powerfully described their experiences at the Academy, where that experience was characterised by abuse that was ubiquitous in their daily lives:

> It was normal to groom 11 year olds with jelly babies, touch them up and use sadomasochistic sex toys to molest them in front of 20 others. It was normal to kick, hit and strangle to the point of unconsciousness 10 year olds. It was normal to inflict physical punishment with a plank of wood with no good reason. It was normal for grown men to inflict psychological belittlement on children. It was normal to allow endless cycles of bullying to go unnoticed or unchecked and the bullied becoming bullies ad infinitum. It was normal … to completely ignore flagrant racism, sexism, homophobia. It was normal to have no safeguarding. It was normal to have no risk assessment. It was normal to have no abuse reporting policy or mechanism obvious to the pupils. It was normal for there to be no pastoral care, and it was normal to be somewhere where nobody, not one person, loved or genuinely cared for you.[1270]

Society, the culture of The Edinburgh Academy, and its reputation

'Finlay' was at the Academy from the early 1960s until the early 1970s and boarded from the age of nine. He suffered what he described as Hamish Dawson's 'cruelty and frightening behaviour'.[1271] He reflected on the culture of the school, as he thought it was affected by societal norms of the 1960s to 1970s which were, in turn, holding on to norms of years gone by:

> Looking back on it now, it seemed to me that we lived in a society where it was not done to complain, and whistleblowers would suffer retribution. There was apparently no duty to stop child abuse. If it was not your business you just kept out of it. Perhaps that society even believed that what I described was good experience for life.[1272]

That reflection highlighted that whilst past habits, past standards, and past practices ought not to be discarded simply because of their age, they should be questioned. Are they still valid? Are they still appropriate? And, importantly, is their continued existence blocking any reforms and changes required if children are to be properly protected?

'Laurence' also sees the history of the school, as recorded in *The Clacken and the Slate*, as having had an adverse effect which needs to be properly understood:

> The school history called *The Clacken and the Slate* was written by Magnus Magnusson in 1974. I know that there is somebody writing a new edition … I worry about that. I think that the whole history of the school has to be rewritten. You can't just write a volume or two. I think you have to change the title as well. You have to forget about clackens. I think the book in its current form is based on old-fashioned values. The whole story has got to be written again with new insights. I think they have to start again and ask themselves what the reality was. It was a school which didn't change much between the end of the First World War and the

1270 Transcript, day 360: 'Henry' (former pupil, 197x–8x), at TRN-8-000000076, pp.63–4.

1271 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.10, paragraph 33.

1272 Written statement of 'Finlay' (former pupil, 196x–7x), at WIT-1-000001408, p.12, paragraph 41.

> time that I left. It was moulded by the notions of Empire. It was all about classics in an unthinking way and games. If there was any Christianity, it was probably a very muscular, rugby-playing Christianity. However, it wasn't evident in any way. An Academy like that couldn't exist after the dissolution of the British Empire. It's got to recognise the world that it's in. We've moved on from that now and we're in a different world … How the Academy regards itself and the writing of its history is important.[1273]

In referring to how the school regards itself, he touched on a theme also mentioned by 'Malcolm', namely what reputation does a school have, what reputation does it want to have, and is it relying on crafted perceptions rather than the reality? 'Malcolm' said:

> Fee-paying schools rely on their reputation and had a lot invested in pretending everything was fine. Anything about abuse coming out would be the kiss of death for them. It was a bit like the Catholic Church with moving abusers on to another place without any proper safeguarding procedures in place. It is important now that people who have been impacted by abuse, some in very severe ways, are now able to talk about it and that as a society we allow them to talk about it.[1274]

Shame, guilt, and the destruction of trust

The seeds of long-term loss of trust in others were sown in the minds of many of those abused at the Academy, as was, sadly, a lasting sense of shame and guilt for what had happened to them despite it not being their fault at all.

Philip Dundas explained:

> I believed that I was the only one. I feared the repercussions of being singled out, of being different, of making trouble. For decades I assumed that somehow what happened to me was my fault and that I was to blame and that, well, no one would have believed me anyway. Even as an adult, I did not report my experiences earlier because I felt bad about making a fuss.[1275]

'James' (ICI) wanted to share this reflection:

> Shame, guilt, is something that the Academy gave to me as a takeaway from the school because the incidents that I have described here this morning have caused me shame and indeed guilt. I somehow feel as if the things that happened to me happened to me because of who I am. That is the takeaway that you get. And I know that's not the case, but it is very difficult to move beyond that, especially when there is nothing coming – or there has been until now nothing coming from the school.[1276]

Referring to Hamish Dawson's abusive practices in Dundas House, 'Richard' offered this reflection: 'Looking back at it now, I think it was dreadful that a small 13 year old should be humiliated into taking down his pyjamas late at night with no one to turn to. I feel ashamed, which is all wrong. The Academy should be ashamed.'[1277]

> **'I feel ashamed, which is all wrong. The Academy should be ashamed.'**

Many spoke of having difficulties in sustaining relationships; some related that to a sense of shame and part of a lasting vulnerability. 'Malcolm', for example, who is gay, felt that his experiences with Hamish Dawson

1273 Written statement of 'Laurence' (former pupil, 197x–8x), at WIT-1-000001367, pp.48–9, paragraphs 156–7.
1274 Written statement of 'Malcolm' (former pupil, 197x–8x), at WIT-1-000001324, p.11, paragraph 54.
1275 Transcript, day 359: Philip Dundas (former pupil, 1976–8), at TRN-8-000000075, p.110.
1276 Transcript, day 357: 'James' (ICI) (former pupil, 196x–7x), at TRN-8-000000072, pp.57–8.
1277 Written statement of 'Richard' (former pupil, 196x–7x), at WIT-1-000001160, p.19, paragraph 80.

added 'another layer of vulnerability to [his] development',[1278] while 'Colum' captured succinctly an impact on relationships felt not only by him but by many others: 'The abuse … made trusting others difficult and ruined relationships.'[1279]

Feeling unsafe and fearful into adulthood

'Arthur' was not the only applicant haunted by a long-term sense of fear and a lack of safety.[1280] In the case of 'Callum', for instance, his experience of the school

> haunts my nightmares … If I go up to Scotland and I cross the border I start to feel really uneasy. When I go to Edinburgh it gets worse. I can't go to the area in which the school was … Going to Edinburgh is most certainly a trigger, even after 50 years.[1281]

Neil Russell described himself as having become a 'frightened, isolated young man, trying to find his way in the world. Utterly lost at one level.'[1282]

'Hugo' lives with a sense of imminent danger:

> The sense of jeopardy is ever present. When I hear someone running behind me, my immediate instinct is still to push myself into a wall lest I am attacked. And for many years I had the same dream, of being chased by my enemies, leaping across the playing fields to escape them and doing so at the final moment by taking to the air.[1283]

Pastoral care

Many applicants experienced a lack of any meaningful pastoral care.

'Saul', for instance, emphasised how important and damaging that was:

> It's maybe great when pupils leave school with great grades but, in my generation, there were pupils who left school with good grades who were messed up. A child's wellbeing has to come before their grades and there has to be a lot more help and support available for kids who are having a hard time.[1284]

Referring to his school reports, he noted that 'there's no mention of bullying but sporadic mention of "social isolation" in secondary school. These two things are obviously not seen as connected and the bullying [was] never taken seriously.'[1285]

'James' (IEE) experienced a complete absence of pastoral care until he moved into Scott House:

> There were times all I needed was help. Someone to show some compassion or reassure me, but instead I got kicked, doors slammed in my face and ignored, all this I learnt

1278 Written statement of 'Malcolm' (former pupil, 197x–8x), at WIT-1-000001324. p.9, paragraph 46.
1279 Written statement of 'Colum' (former pupil, 196x–7x), at WIT-1-000001176, p.23, paragraph 98.
1280 Transcript, day 365: read-in statement of 'Arthur' (former pupil, 197x–8x), at TRN-8-000000081, pp.29–30.
1281 Transcript, day 359: read-in statement of 'Callum' (former pupil, 196x–8x), at TRN-8-000000075, p.209.
1282 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.121.
1283 Written statement of 'Hugo' (former pupil, 196x–8x), at WIT-1-000001360, p.35, paragraph 147.
1284 Written statement of 'Saul' (former pupil, 199x–200x), at WIT-1-000001481, p.46, paragraph 230.
1285 Written statement of 'Saul' (former pupil, 199x–200x), at WIT-1-000001481, p.43, paragraph 215.

> to my cost. In the absence of family, we had a housemaster who joked about punishments and covered up our fate at the hands of those house tutors. We had a house matron who was willing to cover up our injuries to protect those in charge of our care …
>
> The only oasis of calm came in 1991, when I eventually moved into Scott House under the supervision of Rob and Daphne Cowie, a couple who showed some much-needed care and compassion.[1286]

Much has changed for the better since the decades of children being abused at the Academy, including the establishment of a system of pastoral care without which no school – particularly a boarding school – will be safe. 'Colum' quoted his daughter, a teacher: 'To be a good school, it first needs to be safe'. He added: 'And the Academy wasn't safe.'[1287]

Building trusting relationships is an essential feature of meaningful pastoral care within any setting that provides residential care for children.

'Sam' (IDU) had a career in the probation service and spoke of an adage used by staff, which was 'to advise, assist, and befriend. And the purpose was really to influence those who had broken the law through the medium of personal relationships in a way that would help them on the way to being constructive, law-abiding citizens in the future.'[1288]

In focusing on the fundamental need for personal relationships, if effective help is to be given, building trusting relationships is an essential feature of meaningful pastoral care within any setting that provides residential care for children.

'Andrew' (IHA) made a similar point when he said:

> Normal behaviour in a situation where you … are looking after children, and particularly those who are away from home, that is the behaviour that you would expect: sympathetic, compassionate, understanding. Obviously, we are all living under rules that have to be followed. But, in general, that's the behaviour that you would expect from the adults whose job it is to look after you.[1289]

Good people

Alongside the abusers, there were members of staff at the Academy who did not abuse children and of whom applicants spoke in positive terms. They were staff who

> did not teach by coercion, did not teach by force. I wouldn't say the boys weren't lively or at times naughty in front of these people, but their way of handling it was they didn't resort to violence in order to control situations in the classroom, which unfortunately quite a few of the other ones did … I am quite happy to say that there were, of course, some really, really decent teachers there. There were just, sadly, a fairly sizable majority who weren't – who shouldn't have been teachers, in reality. I don't know what the system was at the time for someone becoming a teacher, but it is very clear that they were probably chosen on their academic records, rather than any understanding of whether they had capability or emotional maturity to look after, you know, large groups of lively children.[1290]

1286 Transcript, day 360: 'James' (IEE) (former pupil, 198x–9x), at TRN-8-000000076, pp.116–17.
1287 Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.135.
1288 Transcript, day 355: 'Sam' (IDU) (former pupil, 195x–6x), at TRN-8-000000070, pp.77–8.
1289 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, p.66.
1290 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, p.68.

Giles Moffat summed it up neatly when he said:

> There was a famous advertising campaign a while back about how powerful the role of a teacher can be, how you can transform people's lives. What I find sad about this … whole thing is how negative an impact these people will be remembered for. There were great teachers at the Academy … But having that power and using it to cause so much damage is the real tragedy of this whole thing.[1291]

'Having that power and using it to cause so much damage is the real tragedy of this whole thing.'

Witnesses who had been members of staff offered some thoughtful reflections. David Standley emphasised the importance of careful selection of staff and of training: 'There is absolutely no question … the better you can select, and the better you can train and continue training the people who are in charge and the people who do the day-to-day work, the better the outcomes will be for everyone.'[1292] Yet it was plain that, for far too long, the selection and appointment of staff by the Academy was haphazard, and training and guidance were essentially non-existent. David Standley gave an example of what was needed:

> Teaching is a performing art. You have the greatest gift of all. You have a group of attentive young minds and it is your job to inspire them. If you ask any great person, the chances are the reason why they are great in doing what they want is not a worksheet or anything else, it's a person, and the chances are that person is a teacher.[1293]

He continued: 'One of the great skills of a teacher is to be able to say the same thing in four different ways, not in four ways getting louder and louder as you do it.'[1294]

The need for time

Rob Cowie accepted that a tutor had shared with him that John Brownlee was far too rough with children and undoubtedly over the top with some of his punishments. He had no recollection of encouraging the tutor to report his concerns 'higher up' although he frankly volunteered that he wished he had done so, adding: 'I don't know. I'm trying to keep my own head above water. I don't know. Life was pretty busy and full on.'[1295] His references to, essentially, the pressures of other work captured what can happen in a school and very much reflect other evidence of the Academy's culture at the time. Putting it bluntly, members of staff were too busy attending to the demands of the day to attend to an overriding essential, namely the safety and protection of children. The school has now recognised that that cannot be allowed to happen:

> Teachers don't have time. They're racing … so, for people to be genuinely engaged in pastoral work you have to give them time … the way we are now apportioning time in the timetable, the members of staff who have a significant pastoral responsibility don't have as much face-to-face teaching.[1296]

1291 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.180.
1292 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.118.
1293 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.145.
1294 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, pp.147–8.
1295 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.93.
1296 See also Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, pp.108–9.

Observing children – behaviour as language

A prevalent theme was the extent to which boys who were being abused suffered a deterioration in their academic abilities. Yet in a school where academic ability was so highly regarded, nobody asked why. 'Andrew' (IHA) started well but, as he said, when explaining what happened:

> Gradually everything sort of tails off and I am clearly not doing as well as I presumably should do. And that to me coincides with … where I'm becoming much more disruptive. I am losing my respect for teachers … particularly teachers who I feel … have that kind of anger, or particularly an authoritarian approach, and rather than taking it … what I think I am doing is sort of fighting back. But, of course, in reality it just makes you a very disruptive child.[1297]

Matters became even worse at the end of 'Andrew's' (IHA) time at the school, but still nobody asked why. He said:

> Looking into that period, it is incredible because, I mean, it is in the same period that my father is dying, and I ended up suspended from school. And in my school report it says – this is all it says in the period when this is taking place: 'At his best he is charming, at worst …' – that was what the school wrote of me at that period. You know, that's their response to what a child is going through. So, clearly, there is no pastoral care.[1298]

Similarly, after he had been assaulted by Jake Young, 'Josh' changed, and observations were made about him having become quiet and withdrawn, yet nobody appears to have asked why:

> There are multiple comments in my reports from teachers commenting on how quiet and withdrawn I was. Observations may have been made in reports, but nothing really further was done. None of those teachers ever sat me down and attempted to get to the bottom of why I was the way I was. There was no real follow-up. None of them called for any investigation surrounding why these things were happening. The comments in my reports were left hanging in the air as if it was quite normal for them to remain a mystery.[1299]

'None of those teachers ever sat me down and attempted to get to the bottom of why I was the way I was.'

There have been many improvements since the 1990s, including the introduction of systems that now actively encourage staff to observe and respond to changes in children, as well as looking at the behaviour of colleagues. All of these are fundamental in terms of child protection; members of staff need to be curious. As Nicky Campbell observed: 'If you're that incurious you're in the wrong job if you're a teacher.'[1300]

Reporting to the police

Insensitive handling in the approach of the Crown and the police to reports of child abuse was evident, most obviously in relation to the prosecution of Iain Wares. The response of the police to reports of abuse Wares carried out was again haphazard, inconsistent, and, on occasion, inappropriate. 'Spiro' said that around 1990 he 'phoned Gayfield police station and told them I had been abused and that it had, and still was,

1297 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, pp.95–6.

1298 Transcript, day 357: 'Andrew' (IHA) (former pupil, 196x–7x), at TRN-8-000000072, p.109, reflecting on his school record, at EDA-000000776, p.2.

1299 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, p.179.

1300 Transcript, day 364: Nicky Campbell (former pupil, 1966–78), at TRN-8-000000080, p.37.

affecting me. I was told that it was all in the past and because nothing was going on now there was nothing they could do.'[1301] Maybe that was reflective of the culture of the time, not that that is any excuse. The experience of 'Billy' in 2023, however, cannot be attributed to being 'of its time' and is, frankly, disturbing:

> I went to my local police station in Lockerbie and I was told to come back. I don't think they really knew what to do … Neither of the two officers had even heard of the Scottish Child Abuse Inquiry so to start with, I had to set the scene for them … That lack of knowledge did concern me, they weren't specialists and didn't really know what questions to ask.[1302]

Hopes for the future?

There were applicants who recognised that the Academy had changed significantly, and many were enthusiastic about the current rector. 'Charlie', for example, said:

> I have since met with the senior team at the school, and this was actually very helpful. They confirmed that we had been wronged and whilst they wished the abuse had never happened they had to acknowledge that it had and never forget that fact. They also apologised for the abuse committed by Wares and Dawson and that meant a lot. There is more for them to do, but I felt that they had the best intentions to help us as former abused pupils.[1303]

Likewise, Neil Russell said:

> I would like to express my heartfelt thanks to Barry Welsh, who in his generosity and openness has offered me a path to find this reconciliation that I am looking for. I had no adult relationship with my father, at all. And Barry is the headmaster that I wished that I had had.[1304]

However, a significant concern for every applicant was the need to improve the prospects of abuse being discovered if it was happening, and a variety of options were suggested. 'Richard', for example, said:

> I don't think it is good enough just to have a system that relies on, as it were, whistleblowing. I think there has to be genuine … enquiry, not in the way of – I know it sounds trite, we all get questionnaires all the time, but people have to be asked, not just to rely on them saying … I am talking about monitoring what's going on in a school.[1305]

Children may still, of course, find it difficult to speak out, despite the broad range of people and supports available to them. They may not realise that they are being abused, particularly if they are subjected to skilful grooming. Other applicants therefore focused on the need for mandatory reporting of concerns.

Mandatory reporting

Calls for mandatory reporting[1306] were made by many applicants, for example Neil Douglas, who said:

> We need to head towards an environment where if any abuse is uncovered it must be reported externally and obviously I'm talking about mandatory reporting stuff that I know others of my friends have talked about, but

1301 Written statement of 'Spiro' (former pupil, 198x–x), at WIT-1-000001529, p.26, paragraph 106.
1302 Written statement of 'Billy' (former pupil, 197x–8x), at WIT-1-000001511, pp.30–1, paragraphs 159–60.
1303 Transcript, day 363: read-in statement of 'Charlie' (former pupil, 196x–8x), at TRN-8-000000079, pp.52–3.
1304 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, pp.122–3.
1305 Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, p.190.
1306 Mandatory reporting in relation to child abuse is where the law requires certain people such as social workers, teachers, and others who work with children to report actual and suspected child abuse to relevant authorities.

Not reporting may be to fail in the essential duty of prioritising child protection.

> we simply have to have mandatory reporting … so if anything comes out of this, mandatory reporting would be at the top of the list.[1307]

And 'Mike' said:

> There wouldn't have been one teacher at the school who wouldn't have known Mr Brownlee's reputation, that wouldn't have known Mr Young's reputation. Someone just needed to be brave enough and to say: 'This isn't working'. I felt that at the time the teachers were perhaps fearful of speaking out … perhaps they would have been seen as being soft. It is hard to speak up when you are seeing something that is not acceptable, which I can relate to, as it has taken me over 30 years to speak about the things that happened to me. It felt normalised by the school that this type of behaviour was 'just how it was' and therefore would just be the same for you.[1308]

However, as Jenny Pearson, herself a former teacher, noted, it is not always straightforward:

> It would be so wonderful if in every single school there was someone who was really safe to go to … It needs to be someone who knows the lines of when you raise a red flag about child protection and when you stay quiet. Wait and see. When you raise the red flag you can make things worse at home. It needs to be a skilled practitioner because you don't immediately report what may be child abuse. Sometimes you know that you can make it worse. It's an invisible line that you sometimes have to walk. There can be a tension between that line and mandatory reporting. There is no easy answer.[1309]

Colin Turner's evidence reflected the possible tensions involved. After leaving the Academy he became aware of a rumour that Jake Young 'always stood in the doorway of the shower area' and spoke to the boys, the implication being 'that he had a sexual interest in them'.[1310] Turner did not share what he had heard because

> it was only a rumour … The whole business … it's very, very difficult when you've got a suspected sexual harassment or sexual … and the person who you know is pretty decent and quite straightforward, you feel, well, I don't want to raise this with them, it would spoil my relationship with them forever to suggest that.[1311]

On a human level, it may be difficult to report a colleague's alleged conduct, especially when it only exists in the form of rumour, but friendship and liking for a person may have to be put to one side. Depending on the circumstances, not reporting may be to fail in the essential duty of prioritising child protection. In the case of Jake Young, for example, it was only in the 2020s that the rumours relating to his behaviour long before, in the 1990s, were properly tested in evidence before the Inquiry and, later, in the Sheriff Court.[1312] It seems that the interests of all involved, including those who were pupils during the period when Young was teaching at the school, the pupils of the future, and Jake Young himself, would have

1307 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.116.
1308 Transcript, day 363: read-in statement of 'Mike' (former pupil, 198x–9x), at TRN-8-000000079, pp.137–8.
1309 Transcript, day 363: read-in statement of Jenny Pearson (daughter of former teacher), at TRN-8-000000079, p.101.
1310 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.55.
1311 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.55.
1312 See Sexual abuse chapter.

been much better served if the concerns had been reported and investigated at the time. As for whether the existence of a system in which reporting was mandatory would have prevented the abuse, it is not possible to answer that.

Overall, it is abundantly clear that the multiple failures to report obvious concerns at the Academy had the potential for facilitating or at least prolonging the abuse of children.

Candour and reputation

Neil Douglas had concerns about the approach he felt schools and their insurers normally take:

> If abuse is uncovered or reported, institutions and individuals kind of seek to protect their reputations and shut it down. And that silences victims and it's why I was so grateful for the meeting we had with the school back in May, because by acknowledging that abuse happened it makes it possible for victims to speak up. But the silence stops it. One of the things that really bothers me is – insurers put up barriers that stop institutions from being able to admit abuse. I would love to see that change in some way and clearly every organisation needs to be insured. One instance of child abuse could bankrupt them, but when the allegations are made institutions are unable to respond positively and properly to the victims, because the insurers handcuff them and say: 'You can't admit abuse, you can't do anything'.[1313]

Matters have in fact improved somewhat in relation to insurers – the Association of British Insurers having published a code of practice that applies to civil claims of child sexual abuse[1314] – and to whether or not a person or body alleged to be responsible for a harmful act or omission can safely apologise without compromising their position in litigation,[1315] but the risk of protection of reputation being prioritised remains.

Reputation matters to every organisation, of course, but it should never be relied on as a reason to ignore abuse, as the Academy did over decades. 'Fred' is correct in saying – as did 'Laurence'[1316] – that the school needed to review its past. He said:

> It has to work out what its history is now. Its history is not just James Clerk Maxwell, now they have latterly discovered him and named a science centre after him … and it is not jolly Hailes matches in the yards and the guys who played rugby at Raeburn Place; it is this. It is the way [clackens] were used in the 1960s and 1970s. It is the cover up … I wouldn't like that job, of trying to work out how they balance history. And I think one of the things they may have to do is accept that, you know, that's the implement that needs to go into the museum of horrors and, you know, it is a bit like the slavery statues, maybe the only one that should be around should have something that explains its good and its bad history.[1317]

An awareness of grooming

As with so many other boarding schools in this case study, the evidence about the Academy revealed that many children were groomed and exploited by predatory teachers, notably

1313 Transcript, day 364: Neil Douglas (former pupil, 1967–79), at TRN-8-000000080, p.115.

1314 The Association of British Insurers, responding to the report of the Independent Inquiry into Child Sexual Abuse, published its Code of Practice – Responding to Civil Claims of Child Sexual Abuse in August 2021, in terms that address some of those concerns.

