

Scottish Child Abuse Inquiry

Witness Statement of

Andrew Reid HUNTER

1. My name is Andrew Reid Hunter. My date of birth is [REDACTED] 1958. My contact details are known to the Inquiry.

Background

2. I attended the University of Manchester from 1979 to 1982 and I read Combined Studies in English, Theology and Biblical Studies. In 1982 to 1983 I attended what was called in those days Manchester Polytechnic, but it now belongs to the University of Manchester, to do the Post Graduate Certificate in Education (PGCE) in English and Religious Studies.
3. My first teaching job was at Worksop College, Notts from September 1983 to August 1991. In this school I taught English to GCSE, A Level and Oxbridge pupils. I was Housemaster of Pelham House between September 1987 and July 1991. I was also Director of Plays, Lay Preacher at School Assemblies and Games Coach which involved tennis, squash and hockey.
4. From September 1991 to August 1998, I was employed at Bradfield College, Berkshire. In this school I taught English and Religious Studies to GCSE, A Level and Oxbridge pupils. I was Housemaster of Army House between January 1992 and September 1998. I was also Director of Junior and Senior School Plays, active supporter of the School Chapel, licensed to assist the Chaplain at Communion, lay preacher at school assemblies and games coach. I was master in charge of tennis, squash and under fifteens hockey.

5. I was appointed to the headship of Merchiston Castle School, Edinburgh, in May 1997 a year before starting the position in September 1998.

Employment with the school

6. I was the Headmaster of Merchiston Castle School, Edinburgh from 1998 to 2018. I was responsible for all aspects of the school, reporting to my Board of Governors. Over this period of time, I completed much professional development through the Headmasters' and Headmistresses' Conference (HMC) and the Scottish Council for Independent Schools (SCIS). Courses were offered annually by both organisations. HMC offered a three day training conference once a year and termly Continuing Professional Development (CPD) courses. SCIS offered the same. I attended annual courses. Some will have been on Child Protection. My full record was on General Teaching Council Scotland (GTCS) Professional Update. I am no longer a member of GTCS, having stopped on retirement.
7. I became aware of the headmaster post through an advert in the Times Educational Supplement, inviting those interested to phone a head-hunter. The school used a head-hunter, sadly now died, called Andrew Rait. Other schools like Edinburgh Academy had used Andrew Rait. Candidates who were interested in applying for the post were invited to speak to Andrew Rait first. This entailed a one-hour phone call. Afterwards, I was invited to submit my curriculum vitae and a short letter of application, including my referees. One of my referees was my employer then, and a second one was my previous employer. Andrew Rait acted as conduit between the board and the candidates. He visited my wife, Barbara, and myself in our boarding house at Bradfield and observed us at work in and outside of our boarding house. It was clear from the start that the Governors of Merchiston wanted a husband and wife team as our predecessors, David and Yvonne Spawforth, had been a husband and wife team.
8. We were appointed as a husband and wife team with separate job descriptions. My wife is a qualified, trained teacher and in emergencies she taught part-time

occasionally at Merchiston Castle School in the art department. Her role included presentation of school, help to promote and fill the school in Scotland, UK and all over the world, she met all prospective pupils and staff and she organised and attended social functions for pupils, staff, parents. Before Merchiston Castle School, she had been a housemaster's wife within two schools in addition to teaching at Shirebrook Comprehensive School, Notts, Kimberworth Comprehensive School, Rotherham and St Bartholomews, Newbury, Berks and so she was experienced.

9. Longlist and shortlist interviews which included meeting senior staff, presentations, and desk tray exercises happened at Merchiston. Andrew Rait attended all of the interviews. There was a present HMC head, Mr Hugh Monro, on the panel, advising Merchiston. The Headmasters' and Headmistresses' Conference (HMC) is a professional Association of heads of the world's leading independent schools. HMC has 296 members in the British Isles, a further 55 international members and 10 associates. There were also two lay members drafted onto the interview panel who were present parents.
10. Once we were appointed, over the course of the academic year of 1997 to 1998, we visited Merchiston, on many occasions in term time, to meet parents, students and members of staff whilst also doing our jobs in Berkshire. We met parents every time we were there and there would be a function in the school every evening to meet the audiences. Inevitably I met a lot of the senior practitioners but that is very delicate because, in that situation, senior practitioners have the potential to start to try and influence you before you are in position. That did not happen.
11. On each occasion, I also spent much time with my predecessor, David Spawforth, understanding and learning about the context and nature of the school. On one occasion, we went through the professional performance of every member of staff on the staff roll. I had the whole staff roll and we literally walked for three hours and he spoke to me about every single member of staff, which was good. I had asked for that. Of course, I could not remember everything. I did try and remember. He gave me "red alerts". For example, he gave me a red alert about a member of staff who had had an affair with a mother of a pupil and how that member of staff had been

disciplined and moved off the staff campus. By 2018, processes had changed and with my successor we sat down and went through every single member of staff.

12. When I joined Merchiston, General Teaching Council Scotland (GTCS) registration to be a head of an independent school in Scotland was not mandatory. I cannot remember if GTCS registration was discussed when I was recruited. I suspect not. On my arrival in Scotland, or potentially before I arrived, I applied for GTCS registration and gained it. My Department for Employment and Education (DfEE) number down south was 78/01448 and my General Teaching Council Scotland number was 98/8324.
13. As the headmaster, I reported directly to my Chair of the Board of Governors. I had four in my time at Merchiston. There was a lot of liaison between myself and each chair, whether this was weekly meetings, which were not necessarily formally minuted, or telephone calls keeping my chair abreast of the joys, successes and challenges at Merchiston. The four chairs that I liaised with were Neil Kilpatrick, Charles Abram, Malcolm Gourlay and Gareth Baird. Equally, I reported to the whole Board of Governors Meetings four times a year in my Progress Reports in addition to reporting termly to other subcommittees such as Education and Pastoral and Finance and General Purposes.
14. I passed my probationary first year and thereafter I agreed, with my chair, my targets for the forthcoming year. The chair submitted his targets so that a mutual list was drawn up. These targets were reviewed at the beginning of each academic year, looking retrospectively back over the targets for the previous academic year. From memory, the areas covered by these targets were pupil numbers, recruitment of quality pupils and staff, marketing the school, pupil and staff retention, professional policy development for staff and pupils, income versus expenditure, operating the school at a surplus, development of facilities and fundraising.
15. Induction training was provided by The Headmasters' and Headmistresses' Conference (HMC) which provided induction training for new heads over the course of the academic year 1997 to 1998. Moreover, I attended numerous courses run by The Scottish Council for Independent Schools (SCIS) for new heads over the course

of my first few years. The courses offered by SCIS were first rate, as were the courses at HMC. Occasionally SCIS invited practitioners to help lead courses and, as a head, I did this on several occasions. I continued to update my professional development through many organisations over 20 years.

16. I did not have a formal mentor and tried to learn as much as possible from other leading practitioners in Scotland and the UK. At one time, Dr Judith McClure, the head teacher of St George's School for Girls, Edinburgh was on the Merchiston Board and I sought advice and help from Judith. Following Judith, for a period of 9 years, the former head of Denstone College, Uttoxeter and then Principal of The Royal Belfast Academical Institution, Mr Mike Ridley, was on the Board of Merchiston. I sought advice and help from Mike. The Scottish Boarding Schools, as in HMC members, met once per term with the other Scottish HMC day schools. The Director of SCIS was also present. The advice of this person was also highly relevant whether this was Judith Sischy or John Edward. Aspects of this termly meeting were always on topical issues. It was not easy for boarding schools to share sensitive issues as we were competitors, however, we tried to rise above this. I always endeavoured to share and be collaborative.

Policy

17. As the headmaster of the school, with others, such as my senior management team, the house staff and all members of staff, I was totally involved in the care and residential care of the pupils at the school. When I arrived at the school in September 1998, there were developing policies in place in important stated areas such as training, recruitment of staff, child protection, requirement for qualifications, staff appraisal, complaints procedure, discipline and punishment of pupils, disciplinary process for dealing with complaints and allegations against staff, whistleblowing and record keeping. I cannot remember if improving on Merchiston's policies had been raised during the interview process.
18. I cannot remember exactly how Merchiston policies compared to Bradfield. To be honest, I think that the boarding schools in England were more advanced than most

boarding schools in Scotland. I was a housemaster at Bradfield but in 1997/1998, before starting at Merchiston, I spent a year learning and observing the Senior Management Team at Bradfield. I was lucky because I asked Bradfield if I could take their suite of policies with me when I left and they said that I could. That helped.

19. There were policies at Merchiston when I arrived. David Spawforth had introduced them. They had to be improved and refined but that is the case every year in every school. It was great that, in essence, the policies were there. David Spawforth was the first child protection co-ordinator and his secretary was his back-up. Today, the head being the child protection co-ordinator would not be appropriate.
20. Through the lens of the present looking backwards, it is clear that policies have been hugely enhanced since September 1998, and indeed, over time, we ourselves learnt how to do these better. However, my predecessor, David Spawforth, abolished corporal punishment and fagging in the school. There were other independent schools still using corporal punishment when it was abolished at Merchiston but David Spawforth had abolished it before it was statutory.
21. In terms of the recruitment of staff, all written references were gained on new members of staff including wherever possible telephone calls and giving the referee the chance to discuss something on the phone which maybe the referee did not wish to put in writing. I believe this practice was very widespread in the independent sector. We saw it as unconventional but very good practice. Sensitive issues could be conveyed over the phone such as those in the personal box such as issues in the candidate's personal life, issues with families living on campus and sometimes wider family needed to be discussed. Gaps in the person's CV could also be discussed during these phone calls. Initially, until I had put in place, devolved, distributed leadership models, it was a very tightly and heroically led school. By which I mean that we live in a fast changing world. There was a head, with a Second Master and Director of Studies. Everything funnelled through the head.
22. Piece by piece, we improved all of our policies in all of the stated areas and they became more and more contemporary, robust, suitable and indeed professional as external agencies also moved forward for the times as all the stated areas became

rightly a “concentration area”. We developed a policies’ booklet which was for all the staff, students, parents and guardian parents of students. This was distributed at the beginning of every academic year and included consultation with all audiences on what we needed to improve. Moreover, the staff manual continued to develop and improve in its application over the years. Every school always needs to improve even in 2020. Recognition of where we needed to improve came from our self-evaluation leading to improvement processes as in SELTI.