1315 An apology outwith legal proceedings is not admissible as evidence of anything that is relevant to the determination of liability. See Apologies (Scotland) Act 2016.

1316 Written statement of 'Laurence' (former pupil, 197x–8x), at WIT-1-000001367, pp.48–9, paragraphs 156–7.

1317 Transcript, day 358: 'Fred' (former pupil, 197x–8x), at TRN-8-000000073, pp.54–5.

Hamish Dawson, but also William Bain, who went on to abuse at other schools.[1318] 'Sammy', who worked with abusers and registered sex offenders during his career, reflected on the behaviour of Hamish Dawson:

> One of the things that struck me was the fact that everything was a game to him. He would play games. We would get a jelly bean for doing things … When I look back, I remember that Hamish Dawson would give people nicknames. He would pick on them in front of people. He would do it in such a way that it was fun. I didn't think anything of it at the time, but when you start putting pieces together you can maybe see that there was a bit of isolating … and a bit of grooming going on. I don't think I had a nickname at school. When I put it together I think that might have been the way that he identified people and made them feel special. Other people might not use the nickname, but he would. I think that might have been some steps towards isolating or grooming people. I can't not know what I know about perpetrators and I don't want to taint the evidence with assumptions being made, but when you begin to put the pieces together you begin to see patterns that you might not have seen before.[1319]

He continued:

> One of the things I would like us to learn from all this is that back in the 1970s perpetrators of abuse were 20 steps ahead of us. If the Inquiry can teach us about the patterns of abuse, the methods of abuse, and the ways to protect and guard against that, then it will have done some good to change things for the better. No child should go through abuse. I hope that the learning from this Inquiry contributes to the body of evidence on how to prevent, how to spot, and how to ultimately eradicate this kind of behaviour.[1320]

Using outside resources

The job of those with pastoral responsibilities, be it within the school or elsewhere, is to help children assess, report, and manage risk. That may involve the input of outside agencies. 'Tom' said:

> I think pastoral care is so important. And pastoral care provided by people who are not necessarily in positions of power; pastoral care provided by people who are in some way, shape, or form independent, who can offer an outside perspective. And also routes to safe spaces where you can go and talk about something without fear of retribution.[1321]

'Cameron', who worked in education, added a disturbing caveat when he said:

> In some local authority areas, they'd walk past the child who went to an independent school. They'd say that they'd opted out of education. They hadn't opted out of mental health care, of the Child and Adolescent Mental Health Service, and the NHS. That's the kind of mindset that you have to get past. Irrespective of the choice and funding of education, the pastoral care has to be the same. I'm not convinced it is.[1322]

If that is still correct, it must be addressed.

Rectors' reflections

The current rector of the Academy, Barry Welsh, and his predecessor both gave

1318 See, for example, Transcript, day 357: read-in statement of 'Perseus' (former pupil, 196x–7x), at TRN-8-000000072, pp.210–11; Hamish Dawson chapter; Transcript, day 355: 'Colum' (former pupil, 196x–7x), at TRN-8-000000070, p.124; Sexual abuse chapter.

1319 Transcript, day 360: read-in statement of 'Sammy' (former pupil, 197x–x), at TRN-8-000000076, p.196.

1320 Transcript, day 360: read-in statement of 'Sammy' (former pupil, 197x–x), at TRN-8-000000076, p.200.

1321 Transcript, day 359: 'Tom' (former pupil, 197x–8x), at TRN-8-000000075, p.61.

1322 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, pp.51–2, paragraph 165.

evidence to the Inquiry. Marco Longmore, after a long career in Scotland and England, worked in the Far East. He reflected helpfully on two areas that concern him, the first of which was that:

> There is always room for further improvement … the first one is to do with recruitment and vetting, to support schools, whatever background they're in, to have some statutory systems to support that level of scrutiny of background … it is a constant challenge to know how best to access databases, particularly in reference to background checks. Big progress has been made with the PVG system, but it's not foolproof in terms of the background and potential gaps of understanding in individual profiles, so that would be an area of attention.[1323]

And, secondly:

> The other one I think, and this is … more to do with protecting the next generation, is cross-service integration. Schools are central to the lives of students, but they are not the only part of those lives. And so the integration of welfare concerns, which is very much part of GIRFEC and may well have improved since I left Scotland back in 2017, but even then there were still challenges to ensure that the support services that we wanted to have the child at the centre [of] were fully integrated and working in tandem. So those would be the areas from my perspective that would be worth further consideration … on how they can improve.[1324]

I cannot say with confidence that matters have improved since then. Marco Longmore is not the first head to raise concerns about both PVG and cross-service integration. In relation to the latter, I was struck by the evidence of 'Cameron', with his background in education, said:

> Personally, I think that there are other actors involved that need to get their act together. If you go back to the beginning, there was utter chaos between the government, the Inspectorate, the General Teaching Council, and the Care Inspectorate. They didn't know the independent sector well. They didn't know how many children there were. They didn't know how many teachers were unregistered. The sector cultivated that by saying that they should be left alone and autonomous. Clearly, it's not autonomous now. There are all sorts of conditions that schools rightly have to meet. If that's the case, the sector needs to be taken seriously and they need to understand how it works. It's not good enough for civil servants to sit there and go: 'Well, I don't actually know.'[1325]

The 'sector' to which he was referring was the independent schools sector.

Barry Welsh has been quoted repeatedly throughout these findings. He has fully acknowledged the school's past failings and has thought hard about what must be done to prevent any repetition either now or in the future. His reflections have included his own shortcomings, for

> one of the things that we were bad at, I was bad at, was communications and particularly when abuse was highlighted to the school, reported to the school … I can't put my hand on my heart and say that we exercised duty of care well or significantly – properly enough in those circumstances.[1326]

He went on: 'I've tried … certainly most recently to operate on a level which I think is

1323 Transcript, day 367: Marco Longmore (former rector, 2008–17), at TRN-8-000000083, p.49.
1324 Transcript, day 367: Marco Longmore (former rector, 2008–17), at TRN-8-000000083, pp.49–50.
1325 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.51, paragraph 163.
1326 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, pp.144–5.

required for these circumstances, because people need that and people respond better and more fully if they're treated with compassion.'[1327]

Protection of reputation trumped compassion for far too long at the Academy, but it was encouraging to hear Barry Welsh speak of his discussions and engagement with survivors of abuse:

> I hope the confidence in each other is growing, that bridges are being made, and connections are being made. I do think it's a quite a unique situation where we have such a highly motivated and such an organised group of former pupils who are working so positively together. I think that's amazing.[1328]

He described his conversations with the survivors group as 'energising'.[1329]

As previously noted, Barry Welsh has suggested that SCAI evidence should be used as a teaching tool for new entrants to the teaching profession,[1330] which is, I agree, an excellent idea.

Barry Welsh has suggested that SCAI evidence should be used as a teaching tool for new entrants to the teaching profession.

Crucially, Barry Welsh was all too aware of the need to avoid complacency and assumption, which were key causal factors in the Academy failing for decades to protect children from abuse. In the future, he said, the two major matters they will talk about to staff are

> vigilance and care. There are a couple of comments that have come through which [are that] evil has the opportunity to creep in if people don't care, and we think we do, but of course in the race of life it has to be constant and central and always really there and vigilance and care is going to be my significant push to the staff. It has been, but it needs to carry on utterly and constantly.[1331]

Conclusion

Barry Welsh is absolutely right about the key messages of vigilance and care, as were all the other witnesses whose goal was to ensure the mistakes of the Academy can never be repeated.

'Cameron' said:

> In one sense you can't stop abuse happening in the future. There will be people who will do this kind of stuff … It's about how institutions test themselves and are tested by others to constantly think about the different ways they need to respond to this … Schools have got to be constantly vigilant and they've got to constantly test themselves.[1332]

He continued: 'Every generation doesn't understand what abuse means to the next generation … but I think that peer-on-peer bullying is probably worse than when I was at school. It's so much more sophisticated and unpleasant.'[1333]

Philip Dundas said:

> I think we live in a different world. But I think it's important that we never allow the

1327 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.134.
1328 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.144.
1329 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.141.
1330 See The Edinburgh Academy regime chapter.
1331 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, pp.142–3.
1332 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, p.48, paragraphs 156–7.
1333 Written statement of 'Cameron' (former pupil, 197x–8x), at WIT-1-000001366, pp.49–50, paragraphs 158–9.

phrase 'Oh, it was different in those days' to be an acceptable excuse for what went on. There are countless people living today damaged by what happened to them back then. It was never acceptable then. It's not acceptable now. And while I understand that schools are working very hard to ensure that child protection and safeguarding are a huge priority, I think it's very easy, still, to lose children and for them to fall through the cracks in exactly the same way that I did. So my hope is that my coming forward, with other people, is going to make people think very deeply.[1334]

1334 Transcript, day 359: Philip Dundas (former pupil, 1976–8), at TRN-8-000000075, p.109.

13 Records

Introduction

As part of the Inquiry's investigations, I required relevant documents to be provided from a number of sources.

Records available

For most of the period under consideration, The Edinburgh Academy lacked policies in relation to record retention. In its section 21 response, it said: 'We do not hold information that would provide an insight into the record-keeping and whether this was adhered to over the 1930–1993 time period.'[1335]

While the introduction of the Data Protection Act 1998 prompted most schools in this case study to set out in a new policy their approaches to data collection, access, and retention, the evidence suggests it was happening a little earlier at the Academy. Alan Trotman, then deputy rector, issued a draft record-keeping policy on 10 November 1993. He wrote:

> The gathering and storing of information about pupils and the method by which that information is passed on to colleagues is of concern to us all. One does not want to complicate the process nor create extra work for staff. However, it is important to provide guidelines to help and advise colleagues of our position in respect of the law.[1336]

The draft policy refers to section 218 of the Education Reform Act 1988, which empowered the Secretary of State to make regulations 'with respect to the keeping, disclosure and transfer of educational records about pupils at schools and such institutions and the supply of copies of such records to such persons, and in such circumstances, as may be determined'.[1337] The 1988 Act did not apply to Scotland, but appears nonetheless to have prompted the Academy's policy.

As for records themselves, the Academy confirmed that:

> Very little printed material exists from 1930–1980s that would shine a light onto the details and policies that existed at various times for pastoral care … Various documents still exist from the 1980s, and obviously policies and procedures became a good deal clearer and more pupil centred in the 1990s and even more again in the years after 2000.[1338]

Prior to 1993 only some records were retained, including admission information, academic reports, and university/careers information. Minutes of governors' meetings exist from 1945 onwards. The Inquiry has received a selection of the available records, including various staff files; some pupil files and associated complaint files; junior school headteacher reports from 1998 to 2022; rectors' reports from 1998 to 2023; and

1335 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030, p.9.
1336 The Edinburgh Academy, Draft record-keeping policy, 10 November 1993, at EDA-000000447, p.1.
1337 Education Reform Act 1988.
1338 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030, p.7.

various records of codes of conduct, rules, practices, and policies, all as detailed in the inventory of disclosures to the Inquiry.[1339]

Records relating to applicants and to members of staff, including those who abused boys, for the period up to the late 1980s are limited. Most pupil files only contain brief records of academic results, sports played, and extra-curricular activities. Single-line manuscript entries for each year are provided, as are brief details of some beatings, mostly in red ink. They provide very little, if any, insight into the lives at school of individual boys. It appears, however, that fuller academic records, including school reports contained in blue volumes,[1340] were kept, although they were not subsequently retained.

Records of staff employed before the late 1980s are similarly lacking. Most of those provided to the Inquiry amount to a single page with short manuscript notes of some particulars.

The entry in relation to Hamish Dawson, for example, simply details his date of birth (20 February 1927); that he was appointed in September 1953 and left in July 1984; that he was educated at Glasgow High School, Gordonstoun, and Oriel College Oxford, where he graduated BA (Hons) in 1952 and with a Diploma in Education; that he had taught at 'School in Switzerland, '48–49'; that his 'Special subjects' were History (some junior maths); and that 'principal duties assigned' to him were 'Organizer of Rugger 1959; Housemaster Dundas House 1965; French Horn in orchestra'.[1341] There are boxes in the document for emoluments, including salary, capitation fees, and the estimated value of board and lodging provided; for particulars of retiring allowance, if any; and for particulars of any post taken up after leaving the Academy, but these have all been left blank.

Staff files for those appointed from the late 1980s onwards, however, appear to be complete and provide more details.

Retention policy

The retention of school records was not regulated until the early 2000s. The Pupils' Educational Records (Scotland) Regulations 2003 require that educational records 'shall be preserved by the responsible body for a period of five years following the pupil having ceased receiving school education'.[1342] Educational records are defined as records of information that:

> (a) are processed by or on behalf of the responsible body;
>
> (b) relate to any person who is or has been a pupil at the school;
>
> (c) relate to the school education of that person; and
>
> (d) originated from or was supplied by any of the persons specified in paragraph (2).[1343]

Persons specified in paragraph (2) are teachers; other school staff; the pupil; and his or her parent. There are no similar regulations governing the retention of child protection records in schools. However, in 2011 the Scottish Council of Independent Schools (SCIS) notified its members that: 'The Scottish Child Law Centre has advised

1339 The Edinburgh Academy, Inventory of disclosures to the Inquiry, 4 July, 2023, at EDA-000000854.

1340 These were the 'blue books' referred to by Tony Dyer: Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, pp.12–13, paragraphs 73–7.

1341 The Edinburgh Academy, Employment details, Hamish Dawson, at EDA-000000080.

1342 The Pupils' Educational Records (Scotland) Regulations, 2003, regulation 4.

1343 The Pupils' Educational Records (Scotland) Regulations, 2003, regulation 3.

that child protection records should be kept until the 26th birthday of the individual concerned in line with NHS guidance.'[1344] In 2014 SCIS confirmed this was still its recommendation. SCIS also considered the length of time that records relating to allegations against staff should be kept. After reviewing guidance on the retention of documents issued by the Scottish Council on Archives and its equivalent in England, the Information and Records Management Society, SCIS concluded that, where justified, schools should keep staff records 'until the person's normal retirement age, or 10 years from the date of the allegation, whichever is the longer'.[1345]

In March 2015 the Academy did turn its attention to the need for a document-retention policy.[1346] That was in the context of noting that there were 'historic allegations of abuse'.[1347]

Record-keeping systems

Records are now predominantly stored electronically. Barry Welsh explained that when he took over from Marco Longmore in 2017 an obvious priority was the 'centralisation of all the records'. He explained:

> We had an interesting system whereby Marco was a religious record-keeper, everything was photocopied, printed out, put into files and folders in his office and there was a fairly huge amount of duplication happening in the pastoral base with our pastoral administrator also. And that seemed to me not only to present an opportunity for things to fall between the gap, but also a duplication of work which didn't seem to make sense. So we unified the record-keeping with the pastoral base, allowed greater security being only one set, one set of documents which everyone could draw from and then we have been processing and moving to a better database since I've arrived really.[1348]

He continued: 'In the last two-and-a-half years or so … members of staff can fill in a wellbeing concern electronically from their desk in their classroom and then instantly the people who have shared access to that can see that, and that's a significant improvement.'[1349]

In 2019 the Academy instructed Dr Sue Hamilton, a safeguarding and child protection consultant, to conduct an evaluation. In her report, dated February 2019,[1350] she found that 'record keeping is maintained to the highest standards',[1351] that there were clear child protection policies which were compliant with statutory requirements and regularly updated, and that procedures for making a wellbeing or child protection concern were 'well publicised and understood by staff who take seriously, and are committed to, their responsibilities for child protection. The school's approach to tracking health and wellbeing and

1344 SCIS, Child Protection Guidance (October 2011), quoted in SCIS, Retention of Child Protection Records in Schools (December 2013, revised October 2014), at LOR-000000112, p.1.

1345 The Information and Records Management Society, Toolkit for Schools, quoted in SCIS, Retention of Child Protection Records in Schools (December 2013, revised October 2014), at LOR-000000112, p.2.

1346 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 4 March 2015, at EDA-000000398, p.4.

1347 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 4 March 2015, at EDA-000000398, p.4.

1348 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, pp.105–6.

1349 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, p.108.

1350 Dr Susan Hamilton, Evaluation: Safeguarding and Child Protection, February 2019, at SGV-000097125; see Appendix H.

1351 Dr Susan Hamilton, Evaluation: Safeguarding and Child Protection, February 2019, at SGV-000097125, p.5; see Appendix H.

child protection concerns enables early intervention.'[1352]

On 3 March 2022 Dr Sue Hamilton carried out a safeguarding file audit.[1353] She noted that:

> The Head of the Junior School is piloting a state of the art electronic tracking system (iSAMS). The Safeguarding module of iSAMS focuses on recording, monitoring and managing pupil concerns including wellbeing and child protection concerns. It gives schools access to vital information to provide proactive, preventative pastoral care including a timeline for each pupil allowing them to set action and monitor the status. iSAMs also enables the production of chronologies – an integral part of a child protection toolkit. It is the plan that the whole school will adopt iSAMS.[1354]

She also stated:

> Non-electronic files are held securely in a room that can be/is locked and within locked filing cabinets. Child Protection files are held by the Child Protection Coordinators. The appropriate people know how to access the records on a 'need to know' basis. Wellbeing and Child Protection records are held separately from the Pupil's Educational Record. Files are clearly identifiable as being a Wellbeing and/or Child Protection concern file. There is a system in place to indicate in other records that a child has/has had Wellbeing or Child Protection concerns. The files are very well ordered and transparent which greatly enabled the audit. Files were accurate and up to date and complete.[1355]

Significantly, she commented that: 'There was a clear reduction in the number of Child Protection files held in the school since the last audit.'[1356] Of the files she audited, she concluded that the 'paperwork was in order and comprehensive',[1357] that 'The GIRFEC Wellbeing Concern Form and the GIRFEC Young Person's Planning Documentation were complete and transparent',[1358] and that 'Files were managed and stored and compatible with GDRP and the Data Protection Act (2018).'[1359]

The evolution of the school's recording policies from the mid-1960s to the present is reflected in the recollections of staff as well as in inspection reports.

Staff recollections

David Standley confirmed that record-keeping prior to the 1990s 'certainly wasn't the subject of policy'[1360] and candidly acknowledged that 'it was not part of my day-to-day existence. I would keep copies of my own correspondence with parents. But what the school did, I couldn't possibly comment.'[1361] He was not alone in that approach. Jake Young agreed:

> I don't know how the school generally dealt with record-keeping as I wasn't involved in that. I kept my own records for PE, as I was a meticulous keeper of records, but I did that

1352 Dr Susan Hamilton, Evaluation: Safeguarding and Child Protection, February 2019, at SGV-000097125, p.6; see Appendix H. The latest iteration of the school's Child Protection Policy is dated May 2022, SGV-001033502.
1353 Dr Susan Hamilton, Edinburgh Academy Safeguarding File Audit, 3 March 2022, at SGV-000097126.
1354 Dr Susan Hamilton, Edinburgh Academy Safeguarding File Audit, 3 March 2022, at SGV-000097126, p.1.
1355 Dr Susan Hamilton, Edinburgh Academy Safeguarding File Audit, 3 March 2022, at SGV-000097126, p.2.
1356 Dr Susan Hamilton, Edinburgh Academy Safeguarding File Audit, 3 March 2022, at SGV-000097126, p.2.
1357 Dr Susan Hamilton, Edinburgh Academy Safeguarding File Audit, 3 March 2022, at SGV-000097126, p.2.
1358 Dr Susan Hamilton, Edinburgh Academy Safeguarding File Audit, 3 March 2022, at SGV-000097126, p.3.
1359 Dr Susan Hamilton, Edinburgh Academy Safeguarding File Audit, 3 March 2022, at SGV-000097126, p.4.
1360 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.158.
1361 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.158.

> off my own back. I recorded every detail of the fixtures and I also set up an injury book in which I recorded any incidents or accidents. I don't think anyone paid any attention to it or looked at it. When my successor came in 1993 he nearly threw all of my record books out, but I rescued them and I believe they are now in the Academy archives. If I hadn't intervened I think they would have ended up being thrown out. In terms of recording of punishments given to kids, I don't remember there being any expectation that you would record such things. I certainly didn't.[1362]

Colin Turner, another long-serving teacher, said that any record-keeping was 'pretty limited to performance'.[1363] He continued:

> And I'm not aware that I personally kept a record of any indiscipline in the pupils I taught. I dealt with it as a discipline matter, but I would not have necessarily kept records of that. And I don't know if any other member of staff at the Edinburgh Academy did.[1364]

Norman Jack said:

> Records were held on each child on each subject at the end of each term. These reports were then sent to parents, but records were kept and forwarded to the Senior School when a boy left prep at the end of the school year … I don't know if records were kept in relation to allegations of abuse, ill treatment or inappropriate conduct. Nothing that I know of.[1365]

Tony Dyer said:

> The only record keeping that I was aware of was when you wrote up the 'blue book' of each pupil in your class. In this you put how this boy had done and anything which would be helpful for the next teacher to know about. Those 'blue books' were available to teachers to read at the start of each academic year. The books were held in the headmaster's secretary's office, not for open inspection, but as a teacher you could ask to have a look. Pupils did not get to see them nor was there any input from them. There was no signing of them in and out as far as I can remember. The books did not contain a record of punishment unless there was a big issue involved. It was all about the academic side and what they found difficult. It would contain health issues, extra-curricular activities, and anything that a teacher may be aware of that was going on at home. I don't know if there was a record of punishment and discipline of pupils in the earlier years. Latterly though we did start to keep records. Those were kept in the headmasters' files … Latterly, I think school reports for the boys were photocopied and a record kept but this did not happen initially.[1366]

James Burnet also spoke of the reports referred to as 'blue books':

> Every boy had a folder in which details were kept, as did every master. These were passed on to the Upper School. They included personal records, but not in great detail that I recall. I suspect that copies of term reports were also kept. Every boy had a 'blue book' which was a report by the form master on the boy. It evaluated the child during the year he spent in that teacher's class and was signed yearly by me, as well as the master.[1367]

These accounts reflect the situation until the 1990s when record-keeping, although still

1362 Transcript, day 365: read-in statement of Jake Young (former teacher, 1966–93), at TRN-8-000000081, pp.155–6.
1363 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.14.
1364 Transcript, day 366: Colin Turner (former teacher, 1958–82), at TRN-8-000000082, p.15.
1365 Transcript, day 365: read-in statement of Norman Jack (former teacher, 1965–2000), at TRN-8-000000081, p.181.
1366 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, pp.12–13, paragraphs 73–7.
1367 Written statement of James Burnet (former Prep School headmaster, 1973–87), at WIT-1- 000001568, p.3, paragraph 19.

done manually, began to improve and expand into the pastoral side. Barbara Robertson said:

> Child protection work was kept in a file by me initially and then by the headteacher … These records were of any concerns that you had. The records wouldn't be kept in the classroom, they were kept separately … Child protection wasn't part of staff training when I started at the school, it was something that came in quite soon after, maybe 1995.[1368]

Later, said Barbara Robertson, 'any concerns were always logged on the computer … not on a shared area but in an area where only management could look at them'.[1369]

Whilst systems became more streamlined and inspection reports suggest that the systems in operation from the early 2000s until 2017 were effective, many records remained manual in nature well into the twenty-first century. Marco Longmore said:

> There were databases of records of concern and wellbeing that were held within the school, and those would be held by the deputy head pastoral, the head of the … junior school and obviously the teams that they were working with would have their own files. And those wellbeing concern files were reviewed. They were reviewed with myself on a regular basis and also we had on a bi-yearly basis, twice a year, we had the member of Court of Directors overseeing the child safety and wellbeing would also come in and do a caseload – a case review of issues of concern. We also used the services of Sue Hamilton as an external consultant to review our practices with regards to case reviews … there were systems in place which would allow that reporting on of concerns … [I] don't recall the exact detail, but there were systems in place to allow that type of reporting, yes, there were.[1370]

Barry Welsh described the systems he inherited when he became rector in 2017:

> There was lots of paper, and paper files were kept so if we had a wellbeing file or we had a child protection concern then our child protection officers would be holding those, but they'd normally be held under lock and key in the offices and then the pastoral administrator would be working very closely with that child protection officer. But – a lot of the information sharing, certainly in 2017/2018 when I first arrived, was done in group meetings with the pastoral team … The head of the child protection office would be coming in and saying: 'Okay, well these are the people that we have previously had on the scope last week, and let's just have updates on here'. They would go round the room, the head of each year or head of each section would say: 'Okay, this is the work I've been doing in this area'. Further notes would be taken and then that would come back to the next meeting.[1371]

He could see that change was required and introduced modern data management processes.