23. Early in my tenure, I remember setting up an Education and Pastoral Committee of Governors, including leading members of staff and students. This mirrored the St George’s School, Edinburgh concept. This committee met three times a year and also included seeing parts of the school in action whether this was departments or boarding houses. We called these “learning walks”. Students attended parts of the meetings. There will be minutes in relation to this committee and these will all be at Merchiston Castle School right from the set-up of this committee, circa 2000. As the head, I tried to keep accurate records and an audit trail of any serious issue in the school. These audit trails are also at Merchiston Castle School.

24. From memory, it is difficult to summarise all the changes we tried to introduce and which working practices we tried to improve. Essentially, in 2013 onwards, since we received directives from The Registrar for Independent Schools, in tandem with the regulators, and with a link inspector, we went through a wholesale review of important care and welfare improvements related to child protection, health and well-being and leadership for improvement. The directives included areas like safeguarding and child protection. The full audit of this is at Merchiston Castle School.

25. In October 2012 and September 2013, we received from The Care Inspectorate 4 “Excellent” Grades in each inspection for Care and Support, Environment, Staffing and Management and Leadership. We could not understand why it appeared that we may have lost total focus on these vital areas. It became apparent that some focus had been lost in these areas following the suicide of a member of staff, James Rainy Brown, on 29 April 2013, further staff challenges in safeguarding and child protection and the subsequent concentration on the school by police and regulators. We also

could not understand how the picture by regulators of Merchiston Castle School could change so dramatically for the worse but we spent little time on this point of view and set about our improvement agenda in this area. From memory, I also think the inspectorate criteria changed.

26. I was absent from the school from October 2009 to March 2010 for a major operation for bone cancer and I returned to hospital for another major operation, related to the first one, which necessitated absence from school from November 2013 to January 2014.
27. The series of inspections were as follows: January 2015 Education Scotland and Care Inspectorate, May and June 2015 Care Inspectorate and Education Scotland, December 2015 Care Inspectorate, February 2016 Education Scotland, June 2016 Care Inspectorate, September 2016 Care Inspectorate and November 2016 Education Scotland.
28. Prior to this, between 1998 and 2015, the school was inspected regularly by HMIE/Education Scotland and The Care Inspectorate. We tried to achieve the best possible grades in all the categories. I cannot remember precisely what regulators felt about welfare and child protection. From memory, we would not have been given unsatisfactory grades in this important area until 2013 onwards. Indeed, we more often than not secured very complimentary grades. For example, I am sure that I can remember that, with Mrs Chispa Prini-Garcia, we drafted our first job description for the Child Protection Liaison Governor in June 2007. All regulators were always scrupulously professional. We always concentrated on welfare and child protection.
29. I have looked again at the inspection reports of both regulators to improve my recollection of how our policies changed over these years. At the beginning of and throughout this supportive yet challenging and monitoring process, we were advised that timely action and improvement was needed as in:

“The school is aware that important changes are required to ensure that policies and procedures in relation to safeguarding, including child protection documentation are maintained to the highest standards and consistently implemented by all staff and

ensure that the proforma documents developed to make the school's child protection systems as effective as possible are always used to report child protection concerns; human resource systems have not always been used effectively enough in staff recruitment processes in dealing with staff disciplinary matters; the school relies too heavily on informal approaches and now needs to consider where more formal systems for improvement are needed; the governors and the School leadership team must now take immediate action to strengthen the governance arrangements, professional leadership, and improve support and challenge in these areas. The headmaster and staff now need to ensure they take timely action where improvement is required."

30. Over the course of January 2015 to November 2016 these areas for improvement were all-encompassing and included establishing robust quality assurance and monitoring systems as in; strengthening approaches to self-evaluation linked closely to improvement, clarifying and strengthening the roles and responsibilities of key staff involved in safeguarding pupils, improving HR procedures relating to staff recruitment, training and staff disciplinary matters and procedures, including whistleblowing, building on best practice in relation to equalities and safeguarding legislation to ensure that pupils are safeguarded in the event of allegations being made, reviewing the personal, social and health education (PSHE) program so that all pupils develop the skills, knowledge and understanding of the qualities and how to keep themselves safe, communicating how the views of stakeholders, importantly pupils and parents, are taken into account in shaping school improvement, strengthening leadership at all levels and improving safeguarding practices, ensuring that the management and leadership structure is accessible and consultative, putting into place a more coherent system to identify and meet the needs of children and young people with social, emotional and behavioural needs in a more rigorous and robust manner, ensure that there is an ethos of respect between staff and pupils, building on existing good practice, continue to develop a nurturing ethos and culture of openness across the school and boarding houses where all children and young people feel safe to report concerns to staff, ensure within the Staged Intervention Model that criteria for Care Plans meet needs of pupils who need them, that staff have appropriate knowledge and expertise to undertake assessment of need or risk, risk assessments are in place, the care plan is communicated to staff involved in

day-to-day care, the care plan is reviewed at appropriate intervals including how effective the care plan has been.

31. Without having the records from the school, I cannot remember what existed prior to those changes. We would have had in place the arrangements which were then validated by regulators. We had policies which we annually tried to improve right from the beginning of my tenure in 1998 as we built on my predecessor's work. I cannot remember without the documents from Merchiston Castle School why the changes made in 2015 had not been made before. Challenges at Merchiston Castle School caused us and the regulators to really "up our game" and improve in this area. We always tried to engage with the process. I entered hospital for a first massive operation in 2009 and a second massive operation in 2013.

32. Throughout this process from January 2015 to November 2016, we employed a consultant to help us with safeguarding and child protection, and indeed, the whole process. I cannot remember the consultant's name, however, her name will be at Merchiston Castle School. She worked for Edinburgh Council and delivered courses on safeguarding and child protection. I and others did Level 3 and Level 4 courses led by her and Edinburgh Council and we then employed her on Fridays when she did not work for the Council. I remember that this practitioner was an expert in this field in the state sector and also the Edinburgh Local Education Authority (LEA). This person provided training for all members of staff, pupils, parents and governors for a period of two years. I remember that we also ensured that as many staff as possible were trained to the highest level of the LEA child protection qualification and training for schools. Equally, we used advisers such as Navigator and Anderson Strathern to improve all of our employment processes and procedures.

33. At the end of this process, in the September 2016 inspection, amidst other comments in the full report, the Care Inspectorate wrote:

"The training and support that all staff had received in relation to Getting It Right For Every Child (GIRFEC) and the wellbeing indicators known as SHANARRI had improved understanding of the emotional and mental health needs of pupils and had resulted in a caring, consistent approach to their care. Training in Child Protection

had clearly improved staff understanding of Child Protection issues and their responsibility to report any concerns to the School Leadership Team. It was evident that training in restorative practice had resulted in staff adopting a different approach, and was influencing a change of culture, in relation to supporting the emotional needs of pupils. We observed that staff in the boarding houses who had developed very positive, caring relationships with pupils. The development of the system for care planning had improved access of all staff to relevant information which helped them to understand the support needs of individual pupils. The increased understanding that the welfare of pupils was the responsibility of all staff working in the school had resulted in significant improvement in relation to communication and the involvement of key staff. We heard from staff we spoke with that they felt better informed about individual pupils and any actions they might need to take to ensure their wellbeing. A range of meetings between staff took place regularly across the school ensuring that any issues or concerns in relation to pupils in the boarding houses could be picked up quickly and addressed.”

34. At the end of this process, on 16 November 2016, Education Scotland wrote;

“Dear Parent/Carer Merchiston Castle School Edinburgh

In January 2015, HM Inspectors published a letter on your child’s school. The letter set out a number of areas for improvement which we agreed with the school and Board of Governors. We subsequently returned to the school to look at how it had continued to improve its work and published further letters in June 2015 and in February 2016. Recently, as you may know, we visited the school again. During our visit, we talked to children and young people and worked closely with the Headmaster and staff. We heard from the Headmaster and other staff about the steps the school has taken to continue to improve. We looked at particular areas that had been identified at the last inspection. As a result, we were able to find out about the progress the school has made and how well this is supporting children and young people. This letter sets out what we found. The Care Inspectorate inspected the school’s residential accommodation at the same time and that report will be available at www.careinspectorate.com.

Building on existing good practice, continue to develop a nurturing ethos and

culture of openness across the school and boarding houses, where all children and young people feel safe to report concerns to staff.

Staff have taken very effective steps to further embed a nurturing ethos and culture of openness across the school. In our pre-inspection survey, all boys stated that they feel safe and that they are well cared for, both in school and in the boarding houses. Staff are successfully embedding positive approaches to dealing with discipline. A culture of restorative practice in the day-to-day life of the school and boarding houses is developing very well. Staff, boys and parents speak positively about the impact of this approach. Prefects have received comprehensive training in how to best support and mentor younger boys. Younger boys talk very positively about prefects as good role models whom they trust and respect. Across the school, boys of all ages are confident that they have adults and prefects they can talk to if they have a concern or worry. This year the school has made important changes to tutoring arrangements. As a result, there is improved continuity in the school's approaches for supporting boys both pastorally and academically as they move through their school years.

The school is taking action to refresh and update the curricular programmes for personal, social and health education (PSHE). Senior pupils have been consulted about the topics that they would like included in their 'life skills' programme. As a result, a range of speakers and experts in areas such as mental health and financial planning are adding value to the school's work. There are helpful plans in place to now ensure that the whole-school programme for PSHE builds on boys' prior experiences and knowledge as they progress through the school.

The school has taken very successful steps to improve pupil voice. Through a range of pupil-led councils, committees and forums in school and in boarding houses, boys are consulted meaningfully about many aspects of their experiences. As a result, boys talk very positively about recent changes that improve their day-to-day school life. For example, younger boys really value having more free time to relax and follow their own pursuits. They are enjoying the new 'chill out' areas within their dormitories and are involved in choosing the colour scheme for their rooms. Following the opening of the new all-weather games area, older boys appreciate the opportunities

to participate in a wider range of sports. The pupil-led learning council continues to play a strong role in identifying areas of strength within the school, as well as aspects that boys feel could be improved further. Pupil voice is now a strong feature of the school.

Improve approaches to individualised planning for learners who require additional support.