Recording of complaints

Historically, complaints were addressed to the housemaster or to the rector. It is not clear whether these were kept prior to the mid-1990s, or, if they were indeed retained, where they were stored. There does, however, seem no doubt that complaints were made in relation to both the Junior School and the Senior School. As for whether the Academy took them seriously or responded

1368 Transcript, day 365: read-in statement of Barbara Robertson (former teacher, 1994–2018), at TRN-8-000000081, p.58.
1369 Transcript, day 365: read-in statement of Barbara Robertson (former teacher, 1994–2018), at TRN-8-000000081, p.59.
1370 Transcript, day 367: Marco Longmore (former rector, 2008–17), at TRN-8-000000083, pp.47–8.
1371 Transcript, day 367: Barry Welsh (rector, 2017–present), at TRN-8-000000083, pp.107–8.

appropriately, overall that did not happen. Rather, the picture is as captured in the evidence of James Burnet, who said: 'I don't recall there being a formal process to make a complaint or report a concern … I don't recall any serious complaints of any sort. With regards to where we recorded complaints, we didn't have any to record.'[1372]

The absence of recorded complaints did not, of course, mean that there were no causes for complaint. That was another matter entirely.

There was change in the keeping of records by the mid-1990s:

> Any complaint from a parent would always be recorded. Records of these were kept online but in a folder for management only. If the child's teacher changed the following year, they would always be informed of a complaint or anything they needed to know about the child. You always met with a class teacher when you were passing on a class and you would go over everything. Tell them any concerns and things that they would need to know. If a family had separated or were in an acrimonious divorce, things like that would all be passed on.[1373]

There are no records of any policy relating to concerns or complaints until 2003,[1374] when the rector, John Light, following HMIe advice and guidelines, introduced a 'Concerns policy'. The policy was updated in 2013 and renamed 'Complaints policy' following the publication of an updated SCIS Complaints Procedure document.[1375] The safeguarding and child protection evaluation by Dr Sue Hamilton dated February 2019[1376] recommended that 'the school's Complaints Policy should be reviewed, made more pupil friendly and more widely known to pupils'.[1377] The school published a new Complaints Policy and Procedure in September 2025.[1378]

Pupils' awareness of record-keeping

Boys had some awareness of punishments being recorded. Beatings carried out by ephors were recorded in a 'Beat Book'.[1379] 'Josh', a pupil in the mid-1980s, referred to a line in the rule book that stated: 'Informal corporal punishment will be used but rarely by masters only and in all cases it is reported to the rector', which suggests that there must have been some record. He added: 'I don't know what informal corporal punishment means or how it was distinguished from formal corporal punishment. My impression was that things were just beginning to move away from corporal punishment as a general practice around the time I began at the school.'[1380]

In earlier days, when beating was common, some records should have been kept. Beatings by a housemaster with a clacken or tawse required to be recorded, whereas those with a slipper did not. Some pupils chose the punishment that had to be recorded in the misplaced hope that the scale of the beatings might, as a result, be noticed and something done about it. 'Richard' noted: 'I think I felt that he [Dawson] was beating so many people

1372 Written statement of James Burnet (former Prep School headmaster, 1973–87), at WIT-1-000001568, p.8, paragraphs 47–9.
1373 Transcript, day 365: read-in statement of Barbara Robertson (former teacher, 1994–2018), at TRN-8-000000081, p.49.
1374 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030, p.8.
1375 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030, p.8 and EDA-000000043.
1376 Dr Susan Hamilton, Evaluation: Safeguarding and Child Protection, February 2019, at SGV-000097125.
1377 Dr Susan Hamilton, Evaluation: Safeguarding and Child Protection, February 2019, at SGV-000097125, p.23.
1378 The Edinburgh Academy, Complaints Policy and Procedure, September 2025, at EDA-000000955.
1379 See The Edinburgh Academy regime chapter.
1380 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, p.161.

the school ought to know about it, so they ought to be in the Beat Book.'[1381] That may have been what was originally intended, but by the 1970s and 1980s, whether properly recorded or not, in the absence of any real oversight of the houses, unjustified and excessive beating went unnoticed. The absence of a working recording system that protected pupils was emphasised by the ease with which, for example, Hamish Dawson circumvented the existing system by offering a non-recordable punishment that still allowed him to see and touch pupils' bare bottoms.[1382]

Punishment records aside, the paucity and limitations of pupil records featured in the evidence of Neil Russell. He was abused by both staff and pupils during his time at the school. It affected him deeply at the time and continues to have a detrimental impact. However, there was no inkling in his school reports of there being a problem. He read his school reports following the death of his father in 2005: 'I found all my school reports in his desk and I looked through them from his eyes, to see if there was anything, any indication. Nobody was interested whatsoever. Nobody was interested.'[1383]

The general approach at the Academy was, it seems, a blinkered one which focused on a child's performance without seeking to examine the broader picture of whether that performance or the attitude of an individual pupil had changed and, if so, why. Many applicants mentioned a deterioration in their academic work at the time they were abused but there is no evidence of members of staff asking the obvious question of why this deterioration had happened.

'Josh', for example, said:

> I still hold a set of my school reports. Reports were firstly compiled with each individual subject teacher placing a grade and a comment. After that, your class master and housemaster would read all of those entries prior to making their own comments within your report … [which] effectively provide a summary of what everybody was thinking was happening to the pupil at that moment … Looking at them now, through the lens of things that were happening to me, which were so negative, and the more traumatic events at the school, I find them completely enlightening. They have allowed me to see what was going on and understand what the impact was when incidents did occur … My third-year reports are glowing. There are lots of use of the word 'excellent'. I am noted as working hard and a pleasure to have around. My academic performance is quite strong. I'm doing well in maths and science and the housemaster reports that I am reliable and good company … those reports show that I have clearly come out of my shell and was someone who had become confident in their surroundings … However, going … ten steps backwards can happen in a heartbeat. I think that change is reflected in my reports subsequent to the incident with Jake Young and into the remaining years of my time at school … My housemaster … sums up the change by saying: 'I also think "Josh" is passing through somewhat of a difficult phase. It is difficult to analyse it, but it manifests itself in a somewhat surly response to any form of criticism.'[1384]

That last comment, redolent of victim blaming, does not seem to have provoked any follow-up at all, let alone the follow-up that was in fact required.

1381 Transcript, day 355: 'Richard' (former pupil, 196x–7x), at TRN-8-000000070, p.179. See also Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, p.103.

1382 Transcript, day 358: 'Max' (former pupil, 196x–7x), at TRN-8-000000073, pp.103–4.

1383 Transcript, day 356: Neil Russell (former pupil, 1964–74), at TRN-8-000000074, p.115.

1384 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, pp.178–9.

'Josh' added:

> Notably, academically my reports deteriorate as well. This is particularly so when it comes to maths, where I had previously had no issues and had done quite well. Taking the reports at face value alone, they evidence that I had suddenly withdrawn from the school process. I have become defensive. I am seeing the school in a different light. I'm fighting the system and I haven't found a way of telling anyone what had happened.[1385]

His evidence demonstrates that whilst relevant records were, by the 1980s, being kept, the system for doing so did not lead to the changes noted being sufficiently interrogated or any possibility of underlying abuse being addressed.

Conclusions about records

The records made available to SCAI do not disclose anything like the nature and extent of the abuse inflicted on children at the Academy. Part of the explanation for that lies in the absence of a school record-keeping policy for much of the period under scrutiny. Even if abuse was recorded, which seems highly unlikely, many records were not retained by the school.

It would seem that since 2003 the Academy has complied with its statutory obligations in relation to record-keeping and has become properly aware of the need for child protection recording and information-sharing. Efficient electronic information management systems have been introduced more recently.

1385 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, pp.178–9.

14 Inspections

Introduction

Until Part V of the Education (Scotland) Act 1946 came into force in 1957, there was no statutory control of either the setting up or the running of an independent boarding school by private individuals, organisations, or religious groups.[1386] Thereafter, and until 1995, such regulation as existed afforded the state little power to oversee the operation of an independent boarding school and, accordingly, little power to provide effective protection of children resident there.

Inspection of boarding facilities: background

While there was no formal requirement to inspect independent schools prior to 1946, archived Scottish Education Department (SED) files released to the Inquiry confirm that inspections of boarding schools were taking place regularly from at least the 1920s. Regarding The Edinburgh Academy, there are confirmed inspections from 1930,[1387] and these continued regularly until at least 1951,[1388] with the frequency thereafter being variable. There is mention in a school document dated October 1958 that: 'The whole School, from Denham Green to the Seventh, has been visited by H.M. Inspectors, and every department has come under review except that of Music.'[1389] No report of the inspection has been made available to the Inquiry, but it appears likely that, as explained in the school document, it was 'not now the custom of the Inspectors to present a written report'.[1390] It also appears that the inspection was at the request of the school and that it did not involve any overall assessment of the boarding houses. Based on available information, the first inspection of the boarding houses may have been as late as 15 May 1995,[1391] by which time the number of houses had been reduced to two and there were 42 boarders. The total school roll, including the Nursery School, was 899. Of these, 313 were Prep School pupils and 520 were in the Upper School. The report noted: 'The two boarding houses provided good accommodation for boarders and had been updated and improved over the last few years.'[1392]

It also found that boarding house staff 'provided good support for the small number of boarders' in a 'supportive environment'.[1393]

Inspections during the period from the 1930s to 1950s were, in the main, evaluations of

1386 Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.318.

1387 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1929–30, at EDA-000000056.

1388 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1930–31, at SGV-000097184, pp.4–9.

1389 The Edinburgh Academy, Summary of inspection, October 1958, at EDA-000000348, p.12.

1390 The Edinburgh Academy, Summary of inspection, October 1958, at EDA-000000348, p.12.

1391 Scottish Education Department, Inspection report, The Edinburgh Academy, 15 May 1995, at SGV-000097176.

1392 Scottish Education Department, Inspection report, The Edinburgh Academy, 15 May 1995, at SGV-000097176, p.4.

1393 Scottish Education Department, Inspection report, The Edinburgh Academy, 15 May 1995, at SGV-000097176, pp.6 and 17.

educational subject provision. Details of known inspections carried out by the SED are set out in Appendix C, Table 10.

Education (Scotland) Act 1946

The Education (Scotland) Act 1946 introduced a number of significant changes to the inspection of schools, including changes in the oversight of independent schools. Section 61 of the 1946 Act placed a duty on the Secretary of State for Scotland to arrange for the inspection of every educational establishment.[1394] The Secretary of State had discretion as to the frequency and focus of such inspections.

Section 62 of the 1946 Act allowed independent schools to request an inspection, with the cost of the inspection being met by the school. Whilst section 61 theoretically applied to both state and independent schools, in practice it was section 62 of the 1946 Act that applied to independent schools.[1395]

Part V of the 1946 Act also required independent schools to register with the newly created Registrar of Independent Schools in Scotland; failure to do so was a criminal offence. However, it was not until 11 years later that the relevant provisions were brought into force. The Registration of Independent Schools (Scotland) Regulations 1957 detailed the registration procedure and the information required. Whilst the 1957 Regulations did not establish standards for the care or education of pupils, they bolstered the inspection provisions outlined in Part V of the 1946 Act by bringing into effect a complaints mechanism.

As Professor Kenneth Norrie stated, this

> added teeth to the inspection process that had existed by then for the previous 10 years. Under this mechanism the Secretary of State could specify in a Complaint shortcomings that required to be rectified (having presumably been identified at inspections), in terms of the efficiency and suitability of the education being provided; the suitability of the school premises; the adequacy or suitability of the accommodation provided; the Secretary of State could also conclude that the proprietor of the school or any teacher was not a proper person to be such proprietor or teacher.[1396]

The Secretary of State or the SED could strike a school off the register or disqualify a proprietor or teacher. No further details were provided as to the criteria to be applied when considering whether or not to do so.

The 1957 Regulations remained in place until their revocation by the Registration of Independent Schools (Scotland) Regulations 2005, which were in turn replaced by the Registration of Independent Schools (Scotland) Regulations 2006.[1397] The 2006 Regulations continue to apply.

The Edinburgh Academy has been registered as an independent school since 1957.[1398]

1394 Education (Scotland) Act 1946, sections 61 and 62.

1395 NRS ED48/1377, Registration of Independent Schools: General Policy, 1953–67, Minutes, 6 October 1955, at SGV-000007325, pp.41–2.

1396 Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.319.

1397 The Registration of Independent Schools (Scotland) Regulations 2005; The Registration of Independent Schools (Scotland) Regulations 2006.

1398 Scottish Education Department, Letter to The Edinburgh Academy Bursar, 25 June 2003, at SGV-000101861, p.65.

Education (Scotland) Acts 1962 and 1980

Section 61 of the 1946 Act was replaced, unaltered, by section 67 of the Education (Scotland) Act 1962, which in turn was replaced by section 66 of the Education (Scotland) Act 1980.[1399] Section 62 of the 1946 Act, which had provided for inspection on request, was not repeated in the 1962 Act nor was it reinstated in the 1980 Act. Accordingly, independent schools were no longer able to request an inspection and were subject to inspection only at the discretion of the Secretary of State for Scotland.

The 1980 Act remains in force today, though substantially amended. One significant amendment was made by the Children (Scotland) Act 1995. It altered section 125 of the 1980 Act, making it a duty of local authorities and schools' managers or boards to safeguard and promote the welfare of children and young people whilst resident at a school.[1400] It also gave HM Inspectors of Schools (HMIs) the power to inspect a school in order to determine whether pupils' welfare was being adequately safeguarded and promoted. Until 2001 it was the responsibility of the HM Inspectorate of Education (HMIe) to inspect the boarding facilities within a school.

Other significant amendments to the 1980 Act were made by the Standards in Scotland's Schools etc. Act 2000 and the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004.

The 2000 Act introduced new grounds for refusing registration of a school and new grounds for complaint.[1401] The 2004 Act restructured the registration rules found in the 1980 Act and, for the first time, included the criteria for the granting of registration.

Inspections at The Edinburgh Academy

Inspections of the Academy after the 1950s were sporadic. There were two in the 1960s (in 1963 and 1967), the first of which followed a request on behalf of the governors and, in response to the specifics of that request, focused on the adequacy and nutritional content of the food provided to boarders in the Prep School.[1402] Twelve years passed before the next full inspection in 1979. Whilst no governmental record exists, the 'Rector's Letter to Parents' from 1979[1403] speaks of a recent inspection by HM Inspector of Schools.[1404] Tony Dyer remembered this inspection:

> There was streaming at that time as well. Where pupils were streamed into ability … I would have parents very concerned about the streaming. That changed and I wonder if it changed on the back of an inspection we had around 1979. We changed to setting and it made it more inclusive. The class stayed together for every subject except maths and English. This had to have been better for the pupils.[1405]

The first inspection of the Academy under and in terms of the provisions of the Education Act 1980 took place, after a gap of 15 years,

1399 Education (Scotland) Act 1962, section 67; Education (Scotland) Act 1980, section 66.

1400 Children (Scotland) Act 1995, section 35; Education (Scotland) Act 1980, section 125A.

1401 Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents (November 2017), p.323.

1402 Scottish Education Department, Inspection report, The Edinburgh Academy, 28 November 1963, at SGV-000097179, pp.19–21.

1403 The Edinburgh Academy, Letter to parents, May 1979, at EDA-000000060.

1404 The Edinburgh Academy, Letter to parents, May 1979, at EDA-000000060.

1405 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.8, paragraphs 46–7.

in October and November 1994, with a report dated May 1995.[1406] Tony Dyer remembered this inspection too: 'I think the inspection process had become far more demanding. It seemed far more demanding on the management and I remember them having to get reams of paperwork sorted out for them coming.'[1407]

Inspections of the school's educational provision continued to be carried out by HMIe until 2011, when HMIe and Learning and Teaching Scotland were brought together as a single executive agency of government and named Education Scotland. This agency became responsible for the inspection of schools.

The last HMIe inspection of the Academy was carried out in January 2006, with the report dated 9 May 2006.[1408] The inspection covered key aspects of the school's work at all stages in the junior and senior schools, including the structure of the curriculum and pupils' achievements; the quality of learning and teaching, and pupil support; the environment for learning; the school's processes for self-evaluation; and its overall effectiveness and capacity for improvement. The provision for boarding at the Academy was not included in the inspection.

From 2002 the provision of care services including boarding facilities at independent schools was inspected by the Care Commission and, from 2011, by the Care Inspectorate.

Education Scotland carried out brief visits or made telephone calls in June 2012,[1409] February 2015,[1410] November 2016,[1411] May 2021,[1412] May 2022,[1413] and May 2023.[1414] The school's link HM Inspector carried out annual engagement visits in March 2020,[1415] May 2024,[1416] and May 2025.[1417]

The school was fully inspected by HMIe in January 2026, with findings published on 17 March 2026.[1418] Fuller detail can be seen in Appendix C, Table 10. A striking aspect of the report is that whilst many pupils agreed or strongly agreed that the school now dealt well with bullying, that view was not universal and in the Senior School only 22 per cent of pupils had never experienced it. Plainly, there is no room for complacency.

The Care Commission and the Care Inspectorate

The Regulation of Care (Scotland) Act 2001, section 1, provided for the establishment of the Scottish Commission for the Regulation

1406 Scottish Education Department, Inspection report, The Edinburgh Academy, 15 May 1995, at SGV-000097176, p.3.

1407 Written statement of Anthony Dyer (former teacher, 1965–2001), at WIT-1-000001348, p.11, paragraph 70.

1408 HMIe, Inspection report, The Edinburgh Academy, 9 May 2006, at EDA-000000047.

1409 Education Scotland, Letter to parents, 12 June 2012, at SGV-000097213.

1410 Education Scotland, Independent schools, Establishment contact/visit note, February 2015, at SGV-000097132.

1411 Inspection self-evaluation form for child protection and safeguarding, 24 November 2016, at SGV-000097111. See also EDA-000000388.

1412 Education Scotland, Independent Schools, Pastoral conversation by phone, 11 May 2021, at SGV-001033507.

1413 Education Scotland, Independent Schools, Annual engagement visit record, 16 May 2022, at SGV-001031927.

1414 Education Scotland, Email re Annual engagement visit of 19 May 2023, at SGV-001031933.

1415 Education Scotland, Annual engagement visit, 9 March 2020, at SGV-001033472.

1416 Education Scotland, Annual engagement visit, 8 May 2024, at SGV-0011036339.

1417 Education Scotland, Annual engagement visit, 7 May 2025, at SGV-001037582.

1418 HMIe, Inspection report, The Edinburgh Academy, 17 March 2026, at SGV-001038101; Summarised inspection findings, 17 March 2026, at SGV-001038102; Pre-inspection questionnaire summary report, Inspection week: 19 January 2026, at SGV-001038100.

of Care (the Care Commission).[1419] On its establishment in 2002 the Care Commission took over the regulation and inspection of care services, including boarding facilities at independent schools. The first *National Care Standards* were published in 2002.

In 2011 the Care Inspectorate took over the functions of the Care Commission, the Social Work Inspection Agency, and the child protection unit of HMIe. The Care Inspectorate, accordingly, became responsible for the regulation and inspection of residential facilities at boarding schools in Scotland. The *National Care Standards* were replaced by the *Health and Social Care Standards* in 2018.

The Care Commission had, and the Care Inspectorate had and has, the power to make recommendations and to set out requirements. Recommendations are, of their nature, neither mandatory nor enforceable. Requirements, on the other hand, are, when issued, mandatory and enforceable. The care service provider must make the required improvements within a given timescale. The registration of the service may be cancelled if a requirement is not met within that timescale. The Care Inspectorate can apply to the Sheriff Court for emergency cancellation of a service's registration if it believes that there is a serious and immediate threat to life or wellbeing.

The Care Inspectorate has developed several quality frameworks to apply when evaluating care services. To do so, it has drawn on the *National Care Standards* and, since 2018, the *Health and Social Care Standards*. In 2021 the Care Inspectorate published its quality framework for evaluating boarding schools in Scotland.

Prior to the development of the frameworks referred to above, the Care Commission and the Care Inspectorate applied certain themes and statements in the course of their inspections. For example, evaluations made during the June 2005 joint inspection by HMIe and the Care Commission of the Academy's boarding provision[1420] took account of the HMIe quality themes in *How Good is our School?* and the *National Care Standards* and made the following assessments:

Quality theme	Grade
Climate and relationships	Very good
Pastoral care	Very good
Personal and social development	Very good
Leadership	Very good
Self-evaluation	Good

The school was registered with the Care Commission on 1 April 2005,[1421] and the registration process was fully completed on 27 September 2006.[1422] By then, most of the boarders were from overseas, with some from mainland Europe, and they attended the school for the summer term only. There were only two boarding houses.

The Academy cancelled its registration as a school care accommodation service when the last of its boarding houses closed, in June 2008,[1423] which was prior to the establishment of the Care Inspectorate.

1419 Regulation of Care (Scotland) Act 2001, section 1.
1420 Care Commission and HMIe, Inspection report, The Edinburgh Academy, 25 October 2005, at SGV-000097177.
1421 Care Inspectorate, Summary of regulatory history of The Edinburgh Academy, at CIS-000001040, p.1.
1422 Care Inspectorate, Summary of regulatory history of The Edinburgh Academy, at CIS-000001040, p.1.
1423 Care Inspectorate, Summary of regulatory history of The Edinburgh Academy, at CIS-000001040, p.1.

Inspection records

The Academy's section 21 response states that it 'has always been under the accountability and oversight of the usual external agencies and government inspections – the School follows these standard protocols as do all independent schools'.[1424] It enclosed a range of Education Scotland 'reports' covering 1930–51,

> where a system of regular, though very light touch table-top inspections seem to have existed. These have then developed into a more detailed set of inspection criteria by the 1970s (Registration of Independent Schools documents in 1978 etc.). The Rector Letter to Parents in 1979 speaks of a recent inspection by Her Majesty's Inspector of Schools but we do not hold that inspector report.
>
> We have very few documents covering an inspection regime in the 1980s or 1990s, and so it would be unfair to comment on what was happening in this period.[1425]

As the school appropriately commented in its section 21 response, 'More detailed and modern HMIe inspections in 2002 and 2006, as well as those by the Care Inspectorate in 2001 … 2013, show just how much inspections by external agencies/ government have evolved over the time period mentioned.'[1426]

Details of inspections carried out by the SED, HMIe and Education Scotland, and the Care Commission, to the extent known by SCAI, are detailed in Appendix C, Tables 10 and 11. Reports of recent inspections are a matter of public record.