Staff have made very good progress in improving their approaches to planning to meet the needs of individual boys. Systems for record-keeping have been streamlined. There are clear procedures for key staff in the school and boarding houses to share important information about individual boys. Staff are very positive about the value and impact of these changes. The school is investing in a new electronic management information system which will allow them to further develop their processes for effective planning to support pupils. Regular opportunities for all boys to talk about their own wellbeing with staff that know them well are now clearly built into school life. Commendably, boys across the school can articulate confidently their own wellbeing strengths and needs.

Further strengthen the leadership capacity within the school in order to continue to drive forward improvements in child protection, safeguarding and wellbeing.

The Board of Governors has provided astute and forward-thinking strategic direction in helping the school to continue to improve. A well-qualified and experienced external committee has been established to provide independent scrutiny and challenge to the Board and school leaders on their approaches to child protection and compliance. This innovative development demonstrates the school's commitment to continuous improvement in this important area of their work. In addition, a number of new leadership posts have been created in order to establish a strong, Pupil Support Leadership Team, with responsibility for the wellbeing and support of boys. As a result, the school is very well placed to continue to embed approaches to child protection, safeguarding and wellbeing.

The strong leadership provided by the Headmaster and senior staff has led to more robust and rigorous monitoring of the effectiveness of the day-to-day running of the boarding houses. These procedures now match the existing highly-effective approaches to monitoring the academic life of the school. Sound policies and procedures for child protection, safeguarding and wellbeing are in place and are clearly understood by all staff and pupils. Led very effectively by the Pupil Support Leadership Team, on-going and high-quality training is helping staff across the school and boarding houses to have a shared understanding of best practice to ensure the wellbeing of all boys at Merchiston Castle School.

What happens next?

The school has made very good progress since the original inspection. We are confident that the school has the capacity to continue to improve and so we will make no more visits in connection with this inspection. The Board of Governors will inform parents about the school's progress as part of its arrangements for reporting on the quality of the school"

Strategic planning

35. Alongside leading governors, members of staff and often students, I played an instrumental role in the different types of strategic planning for the school. A strategic aim of the school was always to ensure as far as possible that the school was safe for the students, staff and indeed all of the audiences therein. Generally speaking, we always asked the How Good is Our School (HGIOS) questions. We began using How Good is Our School 4th Edition in 2015 but the concept started in 1996. How good is our school is a nationally and internationally recognised brand, which underpins effective self-evaluation as the starting point for school improvement. The framework is designed to be used to support self-evaluation and reflection by practitioners at all levels. I cannot comment on whether it was a common approach in boarding schools. At Merchiston Castle School, we used it more and more after a slow start. We found it invaluable. The questions asked were "How are we doing, how do we know and what are we going to do now?" Once we were using this system, the questions were asked annually. All staff usually participated in this

exercise through heads of department and housemasters. We always endeavoured to be a highly reflective school but we were learning to do this in a more structured way, crystallising the School Improvement Plan, underpinning it with the School Leadership Team, Quality Assurance Calendar and the Self Evaluation leading to Improvement (SELT) pro-forma and ensuring that this process was cyclical and annual, thereby enhancing our rigour and vigour in our improvement programme. The records of the HGIOS system are at Merchiston Castle School.

36. I inherited excellent strategic papers from my predecessor on the challenging issue of filling the school with pupils and ensuring that the school roll was buoyant. From September 1998 onwards, I set about doing my first school improvement plan which included strategy and facilities. This also included a bottom-up element as I met each member of staff who in turn, contributed to answering three questions. The questions asked were firstly, "At present in which areas do you see the strengths and areas of development of the school?" Secondly "where would you like to see the school in 5 years' time? Attainment, Learning and Teaching, pupil support, ethos, staff development, management and leadership?" Lastly "Where will you be in 5 years' time within your own professional development?"
37. In-service training sessions, including focus groups with members of staff and indeed pupils involved, tried to create a "buying in" process from all audiences. My first series of school improvement plans were elaborate and extremely detailed. These included strategy but in my first year I also set up a strategic committee of governors including leading staff and students to look at strategic areas of focus. These areas included whether the school should use the English or Scottish curriculum, going co-educational or not and the best use of income and resources.
38. I cannot remember precisely how many focus groups of strategy happened over the course of my tenure at the school. Each strategic review tended to run for something like two years at a time on themes. Often, we went off campus so I remember in something like 2004 we spent two days and two nights away from the school, working on key strategic areas. This also happened in my final year when we went off campus again. On the whole, with strategy and indeed all parts of school life, we tried to look at simple mantra as in Data, Observation, Dialogue (D-O-D). This

acronym that I am sure we learnt from Education Scotland, referred to the cycle for continuous learning and improvement. The three components of the cycle are crucial. I left all the strategic papers of my tenure at Merchiston, in soft and hard copy, when I retired.

39. In terms of the school's strategic approach to key aspects, like care and welfare improvements related to child protection, safeguarding, health and well-being, the leadership and management of the school, the executive and the Board of Governors, from January 2015, we embarked upon an improvement journey. The Care Inspectorate wrote in September 2016:

"The Board had reflected on their role and responsibilities and had been proactive in determining the vision for the school. This has been strengthened by new appointments which have strengthened the breadth of expertise within the group. The Board has been proactive and involved in the journey the school needed to embark upon and had engaged with other agencies and professionals which had increased the understanding of current thinking about the welfare and protection of children. They had assessed the current position by undertaking learning walks, speaking to staff and young people and contributing to action plans to address the intended improvements. This meant that pupils and parents had direct access to the Board which allowed Board members to fully understand the daily life of pupils and how different parts of the school organisation affected this. The overall leadership within the school had improved significantly, resulting in a cultural change that was beginning to be embedded. We saw at the last inspection that the School Leadership Team (SLT) had strengthened and we saw further evidence of this with its extended composition in the Pupil Support Leadership and Academic Leadership Teams. Roles and responsibilities were clearly defined and were clearly impacting on the vision and cultural change within the school. The new Governor Child Protection and Compliance Committee was a positive development. Careful consideration of the make up of the committee should ensure that it contains a breadth of knowledge and skill and we will assess the impact of this at the next inspection."

40. In terms of strategy, clearly a strong link and partnership developed between the Board and the executive and vice-versa.

41. As Education Scotland wrote on 9 February 2016:

“How well does the school support children and young people to develop and learn?”

Since the last inspection, the Board of Governors and school leadership team have taken steps to ensure there is greater challenge and clearer lines of accountability in relation to child protection and safeguarding approaches. The Board has nominated a second Governor to assist the existing Child Protection Governor; they have a specific remit for child protection and wellbeing and report to the Education and Pastoral Committee of Governors, staff and pupils and the full Board. In addition, the Board has well-advanced plans to establish a separate Audit Committee, specifically to scrutinize and report on the effectiveness of child protection and wellbeing practices. The recent appointment of the skilled and dedicated Deputy Head for Pupil Support has had a clear and positive impact on the life of the school. Teaching and non-teaching staff and young people themselves are positive about the helpful training they have received this academic year. As a result, they feel they now have a better awareness of the school's safeguarding procedures. The school must continue with their plans to now embed these strengthened approaches to child protection, safeguarding and wellbeing, in order that the appropriately increased expectations are carried out in the day-to-day running of the school and boarding houses. During this inspection visit, inspectors found that the school needs to improve aspects of their practice further, to ensure that all staff embrace a nurturing approach to protecting children and young people in their care. All staff need to work together to continue to develop a culture where all children and young people feel safe to report unacceptable behaviour and have confidence that their concerns will be dealt with appropriately. Since the last inspection, the school has introduced a new electronic system to co-ordinate information about children and young people who require additional support. This system allows information about children's and young people's medical needs and other important information to be stored in one place and shared with relevant staff. Staff say that this new system is helping to improve communication about children's and young people's needs. The school should now work towards centralizing all of the information they maintain about

individual children and young people in order to improve this new system further. The school has wellbeing plans for a small number of children and young people who require additional support and help. The information recorded in these plans needs to be further improved, with clearer targets set that can be measured and shared amongst 'the team around the boy'. In addition, we have discussed with staff the need to put such plans in place for other vulnerable children and young people who do not currently have one. The school has implemented robust systems to ensure that the attendance of children and young people is now tracked, both in school, at activities and in the boarding houses. Staff and parents are positive about these new procedures. Support for learning staff work well with children, young people and their parents in sharing information about strategies to improve their attainment and achievements. The Harvey Hub is a welcoming and supportive environment where children and young people receive helpful, targeted support. Children and young people attending the Harvey Hub are increasingly supported to understand their own learning targets and to recognise the strategies used by teachers in classes to support their learning. Housemasters and form tutors have a critical role in ensuring the pastoral and academic needs of individual children and young people are met. A few housemasters have introduced a comprehensive programme of one-to-one discussions with all individual young people on a regular basis, focusing on their health and wellbeing. This effective and proactive approach should now be replicated across all boarding houses. The school has started to increase the awareness of the importance of good mental health through training for staff and as part of the personal, social and health education programme for children and young people. A few members of staff have completed training as Mental Health First Aiders. There are plans in place to extend this beneficial training opportunity to other staff. Wellbeing prefects and house prefects play an important role in supporting their peers. Where this is working well, training and mentoring is provided for prefects and regular reviews take place with house staff to ensure young people are fulfilling their responsibilities in these prefect roles. The school should ensure a more consistent approach is developed to supporting and reviewing the performance of prefects in their role within boarding houses. This should include taking into account the views of children and young people resident in houses. Prefects would benefit from further training in approaches to promoting positive behaviour and in Mental Health First Aid in order to further develop a supportive culture within the school."

42. On 9 February 2016, Education Scotland wrote:

“Led effectively by the recently appointed Chair of the Board of Governors, there is now a strengthened approach to strategic leadership and direction at governance level in the school. Governors have clearer expectations about the range and pace of improvements that are progressing in different areas of school life. The approach to updating and making robust the range of HR policies and procedures is being overtaken particularly well.”

43. The 16 November 2016 words of Education Scotland, as quoted in 3.2, are again relevant:

“The Board of Governors has provided astute and forward-thinking strategic direction in helping the school to continue to improve. A well-qualified and experienced external committee has been established to provide independent scrutiny and challenge to the Board and school leaders on their approaches to child protection and compliance. This innovative development demonstrates the school’s commitment to continuous improvement in this important area of their work. In addition, a number of new leadership posts have been created in order to establish a strong, Pupil Support Leadership Team, with responsibility for the wellbeing and support of boys. As a result, the school is very well placed to continue to embed approaches to child protection, safeguarding and wellbeing.