The school has been inspected on a number of occasions by HMIe, involving a formal assessment of the quality of teaching and learning. Satisfactory assessments lead to longer intervals between inspections, but the Academy was first inspected in October and November 1994,[1427] then again in January 2001, January 2003, June 2005, and January 2006. Six professional engagement visits or telephone calls were made between 2012 and 2023. A full inspection was made in January 2006. This was the final inspection.

The Care Commission inspected the Academy on five occasions in the period 2004 to 2008, two being joint inspections with HMIe.

The available Care Commission and HMIe report dated 2005 – when the Academy was still offering some boarding provision – includes much that is positive, with pupils mentioning the friendliness of the boarding houses and the school.[1428] Although care staff were in need of training and development, and parts of the buildings were in need of refurbishment, it was still a world away from the era of housemasters such as Hamish Dawson and John Brownlee. Despite there being fewer boarding houses and far fewer boarders, it is evident that real efforts had been made by rector and governors alike to ensure engagement with the boarders, and there seems to have been effective supervision, all of which had been absent in earlier years:

> [Pupils] felt safe and well cared for … Most care staff thought they would benefit from further training and development.[1429]

1424 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030, p.7.
1425 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030, p.7.
1426 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030, p.7.
1427 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030, p.7.
1428 Care Commission and HMIe, Inspection report, The Edinburgh Academy, 25 October 2005, at SGV-000097177, p.1.
1429 Care Commission and HMIe, Inspection report, The Edinburgh Academy, 25 October 2005, at SGV-000097177, p.1.

> Staff and pupils created a very positive and welcoming ethos in the boarding houses … pupils felt that, overall, rules were sensible and fair and sanctions appropriate … The school kept parents and guardians well informed of pupils' personal development and academic progress. The housemaster made effective use of emails and telephone calls to maintain contact with parents …
>
> Accommodation throughout the boarding houses was spacious. Almost all pupils had their own bedroom. Pupils were encouraged to personalise their rooms according to individual choice. Some communal areas and corridors in the boys' houses were in need of refurbishment to make them more homely and welcoming … The school carried out an appropriate risk assessment of the accommodation.[1430]
>
> Staff were approachable and responsive to the welfare needs of the pupils … The school had an appropriate child protection policy in place and house staff demonstrated a good awareness and understanding of the procedure … All pupils had received information about the school's anti bullying policy … Pupils were provided with clear guidance with regards boarding rules, routines and expected behaviour. Any incidents were suitably recorded and monitored by the rector and housemaster … The school had a complaints policy which was available to all parents and pupils. Pupils felt that their views were listened to and taken seriously. Staff were accessible to pupils and encouraged them to discuss concerns or complaints with them at any time. Complaints were recorded appropriately in pupils' individual records.[1431]
>
> The rector and housemaster in charge of boarding provided very good leadership. They were both highly committed to pupils' care and welfare. They worked well together to ensure continuous improvement. They were open and responsive to pupils' views. The rector showed an active interest in all aspects of the boarding provision … The school had developed effective links between the Court of Directors and the boarding houses … The housemaster was highly regarded by house staff … Overall, the school had a suitable range of policies and procedures in place to ensure the effective care and welfare of pupils.[1432]

The school, in its section 21 response, said:

> Policies and procedures became a good deal clearer and more 'pupil-centred' in the 1990s and then even more again in the years after 2000 … The role of the class teacher was under review throughout 1993/94 and a good deal of work was being done to define a pastoral policy and what the expectations were of teachers in not only the pastoral role that they played but also in the data they should be recording.[1433]

Evidence from applicants about inspections

Applicants provided only limited evidence about inspections. That may be at least partially explained by the gaps in inspections between 1958 and 1967 (9 years), 1967 and 1979 (12 years), and 1979 and 1994 (15 years). Such long gaps seem extraordinary and call for explanation.

'Charlie' said: 'I was never aware of any external inspections taking place, appraising masters or the school.'[1434] 'David' (FYE) said: 'I have no knowledge of any inspections taking place at the school during my time

1430 Care Commission and HMIe, Inspection report, The Edinburgh Academy, 25 October 2005, at SGV-000097177, p.2.
1431 Care Commission and HMIe, Inspection report, The Edinburgh Academy, 25 October 2005, at SGV-000097177, p.3.
1432 Care Commission and HMIe, Inspection report, The Edinburgh Academy, 25 October 2005, at SGV-000097177, p.4.
1433 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030, p.7.
1434 Transcript, day 363: read-in statement of 'Charlie' (former pupil, 196x–8x), at TRN-8-000000079, pp.34–5.

there.'[1435] Giles Moffat confirmed that, to his knowledge, there was no external inspection of the boarding houses, saying: 'Nope. We were prisoners.'[1436] 'Josh' said: 'I can say for certain that I have no memories of inspectors coming into the boarding houses or there being regular inspections of the school in general.'[1437]

Applicants' accounts are also supported by the evidence of Rob Cowie who was clear that before the HMIe report of January 2001, he did not 'remember the Inspectorate coming to the boarding houses at all'.[1438]

Other evidence about inspections

The long-established attitudes and culture of the Academy were slow to evolve. This was evident in certain documents relating to inspections, such as one that noted the oral observations made by inspectors in the course of an inspection in October 1958. This was done at a time when inspectors did not present a written report or, in the Academy's opinion, examine the school 'with sufficient thoroughness for a detailed report to be written'.[1439] The inspectors made a number of recommendations, but the impression given is that the school's immediate response tended to be defensive or dismissive, such as in these passages:

> Taken as a whole, the Staff here was a little disappointed with the visitation. There was a slight feeling that the emphasis was on the faults and failings to be found, and that the Inspectors had one or two 'pet' theories which they wanted us to confront and which are not so suited to our type of child …
>
> There was considered to be not enough apparatus for individuals and group-work which they recommend … A good deal of group teaching is in fact done, but equipment for it is expensive; some is gradually being acquired or made; if more money were available, the process could be accelerated.[1440]

It seems clear that the inspectors' negative comments were not taken seriously and there is no indication of any plans to effect changes in the light of them.

What is less clear is what was meant by the reference to 'our type of child' but it is hard not to see it as indicative of a degree of arrogance, whether to the effect that Academy-educated children were superior to other children or that Academy staff were superior to the inspectors. Or both.

Some progress had been made away from those attitudes by 1991, when a file note written by Laurence Ellis suggested there was a wish for greater oversight by external agencies, although it was lacking in detail,[1441] and another, written the same year, recorded that:

> I told Mr Middleton[1442] that we would be glad to see his Inspectorate – we are always glad to have our provisions scrutinised – and that it might even help them in determining the standards they wanted to set. He was to regard himself as having an open invitation,

1435 Transcript, day 358: read-in statement of 'David' (FYE) (former pupil, 197x–x), at TRN-8-000000073, p.66.
1436 Transcript, day 360: Giles Moffat (former pupil, 1980–90), at TRN-8-000000076, p.147.
1437 Transcript, day 363: read-in statement of 'Josh' (former pupil, 198x–9x), at TRN-8-000000079, p.156.
1438 Transcript, day 366: Robert Cowie (former teacher, 1963–2013), at TRN-8-000000082, p.89.
1439 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030, p.12.
1440 The Edinburgh Academy, Summary of inspection, October 1958, at EDA-000000348, p.12.
1441 The Edinburgh Academy, Parts A–D responses to section 21 notice, at EDA-000000030, p.7.
1442 Ivan Middleton was, at that time, Head of Registration and Inspections Services, Lothian Regional Council.

> and I would introduce him to the Senior Housemaster if he wanted me to do so.[1443]

Rather than evidence of the school being open to learning from criticism, however, this could be read as Laurence Ellis assuming that the Academy would inevitably be regarded as an existing exemplar of high standards.

By 1991 the Court of Directors were becoming more aware of the need for change, and that began in earnest with John Rees, who was appointed rector at that time. In 1994 HMIe carried out a full inspection of the school. Minutes of the meeting of the Court of Directors held on 11 October 1994 demonstrate a positive attitude to critical comment:

> The Rector informed the meeting that his initial view of the team was that they were very efficient and very fair. They queried whether the Academy was under-managed and over-staffed. However, after half term the team start their in-depth session with selected departments. The Chairman explained that he had received an invitation from the Chief Inspector to have a briefing on the inspection and he intended to take this up with the two Chairmen in the near future.[1444]

Recalling this time, David Standley said:

> The scientific word is a 'catalyst' … John [Rees] was pretty well unchanged, but by his very presence and his attitudes, he changed what was around him, and so he gave those of us who wanted to have more rigorous policies and so on – he gave us our heads. But he didn't just give us our heads, he took it to the next stage. So when we realised that Scottish Office and all the powers that be said the school needs a development plan, then the development plan, the embryonic development plan was knocked together by senior staff, but then it went to pupils to some extent, parents completely, the governing body, the teachers.
>
> And so what finally ended up in the development plan was a distillation of the thoughts of everybody, and something which we could all buy into, to move forward. That all happened in John's time, and it was complete, the first development plan, prior to the inspection that arrived in 1994, late 1994/early 1995.[1445]

As to whether the Academy was under-managed and over-staffed, as suggested by inspectors in 1994, these queries were timely and the school steadily addressed them as they needed to do.[1446] That was a good example of the potential value to any school of being inspected.

Conclusions about inspections

Children suffered a wide range of dreadful abuse at the Academy. It happened at a time when there was inadequate oversight by the school and a lack of regular inspections; rather, they were a rarity and not something to expect. Accordingly, the Academy, already complacent, remained so; assumptions were made that all was well and that the school would not be called to account. This was particularly true of the boarding houses, which were not subject to external inspection until around the mid-1990s at the earliest. Ignorance of the ongoing abuse and a lack

1443 The Edinburgh Academy, File note, 13 September 1991, at EDA-000000067.

1444 The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 11 October 1994, at EDA-000000373, p.24.

1445 Transcript, day 362: David Standley (former teacher, 1970–2009), at TRN-8-000000078, p.140.

1446 See The Edinburgh Academy regime chapter.

of effective inspections meant that on his retirement, John Brownlee was described by the school as someone who, with his wife, 'created a happy, closely knit group'.[1447] This was, in fact, very far from the truth. Had the boys been asked about Brownlee's domain in the course of a proper inspection a very different account would have been bound to emerge.

The absence of actual oversight and regular inspections allowed abusers like Dawson and Brownlee free rein to persist in their abusive conduct, knowing they would not be challenged.

Reforms by the school from 1995 onwards had a significant impact, as subsequent inspection reports demonstrate. The Academy is now, at last, generally much more aware of the need for, and engaged in, oversight. What a difference might have been made to the protection of children from abuse if the school had done this sooner, when it was providing residential care for so many boys who passed through its doors.

1447 The Edinburgh Academy, *The Academical*, 1995, at EDA-000000250, pp.14–15.

Appendix A – Terms of Reference

Introduction

The overall aim and purpose of this Inquiry is to raise public awareness of the abuse of children in care, particularly during the period covered by SCAI. It will provide an opportunity for public acknowledgement of the suffering of those children and a forum for validation of their experience and testimony.

The Inquiry will do this by fulfilling its Terms of Reference which are set out below.

1. To investigate the nature and extent of abuse of children whilst in care in Scotland, during the relevant time frame.
2. To consider the extent to which institutions and bodies with legal responsibility for the care of children failed in their duty to protect children in care in Scotland (or children whose care was arranged in Scotland) from abuse, regardless of where that abuse occurred, and in particular to identify any systemic failures in fulfilling that duty.
3. To create a national public record and commentary on abuse of children in care in Scotland during the relevant time frame.
4. To examine how abuse affected and still affects these victims in the long term, and how in turn it affects their families.
5. The Inquiry is to cover that period which is within living memory of any person who suffered such abuse, up until such date as the Chair may determine, and in any event not beyond 17 December 2014.
6. To consider the extent to which failures by state or non-state institutions (including the courts) to protect children in care in Scotland from abuse have been addressed by changes to practice, policy or legislation, up until such date as the Chair may determine.
7. To consider whether further changes in practice, policy or legislation are necessary in order to protect children in care in Scotland from such abuse in future.
8. To report to the Scottish Ministers on the above matters, and to make recommendations, as soon as reasonably practicable.

Definitions

'Child' means a person under the age of 18.

For the purpose of this Inquiry, 'Children in Care' includes children in institutional residential care such as children's homes (including residential care provided by faith-based groups); secure care units including List D schools; Borstals; Young Offenders' Institutions; places provided for Boarded Out children in the Highlands and Islands; state, private, and independent Boarding Schools, including state-funded school hostels; healthcare establishments providing long-term care; and any similar establishments intended to provide children with long-term residential care. The term also includes children in foster care.

The term does not include children living with their natural families; children living with members of their natural families; children living with adoptive families; children using sports and leisure clubs or attending faith-based organisations on a day-to-day basis; hospitals and similar treatment centres attended on a short-term basis; nursery and daycare; short-term respite care for vulnerable children; schools, whether public or private, which did not have boarding facilities; police

cells and similar holding centres which were intended to provide care temporarily or for the short term; or 16- and 17-year-old children in the armed forces and accommodated by the relevant service.

'Abuse' for the purpose of this Inquiry is to be taken to mean primarily physical abuse and sexual abuse, with associated psychological and emotional abuse. The Inquiry will be entitled to consider other forms of abuse at its discretion, including medical experimentation, spiritual abuse, unacceptable practices (such as deprivation of contact with siblings), and neglect, but these matters do not require to be examined individually or in isolation.

Appendix B – Corporal punishment in Scottish schools and related matters

The parental right of chastisement

The common law of Scotland granted parents the right to inflict corporal punishment upon their children.[1448] This right was statutorily acknowledged in 1889 by the Prevention of Cruelty to, and Protection of, Children Act, and repeated by its successors – including the Children Act 1908 and the Children and Young Persons (Scotland) Act 1937.[1449] However, corporal punishment was only lawful if it were '(i) aimed at chastisement, in the sense of educative punishment, and (ii) within a moderate and reasonable level of severity. Acting in a manner beyond "reasonable chastisement" has long been a legal wrong.'[1450] Although the concept of 'reasonableness' has changed over time according to society's changing views on the rights of children and their parents, 'cases from the earliest period indicate a judicial awareness of the dangers to vulnerable children of excessive physical punishment'.[1451] Therefore, although parents did have the right to punish their children, this parental right was not without limits – it had to have a purpose and had to be reasonable.

Corporal punishment in Scottish schools and the views of the courts

Throughout much of the period examined in this case study, corporal punishment was permitted in Scottish schools. Traditionally, in state schools, it took the form of striking the palm of the pupil's hand with the Lochgelly tawse.[1452]

A teacher's power to chastise was not delegated by parents 'but was a self-standing privilege arising from the obligation of the teacher to maintain school-room discipline' which in the boarding schools extended to the residential side. Nineteenth-century court cases involving teachers emphasised that corporal punishment had to be 'without any cruel or vindictive feeling or passion',[1453] and that a 'schoolmaster is invested by law with the power of giving his pupils moderate and reasonable corporal punishment, but the law will not protect him when his chastisement is unnatural, improper, or excessive'.[1454]

Little changed for much of the twentieth century. In Gray v Hawthorn,[1455] in 1964, the

1448 See Alexander Birrell Wilkinson and Kenneth McK. Norrie, *The Law Relating to Parent and Child in Scotland*, 3rd edn. (W. Green, Edinburgh: 2013). See also Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.346.

1449 See Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.346.

1450 See Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.346.

1451 See Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.347.

1452 See 'How the Tawse Left its Mark on Scottish Pupils', *BBC News*, 22 February 2017. The Lochgelly tawse was so called because most teachers preferred tawses manufactured by a leather business based in Lochgelly, Fife.

1453 Muckarsie v Dickson (1848) 11 D 4, p.5.

1454 Ewart v Brown (1882) 10 R 163, p.166.

1455 Gray v Hawthorn (1964) JC 69.

Court of Appeal emphasised the importance of discretion when it affirmed a teacher's conviction for assault:

> There is no doubt that a school teacher is vested with disciplinary powers to enable him to do his educational work and to maintain proper order in class and in school, and it is therefore largely a matter within his discretion whether, and to what extent, the circumstances call for the exercise of these powers by the infliction of chastisement … If what the schoolmaster has done can truly be regarded as an exercise of his disciplinary powers, although mistaken, he cannot be held to have contravened the criminal law. It is only if there has been an excess of punishment over what could be regarded as an exercise of disciplinary powers that it can be held to be an assault. In other words the question in all such cases is whether there has been dole[1456] on the part of the accused, the evil intent which is necessary to constitute a crime by the law of Scotland. The existence of dole in the mind of an accused person must always be a question to be decided in the light of the whole circumstances of the particular case … such matters as the nature and violence of the punishment, the repetition or continuity of the punishment, the age, the health and sex of the child, the blameworthiness and the degree of blameworthiness of the child's conduct, and so on, are all relevant circumstances in considering whether there was or was not that evil intent on the part of the accused at the time of the alleged offence.[1457]

The child was 11 and was belted eight times in the space of two hours for being dirty, having an untidy schoolbag, performing poorly in schoolwork, making spelling mistakes, and having poor handwriting, a factor exacerbated by the injuries caused by the repetitive belting. From today's perspective, aspects of the sheriff substitute's reasoning seem surprising:

> [I] found no fault with the appellant regarding the punishments inflicted for having dirty hands and knees. I attached no importance to the total number, as such, of strokes delivered on the morning in question. What I found fault with was the succession of punishments and reasons (or lack of just reasons) therefore, as narrated in my findings. At some stage their repetition amounted to what I can only describe as a degree of unjust persecution. I inferred dole only from the excess of punishment in the circumstances narrated.[1458]

I would not have considered it appropriate to belt a child for any of the reasons set out. I would consider it abusive.

The reasoning in Gray v Hawthorn was followed in the 1980 case of Stewart v Thain,[1459] which involved a headteacher smacking a 15 year old on the buttocks, apparently with parental approval. The Court remained loath to interfere in school discipline which was still very much a matter of educational discretion, where 'each case must be considered in the light of the whole circumstances relevant to it'.[1460]

Corporal punishment in boarding schools

In the boarding sector, the use of the cane by both staff and senior pupils was common, as was the use of other implements, particularly the slipper or gym shoe.

1456 In Scots law 'dole' means corrupt, malicious, or evil intention.
1457 Gray v Hawthorn (1964) JC 69.
1458 Gray v Hawthorn (1964) JC 69, p.72.
1459 Stewart v Thain (1980) JC 13.
1460 Stewart v Thain (1980) JC 13.

Outwith the classroom, teachers' powers to use corporal punishment were commonly delegated, especially in the boarding houses, to senior pupils, usually school or house prefects.

That may have always been the norm given staffing numbers but might also reflect the language of both section 37 of the Children Act 1908 and section 12(7) of the Children and Young Persons (Scotland) Act 1937, both of which concerned cruelty to persons under 16. The 1937 provision, for example, which concerned behaviour of persons who had 'attained the age of sixteen years' stated: 'nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to him'.[1461]

This case study has demonstrated that there was inadequate, if any, consideration given by schools to the legal position. Individual institutions followed their own traditions and styles although there was a general understanding from witnesses that the maximum number of blows that could be given was six, even if that was not infrequently disregarded. As for the delegation of corporal punishment to pupils – as happened in most of the schools – it was simply the way that things were done and was often ill considered and inadequately supervised. And the lack of supervision exposed children to a risk of abuse; serious harm could obviously ensue.

Societal change in the approach to corporal punishment

While the courts and boarding schools may have thought corporal punishment acceptable as a means of maintaining order until relatively recently, that was not the case in other areas of society.

Curtis Report

In September 1946, the Secretary of State for the Home Department, the Minister of Health, and the Minister of Education presented a report to Parliament from the Care of Children Committee, chaired by Miss Myra Curtis. It was the result of detailed inquiry into the provision for children in care and its recommendations, strongly urged on the government, included:

> We have given much thought to this question and have come to the conclusion that corporal punishment (i.e., caning or birching) should be definitely prohibited in children's Homes for children of all ages and both sexes, as it already is in the Public Assistance Homes for girls and for boys of 14 and over. We think that the time has come when such treatment of boys in these Homes should be unthinkable as the similar treatment of girls already is and that the voluntary Homes should adopt the same principle. It is to be remembered that the children with whom we are concerned are already at a disadvantage in society. One of the first essentials is to nourish their self-respect; another is to make them feel that they are regarded with affection by those in charge of them. Whatever there is to be said for this form of punishment in the case of boys with a happy home and full confidence in life, it may, in our opinion be disastrous for the child with an unhappy background. It is, moreover, liable to … abuse. In condemning corporal punishment we do not overlook the fact that there are other means of enforcing control which may have even more harmful effects. We especially deprecate nagging, sneering, taunting, indeed all methods which secure the ascendancy of the person in charge by destroying or lowering the self-esteem of the child.[1462]

This showed remarkable insight and boarding schools should have had regard to it; they

1461 Children and Young Persons (Scotland) Act 1937, section 12(7) as originally enacted.

1462 The Curtis Report (1946), at LEG.001.001.8722, pp.168–9, paragraph xviii.

provided residential care for children living away from home – some from an early age – and their circumstances made them vulnerable.

The Administration of Children's Homes (Scotland) Regulations 1959

Although not applicable to boarding schools, the Administration of Children's Homes (Scotland) Regulations 1959, which applied to both local authority and voluntary homes from 1 August 1959, reflected a shift in social attitudes to the punishment of children in any institution.

The Regulations 'contained rules for the administration of homes, the welfare of children accommodated therein, and for oversight of both these matters'.[1463] Regulation 1 required those responsible for the administration of the home to ensure that it was 'conducted in such manner and on such principles as will secure the wellbeing of the children of the home'.[1464] Regulation 11 provided that corporal punishment may 'exceptionally be administered'.[1465]

Approved Schools (Scotland) Rules 1961

Again, though not applicable to boarding schools, the standards noted in the Approved Schools (Scotland) Rules 1961 should have had an impact on the thinking of boarding schools in relation to their use of corporal punishment.

Rule 31 dealt specifically with corporal punishment. Some of the conditions referred to were apt for all boarding schools in Scotland at that time:

> (a) for an offence committed in the course of ordinary lessons in the schoolroom the principal teacher may be authorised by the Managers to inflict on the hands not more than three strokes in all;
>
> …
>
> (c) except when the punishment is inflicted in the presence of a class in a schoolroom, an adult witness must be present;
>
> (d) no pupil may be called upon to assist the person inflicting the punishment;
>
> …
>
> (f) for boys under 14 years of age, the number of strokes may not exceed two on each hand or four on the posterior over ordinary cloth trousers;
>
> (g) for boys who have attained the age of 14 years, the number of strokes may not exceed three on each hand or six on the posterior over ordinary cloth trousers;
>
> (h) only a light tawse may be used: a cane or other form of striking is forbidden … and any person who commits a breach of this Rule shall be liable to dismissal or other disciplinary action.[1466]

Rule 32 provided that full particulars of any corporal punishments should be recorded in a punishment book by the headmaster.

It is not obvious that much regard was had to these rules in the operation of the boarding schools considered in this case study, and the approach taken to corporal punishment, just as with the recording of punishments, was variable. The tone of each school very much

1463 Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.204.