The strong leadership provided by the Headmaster and senior staff has led to more robust and rigorous monitoring of the effectiveness of the day-to-day running of the boarding houses. These procedures now match the existing highly-effective approaches to monitoring the academic life of the school. Sound policies and procedures for child protection, safeguarding and wellbeing are in place and are clearly understood by all staff and pupils. Led very effectively by the Pupil Support Leadership Team, on-going and high-quality training is helping staff across the school and boarding houses to have a shared understanding of best practice to ensure the wellbeing of all boys at Merchiston Castle School.”

44. In terms of strategy, the concept of setting up the Liaison Governor responsible for Safeguarding and Child Protection in addition to setting up a compliance committee, the Governors' Safeguarding and Child Protection Sub-Committee was, whilst needed, innovative strategic thinking. On this committee, there was also quite intentionally, a staff representative from the state sector to try and ensure another "lens" on us from best working practice in the state sector. This committee reviewed serious issues of safeguarding and child protection and other pertinent issues in effect, challenging monitoring and supporting the leadership and management of the school. In turn, this committee, chaired by a QC, reported termly to the full Board of Governors.
45. I do not think that the school was not operating well in terms of child protection and safeguarding prior to 2015. We always thought about the interests of the pupil. However, we were inconsistent for a period of years in automatically seeking advice from regulators outside of the school and external agencies such as social services, HMIE or the Care Inspectorate. If there was an incident then why did we not automatically place such a member of staff in the staff disciplinary process? I do not really have an answer to that except that the leading team of staff, running this school, to start with, was very small. Looking back, possibly, I took too much on my plate and my PA did as well. She was my executive PA and she was also in charge of HR. At that stage, we could not afford the extra function of HR.
46. I always had a "pastoral heart" in my approach which is laudable but it is not appropriate when it comes to safeguarding and child protection issues. On reflection, it took me some time to realise and learn, for example with some members of staff, that my pastoral heart was irrelevant and what I should have done was immediately seek external advice. I should have been seeking advice externally and then starting the disciplinary process as soon as possible. My pastoral heart was also at the centre of my dealings with students. I would only ask a pupil to leave the school as a last resort. I felt that asking a pupil to leave was a sign of failure by the school. I was too closely involved in the process and I had to learn to step back and not be the first port of call if we were conducting an investigation. I could not do that until I had the resources but eventually I did have the resources. The regulators said that we had to increase the resources in the school and Governance agreed. I do not think we were

deeply at fault. We were always thinking about the safety of the children but we could have done better. Once we realised that we had to do better, we fully engaged with the process.

47. After the suicide of a member of staff, James Rainy Brown, I was interviewed by the police for the whole of the next day. I had school lawyers with me and I told them that I wished to speak to the police about all of the challenges that I had faced in safeguarding and child protection. I gave the police everything. They had their correct procedures and they came back and demanded the audit trail. For every single one of the issues, we had an in-depth audit trail of what had been done but our audit trail needed more evidence of seeking external advice and/or the use of the disciplinary process. We had this process and I worked on it with my bursar but it was not automatically instinctive for me to place someone immediately on the disciplinary process. I learned that.
48. You could ask why that took so long to learn? With the board of governors, I do not think that safeguarding and child protection assumed a high enough priority for some time. I think that would have been the case in quite a few independent schools especially boarding schools. I think boarding schools used to be unintentionally, quite inward looking places. You spend a lot of your time thinking about your colleagues and the students. It is a different ambience to a day school. These students are living there and looking after them is all consuming. You are also looking after your colleagues because they have a completely different life to someone working in a day school. It's all encompassing and sometimes I think that is not healthy. It means that you are not seeing things in perspective and balance
49. I do not think as a board we were necessarily up to speed on national developments in safeguarding or child protection. Equally, I do not think any of us were intentionally unaware of the critical importance of safeguarding and child protection. I still cannot quite remember why we were so slow to implement national initiatives like GIRFEC and SHANNARI. It may have been simply because I was in hospital at that time and as the leader I was not there. It was not quite as simple as saying that an interim head could be appointed to run the school for six months. That could not happen and

the leadership team was pushed even more. You can clearly see that later the school and the board upped their stakes on safeguarding and child protection.

50. As far as I can remember, I believe that we had a draft job description for our Liaison Governor of safeguarding and child protection in 2007. I do believe that shows that we were really concentrating on our processes. I cannot actually remember if it happened. If it did happen then that would have meant that my child protection co-ordinator in the school would have been reporting to that governor every term but I cannot remember if that draft job description became reality in 2007 onwards.

Other staff

51. Whilst I was the head, I was responsible for the management of staff employed at the school. However, we had a deep and long organisational chart of a school leadership team which included housemasters, heads of departments, members of staff and professional support services staff. I developed the model of delegating some day-to-day management of middle managers to my co-leaders. However, I was always kept informed.
52. At the beginning of my time at the school, I had a very small senior team of a Second Master which I called, deputy head, Ken Houston and a director of studies, Mr John Begg. I set up a Headmaster's Forum which included representatives from all areas of the school amounting to 10 in total and we met every week to allow me to get to know the school better and to get to know the practitioners in the school. Over time, I developed my own School Leadership Team consisting of the senior deputy head, deputy head pastoral care, deputy head academic, deputy head co-curricular, head of juniors and bursar. In my early years, my School Leadership Team was much smaller than this. The Headmaster's Forum did not exist after I had developed the School Leadership Team as The Headmaster's Forum was used as a forum to help me learn the context of the school, work out what needed to be improved and who would be my initial members of The School Leadership Team. It was significant that in time we changed the role of deputy head pastoral care to deputy head pupil support. Essentially, deputy head pastoral care and deputy head pupil support meant

the same but we felt that the title deputy head pupil support had more clarity and fitted the Scottish context better, whereas the Latin derivation of pastoral had served its time.

53. Continued devolved leadership occurred with the setting up of a triumvirate known as the Academic Leadership Team (ALT) which consisted of the deputy head academic and two assistant heads. In later years, this was mirrored by a second triumvirate called the Pupil Support Leadership Team (PSLT) which consisted of the deputy head pupil support and two assistant heads.

Recruitment of staff

54. I was fully involved in the recruitment of staff at the school.
55. Effectively, as the head, I never employed staff on my own. Staff went through an elaborate recruitment process. In my early days, applicants submitted a letter of application and a detailed CV. Any gaps in the CV were always explored by asking prospective members of staff to explain any potential gaps in their CV. Of course, this meant that as "screeners" we had spotted any potential gaps.
56. In time, we also developed a declaration form which had to be signed by prospective employees indicating whether they had been the subject of any disciplinary offences or safeguarding and child protection issues. I cannot remember the date when the declaration form was devised. We did this as part of good working practice as instructed by regulators. I remember in particular the Care Inspectorate endorsing this form in an inspection. I remember my long-standing PA of 14/15 years who was integral to me at the school, Mrs Sharon Dow, devised the original form in addition to developing the good working practice of job descriptions and, in time, person specifications and a job application form, as opposed to us just relying on a cover letter and a CV.
57. In terms of HR, for many years, my PA alongside myself always undertook these processes. Until the HR function was appointed, my bursar at the time also helped.

This continued with my second and third bursar even when we had set up an HR function. Myself and my bursar, endorsed by governors drove the creation of this role. My long-serving amazing PA had an unreasonable workload so the first HR function was appointed in January 2013.

58. On the day of an interview, often a Tuesday if possible, my wife and I met every prospective employee at the headmaster's house, known as Castle Gates, for around 40 minutes. Often candidates had been invited to see around the school on the previous evening and attend Headman's Assembly of a Tuesday morning. I was always probing whether the member staff had the capacity and ability to understand the essential importance of student support at school, whether they had the ability to understand the central importance of inspiring and motivating students of different ability levels at school, whether they had the ability to understand the central importance of the co-curricular programme at school and whether they understood the essential importance of making a difference in terms of supporting students, colleagues and parents of the students at the school. In relation to student support, at interview, it was important to check that prospective staff understood the central importance of looking after students pastorally, being tutors, having a tutor group and helping in a boarding house. It was our view that the academic development of the pupils could not happen without this pupil support and co-curricular activities.
59. Thereafter, candidates on the interview would leave our house to do a "magic roundabout" of activities. I introduced this approach. I cannot remember when I did this. It was important for prospective staff to understand the commitment required in a boarding school. We wished candidates to understand Merchiston Castle School and for us to understand them and give them the opportunity to grown into the interview process, as opposed to candidates delivering a "mantlepiece interview". SCIS did not advise us in this regard but it was just perceived as good working practice.
60. One of those activities was that they had to teach a lesson or two. It was realised that this was contrived but all we were trying to ascertain was whether or not the candidate had a good academic handling of the subject and whether or not the candidate and the pupils could begin the development of a mutual professional

relationship. The other activities involved meetings with all of my co-leaders of the school in one-to-ones or small groups, a tour of the school by pupils, spending time with the respective head of department or housemaster, lunch with members of staff, a presentation and leading a co-curricular activity. Over time, in addition to the pupils doing the tour of the school with the candidate, each candidate enjoyed a pupil panel. To ensure consistency of approach, the pupil panel was the same for each candidate. Pupils gave feedback on candidates on interview from the tour and the pupil panel.

61. We found that the pupils reacted well to this challenge and were always professional in their approach and often concentrated on questions like, "We wish the best teachers to come and work for us. Why do you wish to come and work with us and why do you wish to work in a boys' school?"
62. Every year we tried to ensure that our processes were as professional as possible to give a prospective member of staff the chance to get to know the school and for the school to get to know each candidate as well as possible. Obviously, each candidate's application and the reference pack were distributed to all involved members of staff prior to the interview. Wherever possible, written references and telephone references were gained before interview. Feedback occurred at the end of the day and included feedback from the participating pupils. A meeting of those on the selection panel of that particular appointment met and listened to each other's spoken and written observations. In time, we fulfilled best working practice as in verification phone calls to the referee to check that he or she had written the reference.
63. The Protecting Vulnerable Groups (PVG) process also happened as this became a mandatory part of recruitment processes. I cannot remember when this became mandatory. However, Merchiston Castle School will have the records. I am sure that we will have followed national guidance. GTCS became mandatory, particularly when this was statutory. Before then, I encouraged all staff to register under GTCS. I believed it was a good organisation with which to gain professional accreditation. I helped staff gain accreditation through the "exceptional admissions route". I cannot remember the name of the GTCS Registrar prior to Ken Muir but he visited

Merchiston, saw our professional development processes for such teachers and observed some of them teaching. We also ensured that staff gained further training and accreditation through professional courses.