1464 The Administration of Children's Homes (Scotland) Regulations (1959), regulation 1, at LEG.001.001.2719.

1465 The Administration of Children's Homes (Scotland) Regulations (1959), regulation 11, at LEG.001.001.2723.

1466 Approved Schools (Scotland) Rules (1961), rule 31, at LEG.001.001.2696, pp.9–10.

depended, for decades, on the outlook of the headmaster. Some were progressive, others not. Far too much was left to the discretion of individual teachers, some of whom had dreadful reputations amongst pupils for their excesses, which only demonstrates an absence of necessary oversight.

The position was even worse when corporal punishment by senior pupils is considered. While there was evidence of a change of outlook from pupils in some schools in the sector during the 1960s,[1467] there was often no oversight by those schools, on occasion, consciously.

Elimination of corporal punishment in state schools

By the late 1960s, following agreement in principle that the teaching profession should be encouraged to move towards the gradual elimination of corporal punishment, a consultative body – the Liaison Committee on Educational Matters – issued a booklet entitled *Elimination of Corporal Punishment in Schools: Statement of Principles and Code of Practice*.[1468] It set out rules designed to limit the use of corporal punishment including:

> It should not be administered for failure or poor performance in a task, even if the failure (e.g., errors in spelling or calculation, bad homework, bad handwriting, etc.) appears to be due not to lack of ability or any other kind of handicap but to inattention, carelessness or laziness. Failure of this type may be more an educational and social problem than a disciplinary one and may require remedial rather than corrective action.
>
> Corporal punishment should not be inflicted for truancy or lateness unless the head teacher is satisfied that the child and not the parent is at fault.
>
> Where used, corporal punishment should be used only as a last resort and should be directed to punishment of the wrong-doer and to securing the conditions necessary for order in the school and for work in the classroom.
>
> It should normally follow previous clear warning about the consequences of a repetition of misconduct.
>
> Corporal punishment should be given by striking the palm of the pupil's hand with a strap and by no other means whatever.[1469]

The Secretary of State for Scotland welcomed the issue of this booklet. The thinking as to what was acceptable even in the school setting had begun to shift significantly.

Further developments

In 1977 the Pack Committee, chaired by Professor D.C. Pack, and set up by the Secretary of State for Scotland, reported on indiscipline and truancy in Scottish schools. It reported that 'corporal punishment should, as was envisaged in 1968, disappear by a process of gradual elimination rather than by legislation'.[1470]

A working group appointed by the Convention of Scottish Local Authorities reviewed that process and produced a report entitled *Discipline in Scottish Schools* in 1981. The Secretary of State for Scotland considered

1467 See, for example, Transcript, day 220: Kenneth Chapelle (former pupil, Loretto School, 1961–6), at TRN-8-000000011, p.74.

1468 See Corporation of Glasgow, Education Department, Meeting of Schools and School Welfare Sub-Committee, 6 May 1968, at GLA.001.001.0703. The booklet was sent to all education authorities in February 1968.

1469 Liaison Committee on Educational Matters, Elimination of Corporal Punishment in Schools: Statement of Principles and Code of Practice, February 1968, at GLA.001.001.0706.

1470 Scottish Council of Independent Schools, Corporal Punishment in Scottish Schools, at SCI-000000009, p.2.

the report and concluded, in a letter of 9 February 1982, 'that the way is now open for progress leading to the elimination of corporal punishment in Scottish schools within the foreseeable future'.[1471]

The case of Campbell and Cosans v UK[1472] was held just three weeks after the Secretary of State's conclusions. In its decision, the European Court of Human Rights, while rejecting an argument that the use of corporal punishment in Scottish schools was contrary to Article 3, 'found the United Kingdom in breach of Article 2 Protocol 1 for failing to respect the parents' philosophical conviction against corporal punishment. The Government … considered it impractical to prohibit corporal punishment only of children whose parents objected, and so instead, all pupils at public schools were granted protection from corporal punishment by their teachers.'[1473]

Consequently, section 48 of the Education (No. 2) Act 1986 introduced a new section 48A to the Education Act (Scotland) 1980 which came into force on 15 August 1987 and abolished corporal punishment for some pupils. Section 48A(5)(a) provided that a 'pupil' included a person for whom education was provided at

(i) a public school,

(ii) a grant-aided school, or

(iii) an independent school, maintained or assisted by a Minister of the Crown, which is a school prescribed by regulations made under this section or falls within a category of schools so prescribed.

Although the legislation did not apply to independent schools and Queen Victoria School in Dunblane was an independent school, specific provision was made to prescribe Queen Victoria School as a school covered by the abolition of corporal punishment provided for by section 48A(5)(iii) on 15 August 1987.[1474]

In general guidance, issued by the Scottish Education Department on 17 June 1987, corporal punishment was defined as 'any act which could constitute an assault. This covers any intentional application of force as punishment and includes not only the use of the cane or the tawse, but also other forms of physical chastisement, e.g., slapping, throwing missiles such as chalk, and rough handling.'[1475]

Other than in the case of Queen Victoria School, the legislation did not prevent boarding schools from continuing with corporal punishment, although that would have led to a two-tier approach given the prohibition of its use for pupils on assisted places. However, consistent with the change in society, many independent boarding schools, as well as day schools, were either thinking of abolishing it or had already done so.

The Independent Schools Information Service (Scotland), the forerunner to the Scottish Council of Independent Schools (SCIS), surveyed its members in 1984 and found that 36 no longer had corporal punishment while 24 retained it, although half of them were considering abolition. Looking to the schools in the case study, only Fettes Prep School had stopped using corporal punishment. Keil School, Loretto Junior School, Merchiston

1471 Scottish Council of Independent Schools, Corporal Punishment Abolition in Scotland – Timeline, at SCI-000000007, p.1.

1472 Campbell and Cosans v United Kingdom (1982) 4 EHRR 293.

1473 Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.354.

1474 The Education (Abolition of Corporal Punishment: Prescription of Schools) (Scotland) Order 1987, paragraph 2.

1475 Scottish Council of Independent Schools, Corporal Punishment Files, at SCI-000000023, p.8.

Castle School, Morrison's Academy, and Queen Victoria School retained it although were contemplating abolition, while Loretto senior school and Gordonstoun were not. The Edinburgh Academy did not feature in that survey.[1476]

A similar survey in October 1988 revealed that only five prep schools and two senior schools retained corporal punishment, though four either had unofficially abolished it or were phasing it out. That included The Edinburgh Academy. The only senior school to retain it was Loretto,[1477] although by 1991 a further SCIS survey confirmed that it was no longer used by any of its member schools.[1478] Loretto, it appears, had stopped the use of the cane in 1990.[1479]

Finally, section 16 of the Standards in Scotland's Schools etc. Act 2000 extended the prohibition against corporal punishment to all schools and repealed section 48A of the 1980 Act.

1476 Independent Schools Information Service (Scotland), at SCI-000000038.

1477 Independent Schools Information Service (Scotland), at SCI-000000039.

1478 Scottish Council of Independent Schools, at SCI-000000025.

1479 Loretto School, Note on a comparison of witnesses' observations/recommendations with Loretto School today, 26 February 2021, at LOR-000000771, p.6.

Appendix C – Inspection reports relating to The Edinburgh Academy

Table 10: Scottish Education Department/HMIe/Education Scotland inspections, 1930–2023

Date of report: 19 July 1930[1480]
Focus: academic (English, Latin, and Greek, mathematics, science, art, and handwork)
Key findings/conclusions School is thoroughly alive … and while the concrete results are excellent, the teaching is far from being unduly subservient to examination requirements.

Date of report: 15 May and 9 June 1931[1481]
Focus: academic (mathematics and science, art and educational handwork, French)
Key findings/conclusions The Mathematics department is admirably supervised and capably staffed. The timetable is so arranged as to allow the department to be practically self-contained. The pupils are arranged in sets. Rapid promotion is assured for the brighter boys while careful watch can be kept on those of weaker attainments. In a school of this kind, one could wish for a width and discrimination of treatment which would allow the modern humanities to appear with credit alongside the humanities of 'older' standing.

Date of inspection: 25 May 1932; 14 June 1932; 21 and 22 June 1932; 29 and 30 June 1932 **Date of report: 11 July 1932**[1482]
Focus: academic (mathematics, French, German, classics, English, science, art, educational handwork, and physical exercises)
Key findings/conclusions The Mathematics department is in very good hands. The pupils' records of progress and the examination papers are preserved and filed with due care. Up to a certain point the teaching of French is successful, admirably supervised and capably staffed. English: The general impression formed of the work was very favourable. Science schemes in this school are undergoing considerable revision. The course is becoming more general and more suitable. In physics and chemistry, the main subjects of instruction, the work continues to proceed very satisfactorily. Art, handwork and physical training were all highly satisfactory.

1480 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1929–30, at EDA-000000056, pp.2–8.

1481 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1930–31, at SGV-000097184, pp.4–9.

1482 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1931–32, at SGV-000097184, pp.10–16.

Date of inspection: 28 May and 11 June 1935; 29 May 1935; 31 May 1935; 7 June 1935

Date of report: 25 July 1935[1483]

Focus: academic (general; preparatory school, English, classics); mathematics; modern languages; science, art and benchwork

Key findings/conclusions

Primarily, the curriculum envisages the harmonious and complete development of all faculties – physical, mental, and moral and a scholarly and experienced staff of teachers have reason to congratulate themselves on the success that attends this very important work.

Date of inspection: 25 May 1936, 27 May 1936, 28 May 1936, and 1 June 1936

Date of report: 25 July 1936[1484]

Focus: academic (English and history); French; mathematics; general; science

Key findings/conclusions

The school, housed in extensive and well equipped buildings and staffed by a group of able and scholarly teachers, provides an education which not only has regard to the differing aptitudes and future needs of its pupils but also lays a foundation of broad and humane knowledge … Physical training holds a position in the curriculum commensurate with its importance … The written work of the Leaving Certificate classes is of good quality as a whole and is corrected and discussed by the masters with thoroughness and discrimination. Sound judgment is shown in their assessment of the abilities of the pupils … this school shows everywhere that those in charge of the boys have a lively interest in their work and an intimate knowledge of the idiosyncrasies of their pupils. The care taken to engender a wide, generous culture is … highly praiseworthy.

Date of inspection: 24 May 1937, 25 May 1937, 26 May 1937, 28 May 1937, 11 June 1937, and 23 June 1937

Date of report: 1 July 1937[1485]

Focus: English; classics; French; German; mathematics; science; art, benchwork, physical training, general

Key findings/conclusions

General: The Upper School is divided into Upper and Lower Blocks. The Lower Block curriculum provides a good foundation of general education comprising English, mathematics, modern language, Latin, science and art. In addition, carpentry and physical training are common to all classes. This is an excellent preparation for the Upper Block in which the boys settle down to their special educational needs and preferences on one of the three sides open to them viz, Classical, Modern or Science … The classes in [the Prep School] are small and so lend themselves to individual methods of instruction. Full use should be made of this opportunity to avoid the discouragement of those who are unable to keep pace with their fellows.

1483 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1934–35, at SGV-000097184, pp.38–45.

1484 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1935–36, at SGV-000097184, pp.49–56 and EDA-000000074.

1485 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1936–37, at SGV-000097184, pp.57–68.

Date of inspection: 30 May 1938 and other dates Date of report: 15 July 1938[1486]
Focus: English; history; mathematics; classics; French; German; science; art; handwork
Key findings/conclusions Each subject was inspected and recommendations for improvement made, as appropriate.

Date of report: 15 August 1939[1487]
Focus: academic (English and history, classics, French, German, mathematics, science, art and handwork)
Key findings/conclusions The syllabus of work throughout the school continued to give evidence of careful planning.

Date of report: 5 September 1941[1488]
Focus: academic (English, classics, modern languages, mathematics, science, art and handwork)
Key findings/conclusions The school has been seriously affected by the war … It says much for the spirit of the school that … school activities have been kept alive amid those difficulties.

Date of inspection: 18 June 1942 and other dates Date of report: 12 August 1942[1489]
Focus: academic (English and history, classics, modern languages, mathematics, science, art and handwork)
Key findings/conclusions The war conditions have continued to make calls on the staff.

Date of inspection: various dates – session 1942–3 Date of report: 16 August 1943[1490]
Focus: academic (English and history, classics, modern languages, mathematics, science, art and handwork)
Key findings/conclusions Members of staff, several of them recruited on a war-time basis, do remarkably well and all are deeply interested in the progress of the individual pupil.

1486 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1937–38, at SGV-000097184, pp.69–76.
1487 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1938–39, at SGV-000097184, pp.88–93.
1488 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1940–41, at SGV-000097184, pp.124–7.
1489 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1941–42, at SGV-000097184, pp.158–64.
1490 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1942–43, at SGV-000097184, pp.181–3.

Date of report: 16 August 1944[1491]

Focus: academic (English and history, geography, classics, modern languages, mathematics, science, art and handwork)

Key findings/conclusions

The long and honourable record of the school in entrance scholarships examinations at Oxford and Cambridge has been carried on.

As five of the twenty masters are absent on war service, temporary arrangements have been necessary in some departments.

Date of report: 27 July 1945[1492]

Focus: academic (mathematics and science)

Key findings/conclusions

In general the teaching is earnest, careful, and adequately successful. The substantial increase in the roll of the school has, in some respects, made the careful grading of the pupils, always a feature of the organisation, less difficult than in recent years.

Date of report: 18 July 1946[1493]

Focus: academic (English, classics, modern languages, mathematics, science, art and educational handwork, and French)

Key findings/conclusions

At the end of last session Mr A.L.F. Smith, CBE retired from the Rectorship. His distinguished attainments in scholarship and his indefatigable energy were of great service to the school; of greater service still, perhaps, was the influence which his personality exerted over both masters and boys. Until the war period the school, under his guidance, continued its notable record of successes, not least in scholarship examinations at Oxford and Cambridge … He has been succeeded by Mr C.M.E. Seaman.

The pupils are arranged in sets. Rapid promotion is assured for the brighter boys while careful watch can be kept on those of weaker attainments.

Date of report: 22 July 1947[1494]

Focus: art and technical subjects

Key findings/conclusions

Art: it is noted that the lack of suitable accommodation is a serious handicap and has prevented full development of the provision.

1491 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1943–44, at SGV-000097184, pp.222–5.

1492 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1944–45, at SGV-000097184, pp.234–5.

1493 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1945–46, at SGV-000097184, pp.247–9 and EDA-000000057.

1494 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1946–47, at SGV-000097184, pp.261–2.

Date of report: 3 August 1948[1495]

Focus: preparatory classes and science

Key findings/conclusions

These classes, nine in number, are accommodated in part of the main school premises at Henderson Row. At each stage of the three-year course provided, the pupils are graded according to ability. In all the sections, however, the boys were distinctly younger than those normally found in corresponding upper primary classes.

Skilful and experienced teaching had secured very creditable results in class IV.

The indifferent quality of the handwriting in many of the classes calls for attention.

Since the last inspection the staffing position has improved and conditions are practically normal.

Date of report: 21 July 1949[1496]

Focus: general; Latin, Greek; mathematics

Key findings/conclusions

It is proposed to allow boys in the fourth year and upwards who take the full classics or modern languages course to continue the study of science at least in a modified form. This is a commendable innovation since it obviates the need for an invidious choice between Greek or German and science; it should thus help to maintain the strong classical tradition of the school without the sacrifice of an adequate knowledge of science.

Accommodation is generally adequate and the premises and grounds are kept in good order.

The tone of the school was very good. The speech, manners and general bearing of the boys, and their performance under examination reflected much credit of the Rector and his staff.

Date of report: 10 August 1950[1497]

Focus: English, history, geography

Key findings/conclusions

English: ample evidence of careful work being done in oral examination. Weaknesses were evident in written composition and handwritings. Grammar was well understood.

History was carefully planned and regional and systemic geography was being developed satisfactorily.

1495 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1947–48, at SGV-000097184, pp.271–2.

1496 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1948–49, at SGV-000097184, pp.279–81.

1497 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1949–50, at SGV-000097184, pp.288–9.

Date of report: October 1951[1498]

Focus: French, German, science

Key findings/conclusions

French: at all stages there was evidence that formal grammar, development of vocabulary and understanding of written French were receiving adequate attention. There is need for more extensive oral practice.

Science: Dr Wightman has resigned to take up a university appointment. To the many pupils who passed through his hands, he gave a broad and stimulating outline of the progress of science and of its place in human affairs. The laboratories are very well equipped … there was a tendency for all sets to advance at the same pace; this pace, though well suited to the able boys, had adversely affected the progress of the less able, who would have benefitted from a less ambitious course and from a type of teaching in which free discussion plays a larger part.

Inspection … showed that too many boys had failed to realise that they had reached a stage where intensive study is necessary if success were to be attained in the examinations qualifying for admission to the professions.

Date of inspection: 3 and 4 June 1952

Date of report: 15 July 1952[1499]

Focus: school generally and classics

Key findings/conclusions

At the end of the last session Mr C.M.E. Seaman, who had been Rector of the school since 1945, left to take up a similar post in Bedford School. He had the difficult and intricate task of directing the fortunes of the school during the period of rehabilitation that followed the disturbances of the war years. This task he carried out with general acceptance and conspicuous success. The question of accommodation is engaging the attention of all who have the interests of the school at heart. The site of the existing premises, which were originally intended for 500 boys and now have to house 700, is too cramped to take additional buildings … When the time is opportune, it is intended to erect a new preparatory school on this site to accommodate boys aged seven to ten and those in the first year of the upper school.

The successful record of the school in winning university scholarships is being well maintained. Scholarships or exhibitions have recently been won in classics, mathematics, and science at Oxford and Cambridge, and in addition high places have been gained in Edinburgh University Bursary Competitions.

1498 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1950–51, at SGV-000097184, pp.292–3 and EDA-000000064.

1499 Scottish Education Department, Inspection report, The Edinburgh Academy, 15 July 1952, at SGV-000097166, pp.2–5.

Date of report: 27 July 1953[1500]

Focus: mathematics

Key findings/conclusions

The department is organised and the course is designed in order that the boys in the fifth year may be presented for the General Certificate of Education of the Oxford and Cambridge Examinations Board and in the sixth year for the Scottish Leaving Certificate Examinations. There is no special provision for boys who show little aptitude for mathematics. The need to cover the two different syllabuses … is in certain respects a handicap to the teachers, and the system of presentation for two external examinations in successive years, and the elaborate system of class tests which prevails, mean that examinations take on rather an undue prominence in the work of the department. Boys of moderate ability would derive greater benefit from less examining and more concentrated teaching on one syllabus. The ablest boys are at no disadvantage … In class IV, some of the boys were attempting a course for which they were quite unfitted.

Date of inspection: various dates in June 1954

Date of report: 16 August 1954[1501]

Focus: English; history; geography

Key findings/conclusions

English: Twelve masters share the instruction in English: two of these have specialist qualifications in the subject and are for most of their time engaged in teaching the more senior classes … weaknesses in spelling, punctuation, and handwriting to which attention drawn in the last report are still problems …

History: A group of well qualified teachers was operating a carefully planned scheme designed, among other things, to surmount the difficulty of preparing for both Scottish and English public examinations … The less academic pupils of the middle school continue to present something of a problem.

Geography: A higher standard of handwriting should be demanded.

Date of inspection: 10 May, 7 and 8 June 1955

Date of report: 26 July 1955[1502]

Focus: modern languages

Key findings/conclusions

French: Since the last report there have been several changes of staff. It was noted that some of the masters taking French with the youngest pupils have no specialist qualifications in the subject … It is suggested that, for the least able pupils, both the content of the course and the methods of teaching might be reconsidered.

German: Oral performances were somewhat uncertain.

1500 Scottish Education Department, Inspection report, The Edinburgh Academy, 27 July 1953, at SGV-000097166, pp.14–15.

1501 Scottish Education Department, Inspection report, The Edinburgh Academy, 16 August 1954, at SGV-000097166, pp.18–19.

1502 Scottish Education Department, Inspection report, The Edinburgh Academy, 26 July 1955, at SGV-000097166, pp.30–1.

Date of inspection: 4 and 5 June 1956

Date of report: 1 August 1956[1503]

Focus: science

Key findings/conclusions

There are signs that the need for more direct participation by the boys is being increasingly recognised, and greater effectiveness may confidently be expected as experience grows … In respect of equipment the school is on the whole very well provided. The laboratory accommodation, however, falls much short of a good standard, but a comprehensive scheme of improvement is being out in hand … The department … is lively and in very good heart. The success is clearly due in large measure to the inspiration and enthusiasm of the able principal teacher and the strong support he receives from the senior assistants.

Date of inspection: October 1958[1504]

[No report of this inspection has been made available to the Inquiry. The following is taken from a school report of an inspection.]

Focus: the whole school, from Denham Green to the Seventh Form, and every department except music

Key findings/conclusions

Denham Green: The main contention was that the system was too rigid for the best academic results. The best did not get on far enough; the slowest were overstrained. The English composition, as at Henderson Row, was too formal and more opportunity should be provided for free composition; fluency should be encouraged rather than precision of spelling, style and punctuation. To avoid the stigma of the C stream at this tender age, they suggested that classes might be named after the initial of the class mistress instead of A, B, C or that boys might be grouped, not according to attainment or intelligence, but according to the initial of their own surnames. The general feeling of the Staff was against such changes.

Henderson Row: The work in Art was highly praised, and the readiness of most boys to speak out was much appreciated.

Classics was very carefully organised. Staff work hard and have much to contribute.

French – staff prefer the more precise discipline required for the Oxford and Cambridge G.C.E.

Science – department described as being in tip-top condition, with a first-rate head and a keen lot of young assistants.

English – unduly concerned with examination demands but the tone of all classes attractive and the oral response keen and alert.

History – much interesting and thought-provoking work being done.

Art – the room is shockingly unsuitable for an aesthetic activity.

1503 Scottish Education Department, Inspection report, The Edinburgh Academy, 1 August 1956, at SGV-000097166, pp.36–8.

1504 The Edinburgh Academy, Summary of inspection, October 1958, at EDA-000000348, p.12.

Date of inspection: October 1958

[No report of this inspection has been made available to the Inquiry. The following is taken from a school report of an inspection.]

Workshop – room needs redecorating and suffers from a fall of dust when PT is going on overhead.

Physical Education – The Inspector disapproved profoundly of a PT directed by a Sergeant Major and advocated one, if not two, masters trained in Physical Education.

Date of inspection: four occasions between 16 May 1963 and 25 June 1963

Date of report: 12 July 1963[1505]

Focus: a survey of adequacy of dietary provided for boys at the preparatory school (boarders). Requested by the Secretary and Treasurer to the Governors

Key findings/conclusions

The survey could not be a quite straightforward comparison of requirements and their fulfilments, because most of the boys who are boarders had their midday dinner on weekdays at Henderson Row. On the assumption that what they were receiving there was not inferior in quantity and quality to the midday meals provided for the day boys and the few junior boarders, at Arboretum Road … Subject to the proviso above, the dietary was found to be adequate in all important respects.

The inspector noted in correspondence that 'difficulties prompting the request … could have been dealt with quickly and satisfactorily by discussion at the school between Caterer, Governors or their representatives, and teaching staff, without Departmental intervention. In my view, the arrangements whereby the Caterer's responsibility is not to the Rector but to the Governors … is a pity, and does not make for harmony and team spirit … The major defect, therefore, would seem, on the whole, to be one of relationships.'

Date of inspection: spring term 1967[1506]

Focus: School generally

Key findings/conclusions

In recent years various improvements and extensions have been made to the buildings. At Henderson Row the provision of a new classroom block and science laboratories together with other improvements has proved very beneficial. At Arboretum Road the new buildings for the preparatory department offer many splendid facilities and it is pleasing to record that full advantage is being taken of them. On the other hand, at Denham Green, the classrooms are too cramped to allow the full practice of the freer activities which are now an accepted part of the work of the earliest stages … The boys impressed very favourably by their readiness of response and their courtesy both inside and outside the classroom. Despite the scattered nature of the buildings, there is a strong spirit of unity throughout the school. The overall direction of the school is thoughtful and effective.