64. We sought written references wherever possible before interview. The referee was asked about, and expected to cover, suitability to work in a boarding school, academic qualifications, teaching qualifications if applicable, interests outside the classroom and the character and personality of the applicant. A candidate's interests outside the classroom were considered to be relevant because all members of staff were expected to contribute to co-curricular activities and pupil support in the boarding houses.

65. In time, I seem to remember 2013 onwards, I specifically asked the referee a question which I was told was potentially not correct in terms of employment law but the question was "Could you tell me if there is any reason, please, as to why this prospective member staff would wish to work in a boys' school and seek refuge in a boys' school?". I cannot remember who told me that question was not correct but it may have been the school's legal advisers. I took advice from regulators such as Education Scotland and the Care Inspectorate and was told that, in the light of the challenges we had faced at Merchiston, I was quite entitled to ask this question. The question is outside a "normal interview" question and is very focused and precise in its direction of travel. I was asking for reassurance that there were no untoward reasons that this person wanted to work in a boys' school. It was used to try and identify any potential male member of staff who was interested in boys for the wrong reasons or any potential female member of staff who was interested in boys for the wrong reasons.

66. I and others always endeavoured to speak to the referees as well before the interview. I believe this happened the majority of the time from 1998 onwards and often we also phoned somebody whom we might know from the candidate's past employment record who was not named as a referee. We felt this gave the referee the chance to say something that he or she might not wish to put in writing. In time, once we had established an HR function, verification phone calls happened to referees on the written reference after the actual interviews.

67. Following the 2013 challenging years at Merchiston, the Board of Governors and School Leadership Team reviewed how references were provided for staff moving to new appointments outwith the school and we understood clearly the importance of providing accurate information to ensure that young people were protected. The review was part of checking that all processes at Merchiston Castle School were as consistent and professional as possible and within national guidelines and to check that any safeguarding and child protection issues or disciplinary issues on record were declared. This was formalised by Board of Governors and the minutes of all these meetings are held at Merchiston Castle School.

Training of staff

68. I was involved in the training and personal development of staff.
69. When a member of staff was appointed to Merchiston, he or she visited the school on induction days before they started employment with us. This gave the prospective member of staff the opportunity to spend a whole day at the school with colleagues and allow them to become acquainted with the school. Often, this day involved many one-to-one meetings with me, members of the School Leadership Team, safeguarding and child protection, director of sport and housemaster. The day allowed the member of staff to begin to feel acquainted with Merchiston and vice versa. Once a member of staff started his or her career at school, he or she immediately joined a review and development programme. In our system, we tried to attach the development of each member staff to aspects of the school improvement plan and the funding available. A staff manual which gradually became more and more professional was also invaluable for all staff.
70. The new member of staff would have a weekly meeting with his or her head of department or housemaster mentor and in time we also delivered bite-size induction processes every week for new members of staff for the whole of the first term. In my latter years in school, I cannot remember exactly when, approximately 2013, we often did bite-size training at the Monday morning weekly briefing meeting which all

members of staff attended on issues like safeguarding and child protection and topics like SHANNARI. We always had in-service training in great depth at the beginning of each term but we felt that these 5 minute bite-sized sessions also helped staff in different way to keep up-to-date. The Getting It Right For Every Child (GIRFEC) approach supports children and young people so that they can grow up feeling loved, safe and respected and can realise their full potential. At home, in school or the wider community, every child and young person should be: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included. These eight factors are often referred to by their initial letters – SHANARRI. They are wellbeing indicators which help make it easier for children and families and the people working with them to discuss how a child or young person is doing at a point in time and if there is a need for support. Each child is unique and there is no set level of wellbeing that children should achieve. Wellbeing is influenced by children's individual experiences and changing needs as they grow.

71. In 1998, I initiated formal in-service training at Merchiston at the beginning of every term. The record of in-service training is at Merchiston. This was important for all staff and it contributed to the personal development and training of staff. In my latter years, I remember that this was attached to How Good is our School and the GTCS professional record of each teacher. We attached great importance to staff induction, introduction to the school and ongoing staff development. Of course, that is not to say that we could not have done better. We were always trying to do that.

Supervision/staff appraisal / staff evaluation

72. I was involved in the supervision, appraisal and evaluation of staff.
73. At the beginning of my tenure, the school numbered 350 pupils. The school roll increased as the school was becoming more and more successful and well-known. Pupils were attracted by the smaller school context. Over periods of time during my tenure at the school, at its height, the school roll numbered 480 pupils so accordingly we had to put in place more subtle middle management structures. We were moving even further away from the heroic leadership style and moving to flatter lines of

leaders, with support, accountability and responsibility. A changing world equalled a changing school and those changes included, developing leaders, delegation to empower staff, spotting development potential and necessary skillsets. The concept of team development was about trying to secure continuous improvement. Wherever possible, I tried to watch every new member of staff at Merchiston teaching and doing his or her activities outside the classroom.

74. Every new member of staff at the school was automatically appraised throughout the whole of his or her first year and thereafter a cycle of appraisal happened every two or three years. This appraisal model included two or three lesson observations, peer comment by the head of department and other members of the department, peer comment by the housemaster of the house in which the member of staff was helping in as a pastoral care or student support tutor, peer comment by the leader of the co-curricular activity the member of staff was offering and student questionnaires. We had to ensure that the student questionnaires were completed confidentially to protect the students.
75. At the end of this process, the member of staff spent time with my allocated senior manager to go through the feedback and I signed this off by meeting with the member of staff personally at the end of the process. I would then send a letter to this member of staff summarising our findings in terms of strengths and areas for development.
76. It was inevitable that our policies became even more sophisticated. We also appraised anyone who was in a new position of responsibility who had been promoted from outwith the school or within the school. Wherever possible, an internal appointment involved the candidate applying and an interview process. This was to try and ensure that we had "checks and balances" on any internal appointment. We felt that was professional and due diligence. Members of staff also preferred that.
77. In my final years, I remember that the system was totally electronic to try and make everything more efficient and effective for all members of staff. Other systems involved an annual report being submitted by the head of department in the

September of every new academic year looking back at the previous academic year. I cannot remember the headings in this report but it would have included the number of students studying the subject, public examination results, management of colleagues, joys and challenges and facilities. I met every head of department to go through this report. Parts of this process were important as often the need for enhancement of facilities was added to the school improvement plan in relation to the availability of funding.

78. With my wife, we did the same with the boarding housemasters but this also included visiting the boarding house and being shown around the house by the housemaster so that we could see the pupils in their houses and the fabric and facilities of the house in person. My wife was in charge of presentation and was very experienced in boarding houses. The housemasters and pupils liked this approach and valued her advice and professional support. Obviously, we were conducting a form of "quality assurance". After each visit, we wrote to the housemaster. Just like the head of department, the housemaster also completed an annual report. I then met every housemaster. After every meeting whether this was the head of department or housemaster a detailed letter was sent. In time, the deputy head pastoral care/pupil support became the direct line manager of the housemasters and the deputy head academic was the equivalent for the heads of department. We co-signed the sign-off letter. This was a system of quality assurance. All of the records over the years were left at Merchiston Castle School.
79. In my latter years, the system became more sophisticated as my deputy head academic and his or her two assistant heads did this process with the heads of department, and the senior deputy head or deputy head pastoral care/pupil support did this process with the housemasters. Again, on this system we co-signed the summary letter. On such a system, we appraised every new member of staff, every external or internal candidate in a new position of responsibility in the school, every head of department and housemaster. My co-leaders and I met a lot of staff every year. In my latter years, we amended this system to ensure that every member of staff had an annual Review and Development Meeting with his or her line manager. This was also linked to the GTCS professional update process.

Living arrangements

80. I, with my wife and family, lived in the headmaster's house at the school, called Castle Gates. This house was located 50 metres away from the school. In the original design of the school, it was intentionally laid out so that the house looked at the school. The boarding houses were closely attached to the main body of the school. In the school, one could walk to anywhere on the campus in no longer than five minutes. We tried to meet every single prospective employee and every prospective parent and son in our drawing room. Castle Gates was very much a working school house, as we entertained staff, parents, pupils and former pupils in the house and garden.
81. At the school, on my arrival every boarding house had a residential housemaster. My predecessor, David Spawforth, had improved the accommodation for the housemaster and ensured that such accommodation was suitable for both married staff and single staff. When I arrived in 1998, we increased the level of staff units of accommodation in the houses to ensure that each house had more residential staff such as a residential tutor, (in later years, the role's responsibility was enhanced and called assistant housemaster) in addition to a residential or non-residential housemother. The student roll had gradually increased and in any case, staff to pupil ratios needed to be as generous as possible to ensure quality of care. The concept of assistant housemasters was important. We had something like 15 or more members of staff living in the boarding houses. It is important to note the use of terminology as some of the housemasters and assistant housemasters were female but they still wished to be called housemasters and assistant housemasters. They refused to be called housemistresses, despite my invitation. I had many female leaders at Merchiston Castle School, including housemasters and members of the SLT. This was not a culture challenge.
82. When I arrived at the school, I insisted that every academic member of staff on the staff roll helped in the boarding houses as non-residential tutors to try and ensure that learning and teaching were fully integrated with pastoral care and student support. We were able to achieve this. However, it did meet some resistance from

staff at the beginning. It worked in practice as staff working in Merchiston, as a boarding school, understood the whole day and evening and saw the students "in the round" and vice-versa.

83. The school also had units of additional accommodation for members of staff who wished to live on the campus, something like 8 in total. Such residences were for staff who were expected to play a really significant role in the 24/7 life of the school. To help support the housemasters, in my early years, I appointed an experienced Merchiston practitioner as a "guide on the side", seventh non-residential housemaster, Mr Nigel Rickard. Anne and Nigel Rickard lived on the campus.

84. Nigel Rickard in his earlier years had been a housemaster at Merchiston and when I arrived, he was head of personal, social and health education (PSHE). He was my first child protection co-ordinator. This position was to create further ballast and support for the housemasters. There used to be a further 9 residences called The Cedars which we had to sell to inject funds into a new project, namely Laidlaw House. Laidlaw House was a new boarding house for Lower VI/S5 and Upper VI/S6 which had 120 en-suite single bedrooms and 6 staff residences to ensure that we were providing the right quality of living accommodation and supervision for the students. Enhancing the accommodation for the Lower VI/S5 and Upper VI/S6 pupils also meant that we could enhance the accommodation for the Rogerson, Fifth Form/S4 pupils as their house became a predominantly single bedroom house. Improving the student accommodation was a recommendation by regulators; HMIE/Education Scotland and the Care Inspectorate. Way before the opening of Laidlaw House in 2009, in 1998 onwards, we had set about the renovation of the showering facilities in all of the boarding houses to ensure that there were no communal showers. These were replaced by individual showers.

85. I cannot remember when but, very early on in my tenure, we set up keycode entry panels to each of the boarding houses. The key codes had to be changed at the beginning of every new term, the beginning of every second half of term and at the end of term. This was done to ensure security and safety for the pupils. They were changed regularly to ensure further security and safety. All academic and professional support services staff had these key codes. As I have already indicated,

each housemaster was responsible for a team of tutors and we allocated these tutors according to the strengths of the members of staff and the needs of the pupils. We tried to ensure that every tutor team in each house was balanced between male and female and different abilities and talents. Every member of the academic staff helped in a house every week, tutoring and providing cover so that the housemaster could have some time off. Every tutor was expected to contribute to a Sunday activity once or twice per term. Training was provided. The theory was that I wished the teachers to see the students outside the classroom and equally for the students to see the teachers outside their specialist learning and teaching areas. It was about seeing people "in the round" and mutual professional relationships.

Culture within Merchiston Castle School

86. Merchiston remained a boys' school throughout my tenure at the school. I tried to continue the very good work that my predecessor had done on structures, policy and process. We set about bringing in a new uniform throughout the whole school, including suits for the pupils in the Sixth Form, to give the pupils a sense of graduation through the different parts of the school. We brought in a culture of different ties for the pupils to give them a sense of belonging and achievement in many different areas of the school. In short, we set about with all the staff to make sure wherever possible, it was a gentle school. I remember in literally my first few days in the school, that a present pupil did not return from the previous year, as it appeared that one of the traditions of a birthday was a boy being tied naked around a tree, presumably by members of his peer group. Clearly, this was totally wrong. I remember my second Captain of School in 1999/2000, quite intentionally chosen by me because he was an out-and-out academic, not a rugby player, yet in his own way a real leader and builder of teams, coming to see me to say he was worried on his birthday, precisely because of this. He joined my wife and I for dinner at home on his birthday evening. Real care and attention was taken to try and break down such inappropriate behaviour. In time, I am confident that we broke this one down and replaced it with birthday cakes in houses, pizza parties in houses and in my latter years, if the pupil agreed and his birthday fell on a Tuesday, the day of Headman's

Assembly, I shook the pupil, by the hand and the whole school sang Happy Birthday to him.

87. My wife, with her interior design skills, helped to design colour schemes all over the school to make it more personable. Carpets were laid all over the school and we felt that these were important signals. For many pupils, Merchiston was their home in term time.
88. We tried to change the school and move it away from thinking that sporting achievement was the only relevant achievement. This was my idea alongside other co-leaders. We were doing extremely well academically but sporting achievement was recognised more. I wished to achieve sense of balance. Whilst sport and leisure were compulsory, not every child liked sport. Making this change promoted inclusivity and applied to the Arts, Music, Drama, Leadership, Service and Koinonia (Teamwork with the Community). The different ties for the pupils allowed a sense of aspiration as in "Which tie will you wear?" This sense of inclusivity was hard to do. Piece-by-piece we believe we succeeded, however, we always had to keep an eye on this. Academic clinics and surgeries which were offered voluntarily by the staff and many other initiatives all helped.
89. My wife and I visited the houses often to ensure that we met as many pupils as possible. We set up "house gatherings" whereby every year, having walked around the whole boarding house, we met the students for pre-dinner drinks in their houses before having a formal three course dinner in the dining hall. The housemaster and his or her team of tutors also attended. My wife organised the members of staff and Upper VI/S6 pupil leaders moving round the tables after every course.
90. The culture of Merchiston was very strong in terms of its house structure. Pringle was for the 11 to 13-year-olds. The necessity to diversify in the marketplace meant that we took this house down to 7 to 13-year-olds which included primary five pupils through to first year secondary pupils. Lots of Scottish Senior Schools had a 7 year old entry and making this change made us more competitive in the marketplace. Chalmers West was for 4th Form/S2 pupils and Chalmers East was for Shell/S3 pupils. Originally, Rogerson East was for Fifth Form/S4 pupils and Rogerson West

was for Lower VI/S5 pupils. Evans was for the Upper VI/S6 pupils who were not residential prefects in other houses. I cannot remember precisely how many residential prefects there were in each house, it depended on the number of bedrooms, however, there were usually five or six in each house, supplemented by non-residential prefects.

91. Students often liked the different horizontal house system as they felt that each pupil had a chance of developing a great sense of camaraderie and friendship amongst kindred spirits. Most boarding schools have vertical house systems so for example Gordonstoun's Senior school would have boarding houses of 13-18 year olds and in each house you would have boys from S2, S3, S4, S5 and S6. Merchiston is one of the few schools in the UK which has within aspects of its house system, the horizontal house system. Pringle House housed boys from eleven to thirteen and then we took it down to seven to thirteen so it was not a horizontal house.
92. Chalmers House West was the 4th Form/S2 house and this was the first house in the senior school. It is the first horizontal house. It had in it, roughly speaking, sixty 4th Form/S2 boys. It also had in it five or six residential student pupils from Upper VI/S6. In addition, it had non-residential Lower VI/S5 pupils helping in that house as well as the residential pupil leaders. The Lower VI/S5 boys were learning how to be leaders in the houses during elements of the day such as lunch time or prep time. We called it The Lower Sixth Helper Scheme. The Lower VI/S5 boys were divided into groups and they did this learning "how to lead exercise" in every house in the school. We gave them this leadership experience in all of these houses but they were not residential. So, whilst Chalmers West looked as though it was a purely horizontal system with just 4th Form/S2 pupils, it was not just 4th Form/S2 pupils.
93. Pupils moved from Chalmers West to Chalmers East. At the end of that year, as a cohort of 4th Form/S2 boys one moved to another building and another housemaster and then you were the Shell/S3 and in Chalmers East. The same pupil leadership system was in place with Lower VI/S5 and Upper VI/S6 pupils placed within the house on a non-residential and residential basis. At the end of the Shell/S3, they moved as a cohort of Shell/S3 students to Rogerson and then they were in the Fifth Form/S4. Again, the same system was in place in relation to other student leaders.

Fifth Form/S4 pupils were housed in Rogerson East and Lower VI/S5 pupils were housed in Rogerson West.

94. There is little stability, you move building every year and you have a new housemaster every time. That is both a good and a challenging concept. This system creates the potential for gaps in welfare. You had to have a system at the end of every year where one housemaster would have as thorough a handover as possible to the next housemaster.
95. The pupils said that they loved the horizontal house system. [REDACTED]
[REDACTED] The theory was that, if you loved it, in that cohort of 60 pupils, you would find kindred spirits. In the vertical system, if one of my friends was in a different house, a mile away on the campus, then the only time I really saw that friend was in class or in the dining hall. When I arrived at Merchiston all of the staff said to me that there was no bullying at Merchiston because of the horizontal house system. I remember raising my eyebrows and thinking this is an impossibility.
96. In this school system, it always worried me how a boy who was ultra-sensitive would find this house system. It was a very boyish place and very often in the right way. However, a possible infatuation with rugby by some boys could dominate the whole scene despite the fact that many other aspects of the school were outstanding such as academic performance, music and art. In particular, because of the lack of stability in the house system, I then had to bring in systems. I appointed the Head of Merchiston Juniors, a Head of Middle Years and a Head of Sixth Form because I needed to have reassurance that the messages that I and the staff were trying to implement were being implemented and lived despite the unusual horizontal house system. We tried to improve it further by giving the pupil a tutor in 4th Form/S2 who stayed with that pupil until the end of GCSEs in Fifth Form/S4. Of course, staff leave and you cannot help that.
97. This different horizontal system had amazing strengths but my antennae were more interested in the areas for "falling through gaps". If you were "got at" in your cohort how would you get away from it? At Merchiston, the housemaster had to get used to sixty new boys every year and sometimes if recruitment had gone really well, then it

would be eighty. When I arrived I could not understand this house system (simply because I had been a housemaster in two schools with the vertical house system) and I set off with great dreams of changing it but I never managed it. I changed parts of it. I grew to understand its unique strengths.

98. Originally, the culture of the school was not helped by Evans House. This house was for Upper VI/S6 pupils who were not prefects in other houses. There would be thirty five to forty of them. These pupils felt a sense of low morale because they were not residential prefects in the other houses. This was a challenge when I first arrived as these students felt like the bottom of the pile. Some of them were loveable rogues. Under the vertical house system when I was a housemaster, I had my rogues being student leaders as well but I just had to spend more time on them than the other student leaders. That was one of the reasons why we set about the Laidlaw House project as in a brand-new boarding house for Lower VI,S5/Upper VI, S6 sitting alongside Evans the new Lower VI,S5/Upper VI, S6 day house.
99. The regulators said that we needed to improve the boarding accommodation and that was when we opened Laidlaw House. It was a £9 million development. It was hard funding that. That was great news because in that house there were 120 ensuite bedrooms for Lower VI,S5 and Upper VI, S6. There were lovely staff flats which were fully occupied. There were six residences for staff. There were wonderful social facilities including a gym in the basement. However, we still had pupils in Upper VI/S6 who wished to be prefects in the other houses even though Laidlaw was a remarkable facility. There was a sense in the school of public service by the best senior pupils. Often, they had been inspired by outstanding pupil leaders when they had arrived at the school. Once we had opened Laidlaw House, such a move meant that the Fifth Form/S4 pupils in the school then lived in Rogerson, predominantly a single bedroomed house. The house system changed because Lower VI/S5 and Upper VI/S6 were housed together and were no longer horizontal either. When I left, we only had three horizontal houses; 4th Form/S2, Shell/S3 and Fifth Form/S4. I think the school will still be debating what to do about this aspect of the horizontal house system and how to improve it. Any dramatic changes, will take huge investment.