1505 Scottish Education Department, Inspection report, The Edinburgh Academy, 12 July 1963, at SGV-000097179, pp.19–20.

1506 Scottish Education Department, Inspection report, The Edinburgh Academy, Session 1966–67, at SGV-000097179, pp.38–9.

Date of inspection: October and November 1994

Date of report: 15 May 1995[1507]

Focus: This was part of a national sample of nursery, primary, and secondary education … Organisation, management, and support for pupils were inspected.

Key findings/conclusions

Accommodation and facilities for the nursery classes and Denham Green were very good. The Senior Prep building included excellent hall and stage facilities, good provision for physical education and music, and suitable specialist areas for science, technology, and computing. Classrooms were generally satisfactory but old desks and lack of sinks restricted flexible use.

Accommodation for the Upper School … was suitable overall for the purposes of learning and teaching, although furniture in some departments was unsatisfactory. Facilities for art and music were particularly good.

The following were positive features of the school as a whole:

- The school had clear and appropriate aims and objectives, set within a comprehensive and accurate development plan.
- The school enjoyed some excellent facilities including extensive grounds and playing fields.
- The school was generously staffed with well-qualified teachers who showed a high degree of commitment to the Academy and its pupils.
- Much of the teaching was sound and focused on building up pupils' self-confidence and sense of achievement.
- There was a strong sense of community throughout the school, with very good relationships between teachers and pupils and concern for the welfare of individuals.
- The extensive range of sporting and other activities such as the Duke of Edinburgh Award and the considerable commitment of staff time and energy to these activities were a particular strength of the school.

Within the Upper School:

- The developing system of guidance and pastoral care provided good support for pupils.
- Effective management systems were being developed which would enable the school to face future challenges.

Recommendations included:

- The review of the curriculum structure from Fourths to Sevenths should take account of the need for curricular breadth and balance and of the needs of pupils for whom a full programme of Higher Grades or A levels is not appropriate.
- The new system of guidance and pastoral care should be monitored by senior promoted staff, to ensure co-ordination of the programme of personal and social education and to ensure that heads of year have adequate time to fulfil the full range of their duties.

1507 Scottish Education Department, Inspection report, The Edinburgh Academy, 15 May 1995, at SGV-000097176, pp.17–53.

Date of inspection: October and November 1994

Date of report: 15 May 1995

- A school policy on learning support should be developed to clarify the respective roles of learning support teachers and subject teachers in meeting the needs of all pupils.
- An annual review of the progress of the departments should be introduced, as a basis for the introduction of departmental development plans and targets and to establish a climate of self-evaluation by departments.
- The allocation of resources to departments should be reviewed, particularly with regard to developing information technology across the school.

Within the whole school:

- The school development plan should be reviewed in the light of the new circumstances facing the school and of the recommendations of this report.
- Continued steps should be taken to achieve better liaison between the Preparatory School and the Upper School and to establish coherent and continuous programmes of study from 5–14.
- Practice across the school should be refined and harmonised with regard to planning, assessment, recording, reporting and the transfer of information.

Date of inspection: December 1996

Date of report: 4 March 1997[1508]

Focus: follow-up to the previous inspection of October/November 1994 and report of May 1995

Key findings/conclusions

In the period since 1995, the management of the school had undergone substantial changes, with the appointment of a new rector and of a new head and deputy head for the Preparatory School. The visit by HM Inspectors was to evaluate progress made in responding to the main recommendations of the earlier report.

The Preparatory School:

Recommendations have either been met, partially met, or considerable progress has been made, with work continuing.

The Upper School:

There should be further review of the curriculum, and of advice to parents, at Fourths and Fifths to promote courses of appropriate breadth and balance for all pupils. More needs to be done to meet this recommendation, although it has been necessary to defer decisions about the curriculum for Sixths and Sevenths in light of national development programmes affecting examination provision.

contd on next page

1508 Scottish Education Department, Follow-up to the inspection of The Edinburgh Academy, 4 March 1997, at SGV-000101861, pp.68–73.

Date of inspection: December 1996

Date of report: 4 March 1997

Meetings of the heads of year are now timetabled on a regular basis and are attended by the rector and the depute rector. Heads of year have been allocated appropriate non-contact time to allow them to fulfil a wider range of pastoral duties. The timetable for personal and social education classes has been reviewed to allow more co-ordinated and more flexible provision at each stage … There has been steady progress on this recommendation, although more remains to be done.

A draft policy document on learning support has been produced which clarifies the respective responsibilities of the learning support department and subject departments in meeting the needs of pupils. The draft policy should now be discussed with staff and implemented fully across the Upper School, with the support of senior promoted staff … There has been good progress in meeting this recommendation but more remains to be done.

There has been good progress in meeting the recommendation that an annual review of the progress of departments should be introduced, as a basis for the introduction of departmental development plans and targets to establish a climate of self-evaluation by departments.

There has been good progress in meeting the recommendation that the allocation of resources to departments should be reviewed particularly with regard to developing information technology across the school.

The whole school:

The school development plan has been fully reviewed and has taken full account of the recommendations of the inspection. Progress overall has been rapid and the recommendation has been met.

Considerable progress has been made in meeting the requirements of the recommendation that steps should be taken to achieve better liaison between the Preparatory School and the Upper School and to establish coherent and continuous programmes of study from 5–14. The rector of the Upper School and the head of the Preparatory School were clear that there should be no divide between the 2 establishments and had taken steps, including a weekly liaison meeting, to promote the combined nature of the school.

Much progress has been made to ensure practice across the school should be refined and harmonised with regard to planning, assessment, recording, reporting, and the transfer of information. Further improvements were an annual teachers' meeting to discuss transfer of information, and arrangements to pass on records of reading achievement from Preparatory to Upper School. Much progress has been made in addressing the various elements of this recommendation.

I am satisfied that the school has made good progress towards meeting most of the main recommendations in the report … No further visits will be made to the school in connection with this report.

Date of report: 23 January 2001[1509]

Focus: The care and welfare of residential pupils was inspected as part of a national sample of residential provision. It evaluated the effectiveness of pupil care and how well residential provision was managed.

Key findings/conclusions

The overall ethos of the boarding house was good. The girls' wing and the ground floor public rooms were attractive and welcoming. The upper floors of the boys' area had a more institutional feel. Pupils spoke positively of the interest taken by the housemaster and house staff.

Partnership with parents was good. The housemaster had produced a useful house handbook for parents, the key features of which were also available on the internet.

Procedures for ensuring that all overseas pupils had guardians should be improved.

Good-quality study bedrooms.

The quality of the heating was variable across bedrooms.

The overall provision of staff was fair.

Arrangements for pupils' safety, health, academic and spiritual needs were very good.

The school Pupil Handbook gave all pupils good advice on a range of welfare matters including child protection and anti-bullying.

The family atmosphere within the residence provided pupils with very good emotional support.

The overall quality of support for pupils was good … The housemaster had created effective communication links with the upper school staff but on occasions, teachers overlooked the need to keep house staff informed of relevant issues.

The overall management of pupil residential care was fair.

The school had good provision for staff development and review, but there was insufficient attention paid to reviewing the contribution made by the boarding staff. All teaching staff had been trained in child protection arrangements, but care was needed to ensure that other house staff were included in provision … staff needed more development opportunities to consider their approaches to residential issues.

Key strengths of pupil care:

- Contribution of pupils' care and welfare made by the housemaster, his wife and the house matrons.
- The homely, caring ethos of the residence.
- The good range of facilities provided within the boarding house.
- The overall quality of care for pupils who were well known as individuals.
- The good attention paid to promoting effective study habits.

1509 HMIe, Inspection of the care and welfare of residential pupils, The Edinburgh Academy, 23 January 2001, at SGV-000101861, pp.1–16.

Date of inspection: January 2003[1510]

Focus: HMIe visited the school in January 2003 to evaluate progress made in responding to the main points for action in the January 2001 report.

Key findings/conclusions

The school and Court of Directors had made good progress in addressing the main points for action, although more remained to be done. HMI will not make any further visits … in connection with the inspection report of January 2001.

Date of inspection: 25 February 2004[1511]

Focus: The inspection was part of the integrated inspection programme by the Care Commission and HM Inspectorate of Education. It focused on nursery provision for children aged two to five.

Key findings/conclusions

It was a positive report with a recommendation that review of the nursery's policies and procedures should take account of The Regulation of Care (Scotland) Act 2001.

Date of inspection: June 2005[1512]

Focus: Boarding provision was inspected as part of a programme of integrated inspections of mainstream school care accommodation services by the Care Commission and HMIe.

Key findings/conclusions

The inspection team identified the following key strengths:

- The mutually supportive and positive attitudes of the pupils.
- Imaginative support for the education and wellbeing of the boarders.
- The commitment of the rector, housemaster and house staff to boarders' care and welfare.

Pupils were very positive about the friendliness of the boarding houses. They felt safe and well cared for and appreciated the arrangements which allowed their parents to contact house staff easily … Most care staff thought they would benefit from further training and development.

Staff and pupils had created a very positive and welcoming ethos in the boarding houses. There was a notable sense of community. Staff and pupil morale was high. House staff provided pupils with a very good level of support and care. However, the limited number of senior staff meant that there were not always sufficient staff to facilitate pupils' activities at weekends or in the evenings.

1510 HMIe, Follow-up to the inspection of care and welfare of residential pupils, The Edinburgh Academy, January 2003, at SGV-000097183, pp.62–4.

1511 Care Commission and HMIe, Integrated inspection, The Edinburgh Academy Junior School Nursery, 25 February 2004, at SGV-000101861, pp.55–61.

1512 Care Commission and HMIe, Inspection report, The Edinburgh Academy, 25 October 2005, at SGV-000097177.

Date of inspection: June 2005

The school had an appropriate child protection policy in place and house staff demonstrated a good awareness and understanding of the procedure. However, a few staff had not received updated formal training in child protection. Incidents of bullying were dealt with quickly and sensitively. Pupils were provided with clear guidance with regards to boarding rules, routines and expected behaviour. Any incidents were suitably recorded and monitored by the rector and housemaster.

The school had a complaints policy which was available to all parents and pupils. Complaints were recorded appropriately in pupils' individual records.

The arrangements for pupils' personal and social development were very good.

The rector and housemaster in charge of boarding provided very good leadership. They were open and responsive to pupils' views. The depute rector provided strong support in the his role as child protection coordinator. The school had developed effective links between the Court of Directors and the boarding houses. The housemaster ran the boarding houses very effectively, with strong support from the matron. Staff in the boarding houses shared the school's strong commitment to meeting the needs of individual pupils. The housemaster was highly regarded by house staff.

The school had a safe recruitment procedure. There was no formal system in place to ensure that all staff received adequate training relevant to their roles and individual needs. Overall the school had a suitable range of policies and procedures in place to ensure the effective care and welfare of pupils.

The school had effective arrangements for evaluating the quality of its boarding provision.

Main points for action:

- Continue to improve accommodation, in particular the communal areas and corridors and the provision of showers in the boys' house.
- Develop a planned programme of continuous professional development for house staff, particularly in child protection.
- Extend approaches to self-evaluation to include pupils, parents and house staff more actively in the process.

Date of inspection: January 2006

Date of report: 9 May 2006[1513]

Focus: The inspection covered key aspects of the school's work at all stages in the junior and senior schools including the structure of the curriculum and pupils' achievements; quality of learning and teaching and pupil support; the environment for learning; the school's processes for self-evaluation and its overall effectiveness and capacity for improvement. Provision for boarding was not inspected.

Subjects: English; mathematics; modern languages; religious and moral education

Key findings/conclusions

The following were identified as key strengths:

- Pupils' high attainment in the junior and senior schools, including their very high performance in national examinations, and their broader achievements in the expressive arts, sport and outdoor activities.
- Very positive relationships between staff and pupils
- The school's very high expectations of pupils' achievements
- Close partnership with parents
- High quality of learning and teaching in the senior school
- Very strong leadership in both junior and senior schools
- Very effective planning for improvement in the junior school.

Parents felt there was mutual respect between teachers and pupils and that the school was well led. Almost all felt their children were treated fairly. Almost all pupils sampled enjoyed being at school and felt safe and secure. Staff expressed very positive views about almost all aspects of their work.

In both the junior and senior schools, the combination of small class sizes and the organisation of classes by prior attainment helped to ensure that pupils' learning needs were well met. The junior and senior schools provided very effective pastoral care for pupils and there were clear procedures for child protection … Both were very successful in developing pupils' confidence and self-esteem through the provision of an extensive range of activities.

In the junior school, the continuity and progression of pupils' learning in the formal programme for personal and social development (PSD) needed to be improved.

In both the junior and senior schools, staff had high expectations of pupils with additional support needs … The recently formed pastoral committee in the senior school was well placed to enhance further the school's overall approaches to identifying and meeting pupils' needs.

The Court of Directors provided strong strategic direction for the school.

Main points for action: The school and the Court of Directors should take account of the need to:

- improve leadership for learning from P4 to P6 in the junior school
- continue to develop the quality of the curriculum, learning and teaching in the junior school
- continue to develop consistent and rigorous approaches to self-evaluation in the senior school, in order to ensure continuous improvement and sharing of best practice
- continue to improve the security of the senior school.

1513 HMIe, Inspection report, The Edinburgh Academy, 9 May 2006, at EDA-000000047.

Date of letter: 12 June 2012[1514]

Focus: The visit was part of Education Scotland's professional engagement approach with independent schools. The visit was based firmly on the school's self-evaluation and the priorities identified for school improvement.

Key findings/conclusions

Children and young people are very positive about their school experience. The school has a very welcoming, supportive and inclusive atmosphere. A culture of mutual respect is evident in the positive relationships between staff and learners.

Support for learning: staff work very closely with teachers, learners and their parents to ensure that the very best support can be provided for individuals. The school nurses, doctor and counsellor also provide valuable support to the school.

Date of professional engagement visit: 27 February 2015[1515]

Focus: The visit was part of Education Scotland's professional engagement approach with independent schools and was to discuss recent allegations of historic abuse.

Key findings/conclusions

Education Scotland agreed to read through the Edinburgh Academy child protection and safeguarding policies and offer any helpful comments on areas for further development by the school.

It was noted that this was a very cordial meeting led by a confident and very open senior management team who are keen to remain very proactive in putting the highest quality child protection and safeguarding system in place for the benefit of all stakeholders in their care.

Requirements

The school will require a response from the link inspector to indicate whether we plan to make any further visits to the school as a result of this historic incident.

There is a need for all future QUIPEs to ensure a clear statement is in place regarding child protection and safeguarding procedures.

1514 Education Scotland, Letter to parents, 12 June 2012, at SGV-000097213 and Record of visit, Quality Improvement through Professional Engagement (QUIPE), 12 June 2012, at SGV-000097210, pp.1–10.

1515 Education Scotland, Independent schools, Establishment contact/visit note, at SGV-000097132.

Date of professional engagement visit: December 2016[1516]

Focus: The visit was part of Education Scotland's professional engagement approach with independent schools. The visit was based firmly on the school's self-evaluation and the priorities identified for school improvement.

Key findings/conclusions

Further to the Rector's email in September to HMIe's Link Inspector, Mrs Monaghan, providing her with the Quality and Standards Report produced within the School at that time, a meeting was held at which a full review was conducted of the progress of the School since last annual update meeting. Mrs Monaghan reported very positive feedback with regards to the way in which the School was addressing its own self-evaluation and monitoring of progress.

The school is working with SCIS to update their policy on Equality to include recommendations on the equality for all learners.

Date of professional engagement visit: 11 May 2021[1517]

Focus: Pastoral conversation by phone due to Covid pandemic restrictions.

Key findings/conclusions

Discussed the school's continued response to the Covid pandemic. The school has altered greatly the digital provision offered. There has been a large increase in staff now using digital learning. This will continue in future and staff see this change as an important gain for learners and teachers.

Date of professional engagement visit: 16 May 2022[1518]

Focus: The visit was part of Education Scotland's professional engagement approach with independent schools.

Key findings/conclusions

The headmaster, depute head and the senior leader in charge of child protection in the senior school shared the process and procedures they have in place to be well prepared for any child protection or safeguarding challenges. Staff participate in annual child protection training and sign that they have completed this work annually. We discussed how they can check the impact of the training in place. They use an outside auditor to complete a deep audit of all their systems. This session, there were no actions to be taken after the audit took place.

The use of a nurse and an additional administrator supports the work of pastoral care staff as they overtake any potential pupil challenges. The regular staff meetings, pastoral care meetings etc also provide strong intelligence for all staff who are the first line of guidance for every learner.

1516 Referred to in The Edinburgh Academy, Minutes of meeting of the Court of Directors of The Edinburgh Academy, 6 December 2016, at EDA-000000388, p.25, and Inspection self-evaluation form for child protection and safeguarding, 24 November 2016, at SGV-000097111.

1517 Education Scotland, Independent schools, Pastoral conversation by phone, 11 May 2021, at SGV-001033507.

1518 Education Scotland, Independent schools, Annual engagement visit record, 16 May 2022, at SGV-001031924; and Education Scotland, Independent schools, Pastoral conversation by phone, 16 May 2022, at SGV-001031927.

Date of professional engagement visit: 19 May 2023[1519]

Focus: The visit was part of Education Scotland's professional engagement approach with independent schools.

Date of inspection: January 2026[1520]

Focus: The inspection focused on four quality indicators which were evaluated as:

Leadership of change – Very Good

Learning, teaching and assessment – Very Good

Ensuring wellbeing, equality and inclusion – Very Good

Raising attainment and achievement – Excellent

Key findings/conclusions:

The following were identified as key strengths:

- The rector has skilfully developed a clear vision and direction for the school. This has resulted in a relentless focus on the development of the whole child, alongside a drive to ensure success for each individual.
- The headteacher of the junior school is highly effective. She fosters leadership of a consistently high standard at all levels. This is empowering the staff team to drive forward changes across the school which result in excellent outcomes for learners.
- Staff, children, young people and all stakeholders have a very well-developed sense of community across the school. This is underpinned by meaningful and very well considered school values, which supports an ethos of inclusion.
- Children and young people demonstrate very high levels of engagement with their learning and the wider life of the school. They are ambassadors for their school and demonstrate respect and compassion in their daily interactions.
- Children and young people sustain exceptional levels of attainment and achievement across the school over time.

The following areas for improvement were identified and discussed with the headteacher and a representative from the Court of Directors.

- Senior leaders across the school should strengthen their approaches to working together across the two school campuses. This will allow highly effective practice to be shared and embedded widely.
- Staff in the senior school should continue to define and embed consistently high-quality teaching approaches.

Fuller explanations are contained within the Summarised Inspection Findings.[1521]

Consideration was also given to safeguarding, as seen in the following passage.

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1519 Education Scotland, Email re Annual engagement visit of 19 May 2023, at SGV-001031933.

1520 HMIe, Inspection report, The Edinburgh Academy, 17 March 2026, at SGV-001038101.

1521 HMIe, Summarised inspection findings, The Edinburgh Academy, 17 March 2026, at SGV-001038102.

Date of inspection: January 2026

The school submitted self-evaluation information related to child protection and safeguarding. Inspectors discussed this information with relevant staff and, where appropriate, children and young people. In addition, inspectors examined a sample of safeguarding documentation. Areas for development have been agreed with the school and the Court of Directors.

It is not clear what was agreed, but a third document released by HMIe[1522] gives an indication of likely areas. Most responses were positive, but areas of concern remained. Children in both the Junior School (216) and Senior School (584), along with parents, were asked multiple questions and gave responses which reflected positive, negative, or don't knows. Some did not answer every question.

For example:

How my school deals with bullying:

- 50% of the junior pupils thought the school dealt well with bullying, while 6.48% did not. Only 34.26% had never experienced it.
- In the Senior School, 65.76% thought the school dealt well with bullying, while 9.59% did not. Only 21.92% had never experienced it.

My school helps me to feel safe:

- 87.04% of junior pupils agreed. 0.93% disagreed
- 91.10% of senior pupils agreed. 1.54% disagreed

I have someone in my school I can speak to if I am upset or worried about something:

- 79.63% of junior pupils agreed. 2.78% disagreed
- 87.51% of senior pupils agreed. 3.94% disagreed

1522 HMIe, Pre-inspection questionnaire summary report, The Edinburgh Academy, Inspection week: 19 January 2026, at SGV-001038100.

Table 11: Care Commission inspections, 2003–8

Date of inspection: November 2003 **Date of report: 25 February 2004**[1523]
Focus: The inspection was part of the integrated inspection programme by the Care Commission and HMIe. It focused on nursery provision for children aged two to five.
Key findings/conclusions It was a positive report with a recommendation that review of the nursery's policies and procedures should take account of the Regulation of Care (Scotland) Act 2001.

Date of inspection: June 2005 **Date of report: 25 October 2005**[1524]
Focus: Boarding provision was inspected as part of a programme of integrated inspections of mainstream school care accommodation services by the Care Commission and HM Inspectorate of Education.
Key findings/conclusions The inspection team identified the following key strengths: • The mutually supportive and positive attitudes of the pupils • Imaginative support for the education and wellbeing of the boarders • The commitment of the rector, housemaster, and house staff to boarders' care and welfare. Pupils were very positive about the friendliness of the boarding houses. They felt safe and well cared for and appreciated the arrangements which allowed their parents to contact house staff easily. Most care staff thought they would benefit from further training and development. Staff and pupils had created a very positive and welcoming ethos in the boarding houses. There was a notable sense of community. Staff and pupil morale was high. House staff provided pupils with a very good level of support and care. However, the limited number of senior staff meant that there were not always sufficient staff to facilitate pupils' activities at weekends or in the evenings. The school had an appropriate child protection policy in place, and house staff demonstrated a good awareness and understanding of the procedure. However, a few staff had not received updated formal training in child protection. Incidents of bullying were dealt with quickly and sensitively. Pupils were provided with clear guidance with regards to boarding rules, routines, and expected behaviour. Any incidents were suitably recorded and monitored by the rector and housemaster. The school had a complaints policy which was available to all parents and pupils. Complaints were recorded appropriately in pupils' individual records. The arrangements for pupils' personal and social development were very good.

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1523 Care Commission and HMIe, Integrated inspection, The Edinburgh Academy Junior School Nursery, 25 February 2004, at SGV-000101861, pp.55–61.

1524 Care Commission and HMIe, Inspection report, The Edinburgh Academy, 25 October 2005, at SGV-000097177.

Date of inspection: June 2005

Date of report: 25 October 2005

The rector and housemaster in charge of boarding provided very good leadership. They were open and responsive to pupils' views. The depute rector provided strong support in his role as child protection coordinator. The school had developed effective links between the Court of Directors and the boarding houses. The housemaster ran the boarding houses very effectively, with strong support from the matron. Staff in the boarding houses shared the school's strong commitment to meeting the needs of individual pupils. The housemaster was highly regarded by house staff.

The school had a safe recruitment procedure. There was no formal system in place to ensure that all staff received adequate training relevant to their roles and individual needs. Overall the school had a suitable range of policies and procedures in place to ensure the effective care and welfare of pupils.

The school had effective arrangements for evaluating the quality of its boarding provision.

Main points for action:

- Continue to improve accommodation, in particular the communal areas and corridors and the provision of showers in the boys' house.
- Develop a planned programme of continuous professional development for house staff, particularly in child protection.
- Extend approaches to self-evaluation to include pupils, parents, and house staff more actively in the process.

Date of report: 19 March 2007[1525]

Unannounced inspection which followed up on issues identified in the 2006 report. It involved discussion with the rector and deputy rector, the housemaster and matron of the boarding houses, and conversations with four pupils/senior boarders.

Key findings/conclusions

The school had recently reviewed its child protection policies and procedures. A designated member of staff has been identified to liaise with the teaching staff and the governors in relation to child protection.

All teaching, residential staff, and gap students have received updated training in relation to child protection through a special inset day. Staff were aware of their roles and responsibilities in relation to child protection. Domestic and ground staff have been involved in child protection training.

1525 Care Commission, Inspection report, The Edinburgh Academy, 19 March 2007, at CIS-000001038.

Date of report: 5 December 2007[1526]
Focus: child protection in the boarding accommodation for eight pupils over the age of sixteen. The girls are housed in Scott House and the boys in Jeffrey House.
Key findings/conclusions: • The service had a comprehensive child protection policy. Up-to-date practice guidelines were in place to inform staff regarding appropriate processes to follow and actions to be taken in the event of child protection issues arising. • Staff and students were aware of the child protection policies and procedures. • All staff had undertaken training in child protection issues. • Overall, staff demonstrated a very good awareness of individual pupils and their needs.

Date of report: 10 March 2008[1527]
Unannounced inspection focusing on child protection. It involved discussions with the housemaster and matron of boarding houses, and conversations with pupils/senior boarders.
Key findings/conclusions Final inspection of the school care accommodation as boarding ending at the end of the summer term 2008. No requirements or recommendations.

1526 Care Commission, Inspection report, The Edinburgh Academy, 5 December 2007, at CIS-000001037.

1527 Care Commission, Inspection report, The Edinburgh Academy, 10 March 2008, at CIS-000001054.

Appendix D – Breakdown of numbers of children at The Edinburgh Academy

All figures in this appendix are those provided by the school. No records are available for 1939–43.

Table 12: School roll, 1930–2004

Year	Senior School				Junior School/ Prep School Pupils	Total
	Boys		Girls			
	Boarders	Day	Boarders	Day		
1930	105	375	0	0	201	681
1931	105	378	0	0	198	681
1932	106	375	0	0	189	670
1933	96	377	0	0	192	665
1934	95	369	0	0	186	650
1935	91	381	0	0	181	653
1936	94	371	0	0	189	654
1937	106	354	0	0	183	643
1938	109	359	0	0	173	641
1944	105	238	0	0	237	580
1945	112	309	0	0	279	700
1946	94	359	0	0	296	749
1947	99	369	0	0	335	803
1948	100	366	0	0	332	798
1949	95	379	0	0	342	816
1950	109	378	0	0	344	831
1951	97	384	0	0	347	828
1952	111	393	0	0	352	856
1953	105	422	0	0	349	876
1954	113	426	0	0	368	907
1955	115	447	0	0	369	931
1956	107	473	0	0	360	940
1957	103	470	0	0	360	933
1958	114	482	0	0	359	955
1959	106	511	0	0	359	976
1960	117	499	0	0	365	981
1961	127	517	0	0	380	1,024
1962	124	551	0	0	360	1,035

Year	Senior School				Junior School/ Prep School Pupils	Total
	Boys		Girls			
	Boarders	Day	Boarders	Day		
1963	125	519	0	0	381	1,025
1964	125	518	0	0	371	1,014
1965	127	423	0	0	460	1,010
1966	143	419	0	0	465	1,027
1967	150	423	0	0	467	1,040
1968	153	432	0	0	463	1,048
1969	146	436	0	0	469	1,051
1970	155	437	0	0	467	1,059
1971	149	446	0	0	451	1,046
1972	154	444	0	0	454	1,052
1973	145	452	0	0	456	1,053
1974	147	473	0	0	453	1,073
1975	133	481	0	2	431	1,047
1976	126	471	0	9	436	1,042
1977	125	478	1	9	425	1,038
1978	139	501	3	10	400	1,053
1979	147	520	6	14	382	1,069
1980	118	535	1	16	380	1,050
1981	124	553	0	16	349	1,042
1982	89	561	1	11	347	1,009
1983	84	563	0	18	309	974
1984	76	564	0	20	302	962
1985	85	530	0	21	308	944
1986	71	537	0	19	305	932
1987	71	531	4	24	320	950
1988	72	482	4	26	338	922
1989	68	479	4	29	349	929
1990	73	459	4	27	356	919
1991	73	462	4	32	346	917
1992	54	436	3	31	327	851
1993	47	451	0	34	316	848
1994	44	443	0	31	334	852
1995	40	405	0	33	368	846

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Year	Senior School				Junior School/ Prep School Pupils	Total
	Boys		Girls			
	Boarders	Day	Boarders	Day		
1996	38	417	0	29	381	865
1997	32	413	0	30	376	851
1998	26	434	0	34	365	859
1999	17	412	0	32	383	844
2000	19	394	0	36	374	823
2001	15	420	0	33	380	848
2002	15	417	0	28	366	826
2003	23	422	0	29	380	854
2004	23	423	0	35	334	815

Table 13: School roll, 2005–14

Year	Boys		Girls		Total
	Boarders	Day (both schools)	Boarders	Day (both schools)	
2005	3	776	0	38	817
2006	14	775	0	28	817
2007	8	818	0	90	916
2008	1	821	0	174	996
2009	0	839	0	236	1,075
2010	0	722	0	326	1,048
2011	0	722	0	357	1,079
2012	0	642	0	341	983
2013	0	638	0	365	1,003
2014	0	631	0	355	986

Appendix E – Number of complaints, civil actions, police investigations, criminal proceedings, and applicants to SCAI

Table 14: Breakdown of numbers

Number of complaints made to The Edinburgh Academy relating to abuse or alleged abuse as at 30 June 2023 a) against staff b) against pupils	 44[1528] 104[1529]
Number of civil actions raised against The Edinburgh Academy relating to abuse or alleged abuse at the school as at 30 June 2023	24
Number of police investigations relating to abuse or alleged abuse at The Edinburgh Academy of which the school was aware as at 30 June 2023	2[1530]
Number of criminal proceedings resulting in conviction relating to abuse at The Edinburgh Academy of which the school was aware as at 30 June 2023	0
Number of SCAI applicants relating to The Edinburgh Academy	82

1528 One of the complaints was not reported by the Care Inspectorate, but was identified by the Inquiry on review of records supplied by the school.

1529 There were 103 incidents recorded in the school's anti-bullying register as at 2016 and one incident of peer abuse as at 2014.

1530 This number increased after the submission dated 30 June 2023.

Appendix F – Criminal proceedings

Three former teachers at The Edinburgh Academy have been successfully prosecuted for offences committed at the school. In the case of William Bain, his time at the Academy was brief and he continued to offend at other schools he moved on to. In the cases of John Brownlee and John 'Jake' Young, their offending reflects the length of their tenures and spans decades. The details below are in the order of prosecution.

Convictions of William Bain

William Bain worked as a physics teacher and later housemaster at Keil School, Dumbarton, from August 1987 to 2000, when the school closed.[1531] He had previously taught at The Edinburgh Academy and Robert Gordon's College in Aberdeen, and after Keil closed he taught briefly in England before moving to Glenalmond College in Perthshire. He has been convicted twice in Scotland, in the High Court, after pleading guilty to multiple charges of child abuse, once in 2016 and once in 2025. He first appeared at a Preliminary Diet at the High Court in Glasgow on 19 April 2016 on an indictment libelling nine charges.

He tendered guilty pleas as follows:

(1) on various occasions between 1 September 1989 and 9 April 1992, both dates inclusive, at Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN did, while in the course of your employment as teacher at said school, use lewd, indecent and libidinous practices and behaviour towards AAAAA, a pupil there born XX xxxx 1978, c/o Police Service of Scotland, Clydebank, place your hand under his clothing, pull down his lower clothing, handle his penis, masturbate him, induce him to handle your penis, place his penis in your mouth, penetrate his mouth with your penis and on an occasion you did induce him to attempt to penetrate your anus with his penis

(3) on various occasions between 1 July 1991 and 30 June 1993, both dates inclusive, at Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN did, while in the course of your employment as teacher at said school, use lewd, indecent and libidinous practices and behaviour towards BBBBB, a pupil there born XX xxxx 1979, c/o Police Service of Scotland, Clydebank, handle his body, pull down his lower clothing, handle his penis and masturbate him

(4) on various occasions between 15 December 1992 and 14 December 1995, both dates inclusive, at Keil School, Helenslee Road, Dumbarton and at a wooded area near to Loch Awe you WILLIAM GRAHAM RANNOCH BAIN did, while in the course of your employment as teacher at said school, use lewd, indecent and libidinous practices and behaviour towards CCCCC, a pupil there born XX xxxx 1981, c/o Police Service of Scotland, Clydebank, place your hand inside his clothing, handle his penis, masturbate him, encourage him to handle your penis, encourage him to masturbate you, place his penis in your mouth, penetrate his mouth with your penis and on an occasion induce him to penetrate your anus with his penis

1531 Keil School, Minutes of meeting of Governors, 27 August 1987, at KSC-000000047, p.51; Keil School, Written Opening Submissions, at KSC-000000147, p.8.

(5) on various occasions between 10 January 1992 and 9 January 1995, both dates inclusive, at Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN did, while in the course of your employment as a teacher at said school, use lewd, indecent and libidinous practices and behaviour towards DDDDD, a pupil there born XX xxxx 1981, c/o Police Service of Scotland, Clydebank, place your hand inside his clothing, handle his penis, masturbate him, induce him to handle your penis and masturbate you, place his penis in your mouth, penetrate his mouth with your penis and induce him to penetrate your anus with his penis

(8) on various occasions between 20 August 1992 and 19 August 1994, both dates inclusive, at Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN did, in the course of your employment as a teacher there, use lewd, indecent and libidinous practices and behaviour towards EEEEE, a pupil there, born XX xxxx 1980, c/o Police Service of Scotland, Clydebank, place your hand inside his clothing, handle his body, handle his penis, masturbate him, enter the room he slept in and on an occasion you did attempt to induce him to place his penis in your mouth

The Crown also accepted his pleas of not guilty to one charge of sodomy and three charges of lewd, indecent, and libidinous practices and behaviour dating from the 1990s, again at Keil School.

On 17 May 2016 Bain was sentenced to six years and six months' imprisonment *in cumulo*.[1532] The sentence was discounted from a starting figure of eight years six months to reflect the pleas of guilty. He was made subject to the notification requirements of the Sexual Offences Act 2003 indefinitely.

Following his having provided written and oral evidence to the Inquiry, the latter in October 2021, Bain was charged with having committed other offences whilst working as a teacher in the employment of boarding schools. On 30 June 2025 he appeared at Glasgow High Court and tendered pleas of guilty as follows:

(005) on an occasion between 1 January 1978 and 31 July 1979, both dates inclusive, at the school premises occupied by Edinburgh Academy at 42 Henderson Row, Edinburgh you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards Philip … Dundas, born XX xxxx 1965, then aged 12 or 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow, and did induce him to enter a classroom alone with you and did stand between his legs, touch his chest and utter a sexual and indecent remark to him

(007) on various occasions between 1 January 1979 and 30 June 1979, both dates inclusive, at the school premises occupied by Edinburgh Academy, Scott House, Kinnear Road, Edinburgh you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards FFFFF, born XX xxxx 1965, then aged 13, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow, and did induce him to enter your study alone with you and touch his penis and masturbate him, and on one occasion you did compel him to touch your penis and masturbate you

(008) on an occasion between 1 January 1985 and 28 February 1985, both dates inclusive, at the school premises occupied by Robert Gordon College, Albyn Terrace, Aberdeen

1532 A sentence said to be *in cumulo* is an overall sentence that is given for offences that arise as a course of conduct or where multiple offences arise from the same incident.

you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards GGGGG, born XX xxxx 1973, then aged 11 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow, and did induce him to enter your private room alone with you, place your arm around his shoulders, hold him close to your body, touch and rub his leg, and stare at him

(012) on various occasions between 1 August 1987 and 30 June 1988, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards HHHHH, born XX xxxx 1975, then aged 12 or 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow, and did seize him, lift him onto a workbench, place him on his back, embrace him, restrain him, and touch him on the body

(014) on various occasions between 1 August 1988 and 18 June 1991, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton and in the course of trips around Scotland, the exact locations being unknown to the Prosecutor, you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards 'Ferguson', born XX xxxx 1977, then aged between 11 and 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow, and did approach him from behind, press and rub your penis against his body, massage his body, touch and rub his penis and watch him and other pupils as they showered

(016) on various occasions between 1 August 1990 and 30 June 1991 at the school premises occupied by Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards IIIIII, born XX xxxx 1979, then aged 11 or 12 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow, and did expose your penis to him, touch and seize his genitals, approach him from behind, seize his genitals, press your penis against his body, watch him and another male pupil while they were bathing, and utter sexual and indecent remarks to him

(018) on various occasions between 1 August 1991 and 5 July 1992, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did indecently assault JJJJJ, born XX xxxx 1978, then aged 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow, and did touch his penis, masturbate him and utter sexual and indecent remarks to him

(020) on various occasions between 1 August 1991 and 8 July 1993, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards KKKKK, born XX xxxx 1979, then aged 12 or 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow, and did seize him, embrace him, pull him on to your lap, press your chin against his neck, and press your penis against his body

(023) on various occasions between 1 August 1991 and 30 June 1993, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton you

WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did indecently assault LLLLL, born XX xxxx 1977, then aged between 14 and 16 years, a pupil in your care and now c/o Police Service of Scotland, Hawthorn Street, Glasgow, and did touch his genitals

(024) on various occasions between 1 August 1996 and 30 June 1998, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards MMMMM, born XX xxxx 1984, then aged between 11 and 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow, and did masturbate him and expose his penis, cause him to penetrate your mouth with his penis and cause him to ejaculate in your mouth

(025) on various occasions between 1 August 1996 and 26 February 1999, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton, at McDonalds, Dalry Road, Edinburgh, and in a motor vehicle at an unknown location in Dumbarton or elsewhere you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards NNNNN, born XX xxxx 1985, then aged between 11 and 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street Glasgow, and did place your arm around him, pull him towards you and whisper in his ear, utter sexual and indecent remarks to him, gesticulate at him in a sexual manner and invite him to touch your penis

The Crown accepted his pleas of not guilty to seventeen other charges: three charges of lewd, indecent, and libidinous practices and behaviour and two assaults at The Edinburgh Academy between 1976 and 1979; one charge of lewd, indecent, and libidinous practices and behaviour and one charge of indecent assault at Robert Gordon's College in Aberdeen between 1985 and 1987; three charges of lewd, indecent, and libidinous practices and behaviour, four indecent assaults, and a contravention of section 12 of the Children and Young Persons (Scotland) Act 1937 (providing alcohol to a minor) at Keil School between 1987 and 2000; and two breaches of section 34(2) of the Sexual Offences (Scotland) Act 2009 (making sexual and indecent comments) involving pupils at Glenalmond College between 2011 and 2013.

On 30 June 2025 Bain was sentenced to nine years' imprisonment *in cumulo*. The sentence was discounted from a starting figure of 10 years to reflect the pleas of guilty. He was again made subject to the notification requirements of the Sexual Offences Act 2003 indefinitely.

In his remarks when sentencing William Bain on 30 June 2025, Lord Young included the following:

> It is sufficient in these sentencing remarks to note that the sexual offending included touching over and under their clothing; direct touching of their genitals; making sexual remarks to them; watching them shower; pressing your penis against them; masturbating them or compelling them to masturbate you; and, in one instance, orally abusing your victim. These children were entrusted by their parents to these schools. They ought to have been nurtured and educated in a safe environment. Instead, it seems that, throughout your career as a teacher, you used your position of authority to pursue your own sexually deviant interests. It is apparent from the charges that you preyed on young boys at or around the age of puberty when they would be fairly new to each school. The agreed narrative indicates that some of your victims were especially vulnerable

being homesick or lonely or feeling bullied. As a teacher and house master with pastoral responsibilities, your offending can only be viewed as a gross abuse of trust …

I have been provided with a number of Victim Impact Statements. The passage of time has not resolved the damage that your behaviour caused. Your victims talk about feeling alone and lost; feeling that they were to blame; and that they could not tell anyone at the time since they thought no-one would believe them. They describe a terrible legacy in terms of the effects on their mental health and relationships. It is a reasonable assumption that many, if not most, of the other victims for whom I don't have victim impact statements will also have suffered comparable psychological harm as a direct result of what you did to them.[1533]

On 26 August 2025 the Court of Criminal Appeal reduced the sentence to 7 years and 73 days, on the basis that looking at both indictments together 'the combined total of the headline sentences – 18 years 6 months – would have been excessive if the appellant had been sentenced for all of the offences at the same time'.[1534]

Prosecution of John Brownlee and outcome of examination of facts

John Brownlee worked at The Edinburgh Academy's Prep School between 1964 and 1995, and was deputy head there for 25 years from 1970. He was housemaster of the junior boarding house, Dundas, for 11 years between 1972 and 1983. Aged 89, he was prosecuted in 2024 on a Sheriff Court indictment originally libelling 37 charges. Due to John Brownlee's advanced Alzheimer's disease, he was not fit for trial and was unable to participate. The case proceeded by way of an examination of facts and he was represented. After evidence was led, the sheriff found 32 charges established, committed between 1967 and 1991, as set out below:

(002) on various occasions between 1 September 1971 and 1 September 1972, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault Nicholas Campbell, born XX xxxx 1961, c/o Police Service of Scotland and did repeatedly strike him on the body with a wooden bat known as a clacken and a table tennis bat or similar implements and did seize him by the neck, push him to the ground and repeatedly strike him on the head with your hand

(003) on various occasions between 1 September 1969 and 1 September 1971, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault AAAAA, born XX xxxx 1960, c/o Police Service of Scotland and did throw a piece of wood or similar object at him, slap and kick him and repeatedly strike him on the body with a wooden bat known as a clacken or similar implement

(004) on an occasion between 11 August 1969 and 10 August 1972, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault BBBBB, born XX xxxx 1960, c/o Police Service of Scotland and did cause him to stand on a gym mat, slap him on the head and punch him on the body whereby he lost consciousness

(005) on various occasions, between 1 September 1969 and 1 September 1971, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON

1533 HMA v William Bain.

1534 Bain v HMA (2025) HCJAC 42, paragraph [10].

BROWNLEE did assault CCCCC, born XX xxxx 1960, c/o Police Service of Scotland and did repeatedly strike him on the body with a wooden bat known as a clacken or similar implement

(006) on various occasions between 1 September 1969 and 1 September 1971, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault DDDDD, born XX xxxx 1960, c/o Police Service of Scotland and did repeatedly strike him on the body with a wooden bat known as a clacken or similar implement and kick him on the body

(007) on an occasion between 1 September 1971 and 1 September 1972, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault EEEEE, born XX xxxx 1961, c/o Police Service of Scotland and did repeatedly strike him on the body with a wooden bat known as a clacken or similar implement

(008) on various occasions between 1 September 1971 and 1 September 1973, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault FFFFF, born XX xxxx 1962, c/o Police Service of Scotland and did seize him by the hair and lift him to his feet, kick him on the body and repeatedly strike him on the body with a wooden bat known as a clacken or similar implement to his injury

(009) on various occasions between 1 September 1972 and 1 September 1974, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault GGGGG, born XX xxxx 1961, c/o Police Service of Scotland and did seize hold of him, lift him out of his seat and kick him on the body to his injury

(010) on various occasions between 1 September 1973 and 1 September 1974, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault HHHHH, born XX xxxx 1962, c/o Police Service of Scotland and did repeatedly kick him on the body, compel him to place his head inside a cubby hole and strike him on the body with a wooden bat known as a clacken or similar implement to his injury

(011) on various occasions between 1 September 1972 and 1 September 1975, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault IIIII, born XX xxxx 1963, c/o Police Service of Scotland and did compel him to pull down his lower clothing and expose his buttocks, repeatedly strike him on the body with a wooden bat known as a clacken and a cricket bat or similar implements, hold his hands behind his back and tell him to run, seize him by the hair, pull him from a chair and drag him, all to his injury

(012) on an occasion between 1 September 1972 and 1 September 1973, both dates inclusive, at The Edinburgh Academy Preparatory School, Dundas House, 2 Kinnear Road, Edinburgh you JOHN WILSON BROWNLEE did assault JJJJJ, born XX xxxx 1962, c/o Police Service of Scotland and did repeatedly strike him on the body with a wooden bat known as a clacken or similar implement

(013) on various occasions between 1 September 1973 and 1 September 1975, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault KKKKK, born XX xxxx 1964, c/o Police Service of Scotland and did punch him to the head, knock him to the floor there, seize the said KKKKK by the ear and lift

him to his feet, force your knuckles into the back of his neck, call him to the front of the classroom there and push his head against the blackboard, kick him on the body and did seize the said KKKKK by the clothing at his neck, force him into a cupboard there, lock him within said cupboard for a prolonged period of time and thereafter did seize him by the ear and twist his ear

(014) on various occasions between 1 September 1972 and 31 July 1974, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault LLLLL, born XX xxxx 1962, c/o Police Service of Scotland and did make derogatory and homophobic remarks to him, force his arms behind his back, repeatedly strike him on the body with a piece of wood or similar implement, seize hold of him, lift him out of his seat, hold him over a staircase and repeatedly kick him on the body, all to his injury

(015) on various occasions between 1 September 1974 and 31 July 1975, both dates inclusive, at The Edinburgh Academy Preparatory School, Dundas House, 2 Kinnear Road, Edinburgh and The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault MMMMM, born XX xxxx 1965, c/o Police Service of Scotland and did repeatedly strike him to the body with a wooden bat known as a clacken or similar implement

(016) on various occasions between 1 September 1975 and 1 September 1976, both dates inclusive, at The Edinburgh Academy Preparatory School, Dundas House, 2 Kinnear Road, Edinburgh you JOHN WILSON BROWNLEE did assault NNNNN, born XX xxxx 1966, c/o Police Service of Scotland and did slap him on the wrist, shout in an aggressive manner, seize him by the body, pull his arm, drag him from his bed, bend him over a chest of drawers there and repeatedly strike him to the body with a wooden bat known as a clacken or similar implement, make derogatory remarks to the said NNNNN, compel him to remove his clothing and sit in a bath of cold water, compel him to bend over the bath tub there while in a state of undress and did repeatedly strike him to the body with a wooden bat known as a clacken or similar implement, seize the said NNNNN by the collar of his pyjamas while he was in bed there, drag him from a room, conduct yourself in an aggressive manner, compel him to bend him over and did repeatedly strike the said NNNNN to the body with a wooden bat known as a clacken or similar implement, to his injury

(017) on various occasions between 1 September 1976 and 1 September 1978, both dates inclusive, at The Edinburgh Academy Preparatory School, Dundas House, 2 Kinnear Road, Edinburgh you JOHN WILSON BROWNLEE did assault OOOOO, born XX xxxx 1968, c/o Police Service of Scotland and did seize him by the clothing at his neck, twist said clothing and choke him whereby he lost consciousness, force your knuckles into the back of his neck, force his arms behind his back, compel him to pull down his lower clothing and expose his buttocks, repeatedly strike him on the body with a wooden bat known as a clacken or similar implement, compel him to remove his clothing and sit in a bath of cold water and push his head under water to his injury