100. In the school, we expected the relationship between staff and pupils and vice versa to be trustworthy and professional. This was assumed to be the case, we set this high standard and always endeavoured to monitor this. Members of staff wished the best for the pupils and contributed hugely to learning and teaching, student support and the co-curricular programme. We always tried to ensure that the pupils were looked after and cared for. We wished them to be treated as individuals.
101. My second Chaplain, Mr Nick Blair, had a hugely positive impact on the community. Moreover, as part of trying to improve the culture, the appointment of a counsellor made a difference. It was not an easy target but, we tried to fight the stereotype of boys' schools and ensure that the gentle spirits flourished. The links with our sister girls' schools, Kilgraston, St Margaret's and St George's were important in all sorts of collaborative projects.. Collaboration with the girls' schools included drama, planned social gatherings such as Scottish Country Dancing which was a term's course which led to a Ball, Combined Cadet Force and Outdoor Education amongst many others.
102. Furthermore, as part of the culture, pupils often left the school for trips, including all over the world. Our Arts and Culture Programme saw the pupils, with staff, dipping in and out of the rich culture of Edinburgh. Visiting speakers from all walks of life spoke at Merchiston. Over time, we employed more and more female teachers so that the pupils had both male and female role models. The best residential prefects in every boarding house were often seen as tremendous role models for and by their charges. This was a deliberate policy and we tried our best to develop good role models. Due to human nature, this was not always the case. Even adult leaders all over the UK and the world make mistakes and there were student leaders who needed even more guidance in leadership. I and all my co-leaders over the years tried to help the members of the school see leadership in terms of servant-leadership. Annually, I led a talk with our Lower VI/S5 pupils (often with the equivalent pupils from Kilgraston and St George's) entitled "Developing leadership skills in students, old style of leadership/heroic versus new style of leadership/post heroic." The pupils then broke up into small groups with case studies followed by a plenary conclusion.

103. I was a believer in simple, believable messages for the pupils and I decided that my core pieces of advice were really pertinent. Those pieces of advice were: "Look after each other; try your hardest; make the most of your talents and really try to enjoy your classes and activities." I had crystallised these pieces of advice over years of experience. They were my mantra for the pupils of Merchiston Castle School. They were my anchor points for the pupils. I explained this metaphor to the pupils as in the words of that famous hymn "Will your anchor hold in the storms of life?" Every year, these words put on posters designed by pupils in Pringle and Senior School, as part of pupil input. We tried to establish a very clear code of behaviour from the start. I went through these core pieces of advice with every prospective pupil and wrote the pieces of advice to every prospective pupil. They were part of Headmaster's Assemblies and they were on posters. It was expected, in a gentle way, that pupils would know them off by heart. This was all part of revisiting and embracing that ethos. There was a constant reminder at the beginning of every term, in prefect-led assemblies, in Headmaster's Assembly every Tuesday, including Thoughts of the Year. These messages went to the houses and housemasters and the pupils received my Tuesday message and visual/accompanying slides/power point at the end of play on Tuesday. PSHE lessons, sectional assemblies and Headmaster's Headlines every Tuesday all contributed to establishing and reinforcing this ethos. Headmaster's Headlines included my message (which was often ethical) from the Tuesday morning and these headlines were sent to all audiences of the school, including the parents and posted on the website. We tried to establish and maintain a strong sense of common purpose for staff and pupils within the community. In my annual sermon in Sunday Chapel to all the pupils and large number of parents, I used the opportunity to reiterate messages such as Reach Out, Take Time for Thanks and Toasted Tea Cakes, Values and Courtesy, What if – share kindness. It may be insignificant but, even in our staff briefing meetings, I objected to the pupils being referred to as 'kids' by the members of staff.

104. In tandem with all this, and more, we opened up the school to the parents with numerous opportunities to come to events and dinners to get to know staff and other parents and feel part of their son's Merchiston Journey. Finally, The Board of Governors, when I arrived, was mostly former pupils, known as Merchistonians, and obviously a totally male body. The number of Merchistonians on the Board was

reduced and more female governors were appointed. There was one female governor chairing The Parents' Forum and one female governor as the Liaison Governor responsible for safeguarding and child protection. Lord Hodge was my first chair of Parents' Forum, a new concept I introduced in 1998/1999. Professor Lorraine Waterhouse succeeded Lord Hodge. Mrs Sally Kuennsberg was the inaugural chair of safeguarding and child protection which, from memory, started approximately 2015 to 2016. The June 2016 Board Meeting was the first time that the Child Protection and Compliance Committee reported to the Board in terms of Child Protection and Compliance. This part also included the termly Child Protection and Wellbeing Report.

105. It may have been a small signal but over time, and I cannot remember exactly when, the order of the agenda at our Board Meetings changed dramatically so that safeguarding and child protection was the first item followed by health and safety. This was driven by governors, myself and co-leaders. Indeed, all internal meetings at Merchiston also followed this order to ensure that we were giving due attention to safeguarding and child protection and health and safety. We also moved to providing governors' training on safeguarding and child protection at the beginning of every academic year. Over time, it made sense to do this. I cannot remember the precise date when this began. I remember two of my early child protection co-ordinators Alex Anderson and Chispa Prini-Garcia delivering these sessions which means approximately 2007. I introduced the first Board meeting of the academic year in September to be a "working meeting" including safeguarding and child protection training and presentations by staff on academic results, student numbers and facilities' development. Much more systematic safeguarding and child protection happened much later in approximately 2011 or 2012. We ensured that governors received advice from Association of Governing Bodies of Independent Schools (AGBIS), in addition to attending the relevant annual SCIS courses.
106. My predecessor abolished fagging and personal fagging before I arrived in September 1998. However, it was always wise to check that the residential prefects were never asking younger pupils to do inappropriate tasks such as cleaning their rugby boots or washing plates, cups and saucers. We always tried to anticipate this by reminding senior pupils that this was unacceptable. As far as I can remember, this

was always part of the prefect training process. If they got this wrong, they were counselled and guided to endeavour to improve. Ultimately, a prefect would be stood down if he did not learn from his mistakes. It was clear that this area of prefects and care and respect of younger pupils and vice-versa was a development area which we always endeavoured to improve. It was a development area every year because there was a new team of prefects every year. We felt that we had to keep an eye on this area. I was a very experienced practitioner as a former housemaster of boys in two different schools and I knew that was a "red alert" area in developing student leaders. Seventeen and eighteen year old pupil leaders are still young and need a lot of guidance.

107. I think boarding schools are different to other schools because they are often the second homes of the pupils. It is very challenging yet rewarding looking after all of these pupils and at times, it can be very demanding for the staff. Looking after the work-life balance of these staff in term time was sometimes not easy. Fortunately, they had longer holidays than day schools. Towards the end of my time, I kept on asking staff to ensure that they retained their sense of perspective on life. It is inevitable that when you work in a boarding school, you live and breathe it. To be honest that is what the parents are paying for. Sometimes they are paying for it because they have been through difficult times in their own personal lives, like separation or divorce, and they see the boarding school as a safe haven. It's an anchor for their children.

Discipline and punishment

108. My predecessor had rightly abolished corporal punishment way before this was statutory. In day to day occurrences which were not utterly serious, the pupils were disciplined and sanctioned at the school by a Second Master, whose title was changed to deputy head, and by housemasters.
109. Serious issues in the areas of bullying, use of drugs, theft, racism and any other demeanour which put other pupils at risk were automatically referred to me. I expected my staff to work on the basis of "No Surprises". In other words, without

micro-managing, I wished to know more as opposed to less in all respects of the school, including both the positive and negative behaviour and demeanour of the pupils. Inevitably, as the head I had the right to suspend pupils or indeed ask pupils to leave the school.

110. We spent a lot of time meeting the pupils and the parents of the youngsters who were misbehaving. We also spent a lot of time with the wronged pupils and their parents. We felt that a "round the table" discussion between all parties was the best way to try and find a solution. At my level, that of being the head of the school, I also did this on many an occasion when a pupil's misbehaviour was serious and merited a suspension or potentially losing his place in the school.
111. I believed in the biblical phrase "70 x 7 forgiveness" and I tried my hardest to give a pupil who had made mistakes another chance. With such an approach, I had to be careful that I was not putting other pupils in the community at risk. Over the 20 years, I learnt that sanctions often achieved little and that it was much more pertinent to ask a crucial question with regards to a student misbehaving as in, "What is causing the pupil to behave like this?". We always tried to find the answer. Sometimes, we were unsuccessful. In my latter years, as a school approach, we all developed the restorative approach and that approach gradually became embedded through staff training, pupil training, parental training and support plans. I cannot remember precisely when this became the approach, however it was approximately 2013 onwards. We did many in-service training sessions to help staff and students adjust to this change.
112. There was a formal policy in relation to discipline and punishment. It is natural that piece-by-piece the policy became more elaborate and sophisticated. We had a policies' booklet for the students and for all the audiences of the school. I wrote the introduction to this for staff and parents. My introduction for the pupils was as follows: "This School is your School and it stands or falls by that. Yes, growing up does pose challenges and do, please, try and remember that your parents and teachers were also once young! Inevitably, we do not wish young people to make serious mistakes but a crucial and positive element of intervention must always be to reform – an opportunity to learn from one's mistakes. In Headmaster's Assemblies, I

have often talked about how to respond in challenging situations: 1. Count to 10 ie step back from the situation and take time-out 2. Reflect on the values of your school and your School 3 Seek advice from a mentor or friend. We know that good advice from a peer is invaluable. 4 Make an informed decision. 5 Then, remember that you are responsible for your own actions and their consequences. 6 Seek advice from a mentor or friend....again....to seek reassurance. In life beyond School, the above of course applies equally well. Please do not hesitate to discuss any concerns or issues with members of staff and pupils close to you. We all wish the best for one another in this community. At the beginning of every term, important policies were re-established with the pupils and indeed parents. These policies were also a part of PSHE lessons, sessions provided by the Pupil Support Leadership Team in addition to house assemblies. Often in my weekly Headman's Assembly, (the pupils called me Headman) I talked about demeanour with accompanying slides and visuals and all the students received these at the end of play every Tuesday. The school has the records of all my talks. They were often related to what was going on in the wider world. Examples would include; Arts and Aesthetics Really Matter, An Attitude of Gratitude, Banter or Bullying?, Be the Best that You Can Be, Bouncebackability Anchor Points, Bullying and Cyber Bullying, , Do What you Do Do Well, Doing Ordinary Things Extraordinarily Well, Gossip and Cyber bullying, Grit, Growth Mindset, How do we help you brave the storms of growing up?, How to be Less Done-to and More of a Do-er?, Humble in Victory, Is Greatness about Arrogance or Humility?, Is Talent a Thing?, Kindness counts, The Kindness Boomerang, Leadership and Emotional Intelligence, Look after Each Other – Think About It, Manners Maketh Man, Practise what you find difficult, Relational Aggression, Selflessness and the Brownlee Brothers, Standards, Relationships and Respect, Think about it – Bullying, Tolerance for our fellows will light the way and What Constitutes Success.