(018) on various occasion between 1 September 1976 and 31 July 1978, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road and Dundas House, 2 Kinnear Road, both Edinburgh you JOHN WILSON BROWNLEE did assault PPPPP, born XX xxxx 1968, c/o Police Service of Scotland and did strike his head against a desk and a wall, seize him by the clothing at his neck, twist said clothing and choke him, press your knuckle against

his neck, lift him up and swing him around, kick him on the body, throw him against a wall, repeatedly strike him on the body with a wooden bat known as a clacken or similar implement and push him whereby he fell down a flight of stairs, all to his injury

(019) on various occasions between 1 September 1978 and 1 September 1980, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault QQQQQ, born XX xxxx 1969, c/o Police Service of Scotland and did seize him by the clothing at his neck, twist said clothing and choke him and press your knuckle against his neck

(020) on various occasions between 1 September 1978 and 12 May 1980, both dates inclusive, at The Edinburgh Academy Preparatory School, Dundas House, 2 Kinnear Road, Edinburgh you JOHN WILSON BROWNLEE did assault RRRRR, born XX xxxx 1968, c/o Police Service of Scotland and did compel him to pull down his lower clothing and expose his buttocks, repeatedly strike him on the body with a wooden bat known as a clacken or similar implement, compel him to sit in a bath of cold water, repeatedly punch him on the head, repeatedly kick him on the body and strike him on the body with a leather strap or similar implement to his injury

(021) on various occasions between 12 September 1978 and 1 September 1981, both dates inclusive, at The Edinburgh Academy Preparatory School, Dundas House, 2 Kinnear Road, Edinburgh you JOHN WILSON BROWNLEE did assault SSSSS, born XX xxxx 1970, c/o Police Service of Scotland and did seize him by the clothing at his neck, twist said clothing and choke him and pull his hair with a metal comb causing him to fall to the ground

(022) on various occasions between 1 September 1978 and 1 September 1979, both dates inclusive, at The Edinburgh Academy Preparatory School, Dundas House, 2 Kinnear Road, Edinburgh you JOHN WILSON BROWNLEE did assault TTTTT, born XX xxxx 1967, c/o Police Service of Scotland and did pull his hair with a metal comb, seize him by the hair, repeatedly strike him on the body with a wooden bat known as a clacken or similar implement, rub his buttocks with your hand, compel him to sit in a bath of cold water and push his head under water to his injury

(023) on various occasions between 1 September 1979 and 14 August 1981, both dates inclusive, at The Edinburgh Academy Preparatory School, Dundas House, 2 Kinnear Road, Edinburgh you JOHN WILSON BROWNLEE did assault UUUUU, born XX xxxx 1970, c/o Police Service of Scotland and did seize him by the clothing at his neck, pull on said clothing, causing him to choke, force your knuckles into the back of his neck and repeatedly strike him to the body with a table tennis bat, a snooker cue and a wooden bat known as a clacken, or similar implements to his injury

(024) on various occasions between 1 September 1978 and 14 August 1981, both dates inclusive, at The Edinburgh Academy Preparatory School, Dundas House, 2 Kinnear Road, Edinburgh you JOHN WILSON BROWNLEE did assault VVVVV, born XX xxxx 1970, c/o Police Service of Scotland and did repeatedly strike him on the body with a wooden bat known as a clacken or similar implement, kick him on the body and force your knuckles into the back of his neck to his injury

(026) on various occasions between 9 September 1980 and 1 September 1983, both dates inclusive, at The Edinburgh Academy Preparatory School, Dundas House, 2 Kinnear Road, Edinburgh you JOHN WILSON BROWNLEE did assault Giles Moffat, born XX xxxx 1972, c/o Police

Service of Scotland and did compel him to bend over with his head under a snooker table, repeatedly strike him on the body with a snooker cue, seize hold of him, force your knuckles into the back of his neck, force him to the floor, seize him by the clothing, repeatedly punch and kick him on the body, make homophobic remarks about his clothing, repeatedly strike him on the body with a wooden bat known as a clacken or similar implement, lock him in a shed, pull his hair and drag him across the floor to his injury

(027) on an occasion between 1 September 1981 and 1 September 1982, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault WWWWW, born XX xxxx 1973, c/o Police Service of Scotland and did secure his neck tie to the window blinds there and let the blinds fall, cause the neck tie to begin to tighten around his neck, and place the said WWWWW in a state of fear and alarm

(030) on various occasions between 1 April 1981 and 31 July 1982, both dates inclusive, at The Edinburgh Academy Preparatory School, Dundas House, 2 Kinnear Road, Edinburgh you JOHN WILSON BROWNLEE did assault XXXXX, born XX xxxx 1971, c/o Police Service of Scotland and did strike him on the hand with a wooden bat known as a clacken or similar implement, force your knuckles into the back of his neck and seize hold of him by the shoulders, to his injury

(031) on an occasion between 1 September 1982 and 1 September 1986, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault YYYYY, born XX xxxx 1975, c/o Police Service of Scotland and did repeatedly strike him on the body with a wooden bat known as a clacken or similar implement

(033) on various occasions between 1 September 1984 and 1 September 1986, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault ZZZZ, born XX xxxx 1975, c/o Police Service of Scotland and did seize him by the hair, drag him, force his head into a cubby hole, strike him on the body with a wooden bat known as a clacken or similar implement, seize him by the hair and pull him to his feet, bend his fingers back, force his arm behind his back, seize hold of him, force him to bend over and kick him on the body, to his injury

(034) on various occasions between 1 September 1985 and 1 September 1986, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault AAABB, born XX xxxx 1976, c/o Police Service of Scotland and did call him derogatory names, encourage others to call him derogatory names, seize him by the clothing, drag him, choke him, throw him to the ground, repeatedly kick him on the body, force your knuckles into his body, push him, compel him to put his head into a cubby hole and repeatedly strike him on the body with a wooden bat known as a clacken or similar implement, to his injury

(035) on an occasion between 1 September 1985 and 1 September 1986, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, Edinburgh you JOHN WILSON BROWNLEE did assault AAACC … born XX xxxx 1975, c/o Police Service of Scotland and did bend him over a desk and repeatedly strike him on the body with a wooden bat known as a clacken or similar implement

(036) on various occasions between 2 February 1967 and 1 September 1991, both

dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road, and Dundas House, 2 Kinnear Road, both Edinburgh you JOHN WILSON BROWNLEE did assault BC, BD, BE, BF and other children who were pupils there, the identities of some of the said children being to the prosecutor unknown and did strike them on the body with a wooden bat known as a clacken and a golf club or similar implements, force them to place their heads inside a cubby hole, seize hold of children, force their heads into a cupboard, forcefully close a sliding door and pull the children's heads back, seize them by their clothing at the neck, twist said clothing and choke them, force your knuckles and thumb into the back of their necks, place them in a headlock and choke them, kick them on the body, push their heads against desks and walls, strike them on the head with a book, pull their hair with a metal comb, seize them by the hair, pull them from their chairs, twist a necklace and choke a pupil and lift him, lift them up from behind using a snooker cue or similar implement to lever their arms, to their injury

(037) on various occasions between 2 February 1967 and 7 February 1987, both dates inclusive, at The Edinburgh Academy Preparatory School, 10 Arboretum Road and Dundas House, 2 Kinnear Road, both Edinburgh you JOHN WILSON BROWNLEE did cruelly and unnaturally treat the children referred to in charges (001) to (035) hereof and other children who were pupils there, the identities of some of the said children being to the Prosecutor unknown, all of whom were in your care and did (a) humiliate them for soiling their underwear, mock them, show their soiled underwear to their peers, call them derogatory names, and encourage other children to emotionally abuse and bully them, (b) compel them to sit in baths of cold water and then, on occasion, drag them under a hot shower, all in the presence of their peers, (c) punish them by causing them to dig the garden during winter, all without proper clothing and exposing them to the cold, (d) punish them by locking them in an outside shed for prolonged periods of time, without access to a toilet and exposing them to the cold, (e) utter derogatory comments towards a child, compel him to lie on the floor at the front of class, simulate jumping up and down on the child and mock him in the presence of his peers, (f) instruct a child to stand in the back garden of the premises there, cause other children to watch while you compelled him to remove his clothing, place a hose pipe between his buttocks, turn on the water tap so that water soaked him and utter derogatory remarks, (g) read their correspondence, act in an intimidating manner, brandish a snooker cue or other similar item and strike it against tables and bannisters there, all while in the presence of children and did place them in a state of fear and alarm, whereby said children were caused unnecessary suffering and injury to their health.

No written findings were made by the sheriff, who did not take any further action. A note of his remarks at the conclusion of the case was published on the judiciary website.[1535] It included the following observations:

> This conduct is alleged to have been committed a number of years ago. The defence has raised the issue that if it did happen at least some of the conduct was carried out as a result of requiring to discipline the complainers. At the time we are considering actions which otherwise would amount to assaults would not amount to assaults in law if what was done amounted to reasonable chastisement, or were what is sometimes described as a justifiable assault.
>
> Teachers were entitled to use force for the purpose of disciplining children, but that force had to be moderate, and not inspired by

1535 HMA v John Brownlee note by Sheriff Ian Anderson.

vindictiveness. All the circumstances have to be considered including the age of the child and the way punishment was applied.

In considering whether what was done amounted to reasonable chastisement I have to exercise care. If a physical act was administered as a punishment, I have to consider whether the Crown has proved it went beyond what was reasonable and I have to judge that not by reference to today's standards but rather by reference to the standards at the time the offences were allegedly carried out.

In my opinion it is clear that none of the events alleged in this case could have amounted to reasonable chastisement. Many of them could never be considered in that category and those that might have been went beyond what would have been reasonable at the time bearing in mind the age of the boys and the excessive force used. If these actions took place they were assaults.

Prosecution of John 'Jake' Young and outcome of examination of facts

John 'Jake' Young taught PE at The Edinburgh Academy from 1963 to 1993. Aged 91, he was prosecuted in 2025 on a Sheriff Court indictment which originally libelled 54 charges. Due to his poor health he was not medically fit for, or able to participate in, a trial. As a result the case proceeded by way of an examination of facts at which he was represented. After evidence was led, the sheriff found 26 charges established, as set out below:

(001) on various occasions between 1 August 1966 and 18 May 1973, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did use lewd, indecent and libidinous practices and behaviour towards AAAAA, born XX xxxx 1959, c/o Police Service of Scotland in that you did strike him on the genitals with a towel

(005) on various occasions between 29 January 1974 and 12 July 1978, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did conduct yourself in a disorderly manner, direct BBBBB, born XX xxxx 1960, c/o Police Service of Scotland to look at the other children whilst they showered naked, make comments about their bodies to him, refuse to excuse from participating in classes on medical grounds and direct derogatory comments towards the said BBBBB about his appearance and commit a breach of the peace

(006) on an occasion between 1 September 1971 and 28 January 1974, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did assault BBBBB, born XX xxxx 1960, c/o Police Service of Scotland and did repeatedly strike him on the buttocks with a cricket bat or similar implement to his injury

(009) on an occasion between 15 May 1973 and 16 May 1974, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did assault CCCCC, born XX xxxx 1959, c/o Police Service of Scotland and did instruct him to remove his lower clothing and repeatedly strike him on the body with a cricket bat or similar implement to his injury

(010) on various occasions between 1 September 1971 and 31 August 1975, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh and elsewhere you JOHN YOUNG did assault DDDDD, born XX xxxx 1960, c/o Police Service of Scotland and strike him on the body with a megaphone or similar implement causing him to fall to the ground to his injury

(013) on an occasion between 11 January 1974 and 1 July 1976, both dates inclusive, at The Edinburgh Academy, 42 Henderson

Row, Stockbridge, Edinburgh you JOHN YOUNG did use lewd, indecent and libidinous practices and behaviour towards EEEEE, born XX xxxx 1964, c/o Police Service of Scotland and did seize him by the genitals and compress same

(014) on various occasions between 11 January 1974 and 31 May 1981, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did assault EEEEE, born XX xxxx 1964, c/o Police Service of Scotland and did brandish a cricket bat or similar implement towards him and, whilst providing first aid to an injury on his face, you did forcefully remove skin from his lip to his injury

(015) on an occasion between 1 August 1982 and 31 May 1989, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did assault FFFFF, born XX xxxx 1971, c/o Police Service of Scotland and did seize him on the body, pin his arm behind his back, pull and push him on the body, seize him by the collar and repeatedly strike him on the head with a clipboard or similar implement and your hands

(016) on various occasions between 1 August 1982 and 11 June 1985, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did use lewd, indecent and libidinous practices and behaviour towards FFFFF, born XX xxxx 1971, c/o Police Service of Scotland and did pull out his shorts whilst he was not wearing underwear thereby exposing his genitals to you and make comments about his body to him

(017) on various occasions between 12 June 1985 and 11 June 1987, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did indecently assault FFFFF, born XX xxxx 1971, c/o Police Service of Scotland and did pull out his shorts whilst he was not wearing underwear and thereby expose his genitals to you

(019) on an occasion between 1 August 1976 and 31 December 1977, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did assault GGGGG, born XX xxxx 1965, c/o Police Service of Scotland and did strike him on the head with a wooden implement

(020) on various occasions between 1 January 1979 August 1982 and 17 June 1982, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did use lewd, indecent and libidinous practices and behaviour towards HHHHH, born XX xxxx 1968, c/o Police Service of Scotland and did look inside his shorts whilst he was not wearing underwear and his genitals were exposed

(022) on various occasions between 1 September 1983 and 31 May 1990, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did assault IIIII, born XX xxxx 1973, c/o Police Service of Scotland and did throw a basketball towards his head

(025) on various occasions between 1 January 1984 and 30 June 1986, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did use lewd, indecent and libidinous practices and behaviour towards JJJJJ, born XX xxxx 1972, c/o Police Service of Scotland and did look inside his shorts whilst he was not wearing underwear and his genitals were exposed and did instruct him to remove his gym shorts so that he was naked and instruct other children to throw items at him while he was naked

(027) on various occasions between 6 November 1986 and 7 July 1988, both

dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did conduct yourself in a disorderly manner and look inside the shorts of KKKKK, born XX xxxx 1972, c/o Police Service of Scotland, whilst he was not wearing underwear and his genitals were exposed, and commit a breach of the peace

(031) between 15 August 1986 and 14 August 1992, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did assault LLLLL, born XX xxxx 1975, c/o Police Service of Scotland and on an occasion repeatedly punch him on the head and body whilst holding a sponge ball

(032) on various occasions between 15 August 1986 and 14 August 1989, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did use lewd, indecent and libidinous practices and behaviour towards LLLLL, born XX xxxx 1975, c/o Police Service of Scotland and pull his shorts and thereafter look inside his shorts whilst he was not wearing underwear and his genitals were exposed and make comments about other children's bodies in his presence

(033) on various occasions between 15 August 1989 and 14 August 1992, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did conduct yourself in a disorderly manner towards LLLLL, born XX xxxx 1975, c/o Police Service of Scotland and make comments about other children's bodies in his presence and commit a breach of the peace

(034) on various occasions between 15 August 1989 and 13 August 1990, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did indecently assault LLLLL, born XX xxxx 1975, c/o Police Service of Scotland and did pull his shorts and look inside his shorts whilst he was not wearing underwear and his genitals were exposed

(035) on an occasion between 1 March 1989 and 30 April 1989, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did assault MMMMM, born XX xxxx 1975, c/o Police Service of Scotland and did punch him on the head to his injury

(038) on an occasion between 1 August 1992 and 31 December 1993, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did assault NNNNN, born XX xxxx 1981, c/o Police Service of Scotland and did slap him on the head

(039) on various occasions between 1 September 1988 and 12 November 1990, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did use lewd, indecent and libidinous practices and behaviour towards OOOOO, born XX xxxx 1976, c/o Police Service of Scotland and did flick water at his genitals whilst he showered naked

(040) on various occasions between 3 November 1990 and 1 July 1992, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did indecently assault OOOOO, born XX xxxx 1976, c/o Police Service of Scotland and did flick water at his genitals whilst he showered naked

(051) Between 11 July 1979 and 10 July 1982, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did cruelly and unusually treat PPPPP, born XX xxxx 1967, c/o Police Service of Scotland and did a) force

him to participate in physical education when you knew that he was injured and as a consequence did cause him pain, b) strike him on the head and kick him on the body and c) act in an aggressive manner towards him and as a consequence did cause the said PPPPP unnecessary suffering and injury to his health

(052) Between 1 January 1979 and 10 July 1982, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did use lewd, indecent and libidinous practices and behaviour towards children unknown to the Procurator Fiscal, in that you did a) force them to remove underwear in your presence and the presence of other children, b) repeatedly touch them and seize their hands and use their hands to wash their genital area while they were naked and c) flick water towards their genitals

(053) Between 24 September 1978 and 23 September 1981, both dates inclusive, at The Edinburgh Academy, 42 Henderson Row, Stockbridge, Edinburgh you JOHN YOUNG did conduct yourself in a disorderly manner and did shout and scream at QQQQQ, born XX xxxx 1967, c/o Police Service of Scotland and utter derogatory comments towards him and commit a breach of the peace.

Given Young's age and health, the sheriff decided no further action was necessary.

Prosecution of Colin Turner and examination of facts

Colin Turner worked at The Edinburgh Academy Senior School, teaching principally mathematics, between 1958 and 1982. He was also the housemaster of Scott House from 1975 until his departure in 1982 to become rector of The Glasgow Academy, where he remained until retirement in 1994. Aged 92, he was prosecuted in 2026 on a Sheriff Court indictment originally libelling nine charges. Due to his age and poor health, he was not fit for trial and was unable to participate. The case proceeded by way of an examination of facts, and he was represented. Evidence was led in October 2026 and closing submissions were heard on 2 November 2026. The sheriff then adjourned the case until 29 January 2027 for his decision to be issued on that date.

Appendix G – Notice of draft findings

Individuals received notice of relevant findings in draft form and were afforded a reasonable time to respond, if they wished to do so.

Appendix H – Evaluation: safeguarding and child protection: summary report

The following is the summary report of the Safeguarding and Child Protection Evaluation conducted by Dr Sue Hamilton, safeguarding and child protection consultant, dated February 2019.[1536]

Sector-leading practice

- The evidence demonstrates that there is a school wide ethos that prioritises pupil welfare. From the Court of Directors and the Senior Management Team to the well trained staff, this permeates the practice of the whole school community and is central to self-evaluation and improvement activities.

- The outstanding leadership of the Deputy Rector, Pastoral Care Senior School, commented on by staff, pupils and parents.

- The level of knowledge and understanding of E-safety risks in the Junior School was exceptionally high. There are well-planned, progressive learning opportunities so that children can become more resilient and develop a sound understanding of how they can keep themselves E-safe. In addition, extensive opportunities are offered to parents on E-safety awareness and the risks to children and young people.

- The breadth of this survey and sample sizes ensures a very solid, reliable base for future planning and improvement in safeguarding and child protection.

Features of highly-effective practice

- The Court of Directors (Trustees) places a very high priority on Safeguarding and Child Protection. To this end, there is a Safeguarding Committee[1537] with a dedicated and committed Governor who provides regular feedback to the Court. The Committee has an Independent Advisor and has a broad representation across both schools, meets regularly and is responsible for the quality assurance of child protection. Effective systems provide a systematic and strategic overview of the number and nature of cause for concerns raised, including Initial Referral Discussions, Child Protection Case Conferences and Registrations.

- Children are safe and feel safe.

- Excellent leadership by the Senior Management Team that makes child protection and safeguarding a priority across all aspects the school's work. The whole learning community, including the Court of Directors, has a shared understanding of wellbeing and children's rights. Staff, children and young people know and understand and are able to use the SHANARRI Wellbeing Indicators as an integral feature of school life.

- There are stringent vetting procedures in place for staff and other adults overseen by a diligent Bursar. Record keeping is maintained to the highest standards.

1536 Dr Susan Hamilton, Evaluation: Safeguarding and Child Protection, February 2019, at SGV-000097125.

1537 All minutes were read by the writer.

- There are clear Child Protection Policies which are compliant with statutory requirements and are updated regularly. There are, in addition, wider safeguarding policies including for example the Anti-bullying Policy which is compliant with 'Respectme'[1538] 'Supporting Transgender Pupils' as well as 'Supporting Young Carers'.

- There are considerable strengths in the Personal Safety Curricula in the Junior School where there is effective, progressive teaching and learning in giving children knowledge and skills to keep themselves safe and build resilience.

- The procedures for making a wellbeing or child protection concern are well publicised and understood by staff who take seriously, and are committed to, their responsibilities for child protection. The school's approach to tracking health and wellbeing and child protection concerns enables early intervention. There is a strong, robust response by staff in response to wellbeing concerns, in particular, the Pastoral Care Team (Senior School) that reduces the risk of harm to children.

- The services of the School Doctor are valued by staff and pupils.

- A high priority is given to wellbeing and child protection training offering extensive training opportunities for staff which are reflected in a school specific training plan that has been matched to the National Framework for Child Protection Learning and Development in Scotland 2012[1539] and subsequent national guidance and legislation. All staff engage in regular professional learning to ensure they are fully up-to-date with local, national and, where appropriate, international legislation affecting the rights, wellbeing and inclusion of all children and young people.

- Pupils in both schools were courteous, friendly, vociferous and articulate and indicated their willingness to become involved in developing future initiatives and policies to promote their wellbeing and safety.

- Parents find staff approachable and helpful and have confidence that the school takes its safeguarding responsibilities seriously and has safeguarding procedures in place including child protection.

Recommendations

Recommendation 1

The Court receives updated training to augment the regular briefing on safeguarding and child protection matters given by the Chair of the Safeguarding Committee.

Recommendation 2

Certain information can, and should be, shared with relevant staff providing it is relevant, proportionate and compatible with the Common Law on Confidentiality, the Data Protection Act 1988 and GDPR. There should be school guidance on 'Confidentiality and Information Sharing' in child protection and wellbeing concerns; this should take cognisance of local protocols and legislation.

1538 https://respectme.org.uk

1539 National Framework for Child Protection Learning and Development in Scotland 2012.

Recommendation 3

Further steps should be taken to make the role of the counsellor known to relevant members of the school community and the feasibility of extending counselling hours investigated.

Recommendation 4

Gaps were identified in the focus groups in the Senior School in PHSE. A working group, including pupils, should audit Personal Safety Programmes and Relationships, Sexual Health and Parenthood Education to ensure there is effective, progressive teaching and learning.

Recommendation 5

Consideration should be given to having a CEOP[1540] Ambassador who has undertaken recent training and registration.

Recommendation 6

The School's Complaints Policy should be reviewed, made more pupil friendly and more widely known to pupils.

Recommendation 7

Relevant staff in both schools should receive updated training on 'Going Out There' to enable them to undertake school trips effectively.

Recommendation 8

The current arrangements for registration in the Senior School should be reviewed in terms of tracking pupils throughout the school day.

Recommendation 9

The Senior Schools' Code of Conduct should be reviewed and incorporated into a whole school Positive School Behaviour Policy and involve pupils. It should be monitored to ensure that there is a positive, equal and consistent approach to behaviour management.

Recommendation 10

A new Pupils' Council should be set up in the Senior School. This should be pupil led with any staff involvement being limited to being the conduit between the Council and the SMT. The remit of the Pupils' Council needs to be seen as relevant and real – not tokenistic.

Recommendation 11

Senior School guidance should be drawn up on 'Confidentiality and Young People's Rights.' This should take cognisance of local protocols and legislation, should be pupil led through the Pupils' Council and involve parents with the final policy being ratified by SMT.

1540 CEOP stands for Child Exploitation and Online Protection Command.