113. Wherever possible, detailed records and an audit trail were kept on each and every instance in a boarding house by the housemaster and then this was monitored by the deputy head or deputy head pupil support. The central office did this for any issue involving the headmaster. Over time, it is not insignificant that we did not even approve of the word punishment and preferred to use the word sanction instead. I

remember before the development of support plans, which happened in my final years, that we kept a record of "Boys causing Concern".

114. I remember in my early days that senior pupils punished younger pupils with the issuing of blue papers which involved a task such as copying out the 10 Commandments on the blue paper numerous times. I felt this sanction was not educationally valid but we always trod a very delicate line between trying to reform the pupils and get them to do better when they had done things wrong. A sanction that is more educationally valid would be spending time with a member of staff going over what one as a student has learnt from an experience and how to do better the next time.

115. We trod a delicate line in our house structure, teaching the younger pupils to respect the student leaders in the boarding houses but at the same time we had to teach the student leaders to earn that respect. Over time, we abolished senior pupils being able to issue blue papers and this was then solely the remit of the housemaster. I cannot remember the date when this was abolished, however, the school will have the records. I believed that they were futile. When individual members of staff felt the need to issue a blue paper, the pupil had to collect the blue paper from his housemaster. The record was kept of the number of blue papers each pupil did, why this was happening, was everything right and proper and meetings were held with the pupils concerned. We felt that at this level the housemaster still needed a sanction if the restorative approach had not been successful. A pupil meeting his housemaster and having a conversation was in itself a valid moment for both parties. Once we had established the termly Child Protection and Wellbeing Report for Governors, an annual audit was included on behaviour management which included all details of behaviour management of students for that year which included trends and patterns.

116. We had Saturday night detention for validated serious misdemeanours. This was moved to a Thursday and we also brought in Extra Academic Support Time on Tuesdays. Detention was moved because we felt that, as we had more day pupils in our pupil roll, this sanction was potentially affecting parents and families. For the boarders, it was also felt that a Saturday night sanction was too austere for any

sanctioned misdemeanour. Records were kept. We monitored and reviewed these records and tried to support both pupils and staff. In the houses, in my latter years, we brought in wellbeing pupil leaders sitting alongside the more traditional pupil leaders. Wellbeing pupil leaders were members of the Upper VI/S6 in the boarding houses. They were given training by staff. We increased this training to all members of the Lower VI/S5 as well. At this stage, all the pupils in Lower VI/S5 and Upper VI/S6 received training in child protection, wellbeing and restorative working practices. I remember that regulators suggested on 15 November 2015:

“The review and adjustment of the role of the prefect had been very significant. Prefects were now supporting younger pupils through mentoring, role modelling and emotional support. Their use of the new approach and the development of drop-in sessions and focus groups were already having an impact for pupils who told us that they felt that prefects were now much more supportive.”

117. This adjustment had been necessary although we were always trying to improve our systems. We were always trying to engage with the process.

Day to day running of the school

118. As the headmaster of the school, I was involved in the day-to-day running of the school. It was not a big school and my study was right in the heart of the school which meant that I saw pupils and staff all over the school. Moreover, even when I was disabled from 2009 onwards, I used a golf buggy to go around the school and see the pupils and members of staff in action.
119. All my co-leaders and co-senior managers under a devolved leadership model, reported to me, either personally, or in the four meetings per week. Three of these meetings were at 9.30am on Monday, Wednesday and Friday mornings and they were designated “rail track maintenance”. There was a longer 2 hour meeting which was dedicated to strategy and wider issues. Often, on three of these “rail track maintenance meetings, named Monday Meander, Wednesday Wonder/ Wednesday Wander and Friday Foxtrot we saw a department and parts of the school in action.

We called these Learning Walks. We mirrored this practice in the boarding houses as well, in particular seeking the views of the pupils. This was part of us, as the senior leaders and managers challenging, monitoring and supporting the members of staff. Housemasters' Meeting happened every week in my predecessor's time and in my tenure. Such meetings ensured a flow of information about the students and systems. Once a year, a learning walk of all the houses happened with all the housemasters to learn good working practices from each other. Heads of department meetings happened three or four times per term. My predecessor and I attended such meetings of the housemasters and heads of department.

120. With hindsight, I realised that I could not be confident that any serious issue would have come to light immediately at the time it was occurring. This was before we improved and refined our safeguarding and child protection procedures during 2013 and 2014, as historical challenges came to light. I believed that our systems had been set up and developed to a sufficient enough level. However, it became clear that we needed to have more robust safeguarding and child protection. This became clear as one reflected on how one, with others, had dealt with some staffing issues. With hindsight, we should have moved quicker and sooner on notifying external sources such as the regulators or the police on any safeguarding and child protection issues regarding members of staff. Certainly, internally we embarked upon very thorough investigations with regards to each instance to ensure that we were looking after the safety of pupils to the best of our ability. What we did not do was to seek advice from the regulators and refer issues to the regulators. This potentially also applied to referring issues to governance of the school.
121. After the suicide of James Rainy Brown in April 2013, I gave the police the full record of our extensive, internal audit of any safeguarding and child protection concerns since my arrival in the school in 1998. This led to one or two full police enquiries including going back many, many years before 1998.
122. Piece by piece, we became more consistent in notifying external sources in addition to following the disciplinary process in place for members of staff. We made improvements. We learned. We tried to make the pupils even safer. We tried to create an environment in which, wherever possible, pupils were totally safe. Of

course, nobody in any organisation can ever give a 100% guarantee but that was always our ambition. We did our best.

123. Of course, we say sorry if our procedures at times did not protect pupils to the utmost and if any former pupils feel that. We know that there is very little we can say or anything we can change or anything that will make the feeling of former pupils go away. We did our best to ensure that our safeguarding improved and that it was conducted in the best possible way. We took all the recommendations of the regulators as to how to improve extremely seriously. All the recommendations were implemented. As an organisation, we became even more committed and passionate about conducting safeguarding and child protection to the highest of standards. We did our best.
124. We had to ensure that any failures in the area of safeguarding and child protection by staff immediately saw the staff disciplinary policy being enacted. This became clear as one reflected on how one, with others, had dealt with some staffing issues. With hindsight, the process of a member of staff being suspended without prejudice, and/or dismissal would have established the tone. In relation to instances involving members of staff like James Rainy Brown, ^{FHY} [REDACTED] and ^{DXP} [REDACTED] and ^{FQY} [REDACTED] we did not automatically do that. With hindsight, I acknowledge that the staff disciplinary procedure should have been enacted in relation to these members of staff. The pastoral heart should have been parked to one side. I wish to stress that the audit trail at Merchiston, which was given to the police on each one of these people was extensive. We learnt how to do better in two areas; consulting external agencies and enacting automatically the staff disciplinary process. With regards to ^{QZL} [REDACTED] we went to the regulators and the police immediately. When we heard from alumni what about the allegations concerning ^{RCQ} [REDACTED], we automatically went to the police and the regulators. We did not go to regulators before that in relation to her dress code. We also went straight to the regulators and the police with regards to the allegation made against ^{QPB} [REDACTED] from a previous employment.
125. It also became clear that the concept of whistleblowing either by the pupils or by members of staff was not established well enough. The culture did not understand

the word safe as in, "Were the pupils safe?" and equally did the pupils say of each other, "Is this behaviour safe?". This became particularly clear when the allegations against RCQ [REDACTED] came to light. No member of staff had any inkling or knowledge of this but clearly aspects of the pupil body did. We were shocked that aspects of the pupil body did not understand what being safe meant.

126. This became part of the school acknowledging that improving all its structures, processes, procedures and working practices with regard to safeguarding and child protection was a top priority. I remember that we tried our hardest to break that misplaced sense of loyalty which existed as in "You must not do" or "tell". This was embedded in the culture. We worked and worked on this, constantly and consistently with messages in assemblies, house meetings and PSHE programme. I have never worked in a school that did not have this misplaced sense of loyalty. I think with youngsters, very often sadly, lying can be the first port of call. We always tried to move the pupils away from this stance.
127. Potentially, I think this problem can be highlighted more in a single sex school but in my view, it can also be prevalent in a co-educational context. This code of behaviour of loyalty which can be misplaced could apply to day schools and boarding schools, state school and independent schools. We spent years at Merchiston trying to break this down. With regards to the RCQ [REDACTED] issue, we had unintentionally made some mistakes. This lady was well-endowed on her upper body and she wore inappropriate upper garments and therefore cleavage was being displayed. We missed that as a clue of grooming. You can imagine the shock when alumni visited the school in September 2014. It was an Alumni Day for them and it must have been their five year reunion. These alumni were so aware. These former pupils, , who had left the school five years before, knew who to go to and they went and found Chispa Prini-Garcia who in their time at school was their child protection co-ordinator. She was also the trusted former housemaster of some of these former pupils. They told her that they had some concerns to talk to her about. The first concern was RCQ [REDACTED] RCQ [REDACTED] lessons of her bottom half and her top half, filmed of her own body, which allegedly many pupils in the school had watched. I have never seen this video. And then the second concern was related to the allegations that she had inappropriate sexual relationships with five members of Upper VI/S6 in their final

year at school. In September 2014, when members of the alumni reported their concerns, this member of staff was no longer employed at Merchiston, having left us in [REDACTED] as she had gained a promoted post at a school down south.

128. That was a massive shock to the leadership of the school. In other words, we were running a school where the students knew about this and not one member of staff knew about it. Even in 2012 and 2013, despite years of work on what was misplaced integrity and loyalty, what is the right thing to do and what feeling safe meant, we were so shocked and we thought that unintentionally our process had let us down. We raised our already heightened concentration on our improvement agenda.
129. Some might say that this type of issue might be a a boy issue in a boys' school. The Upper VI/S6 boys of 2013/2014 had left so we could not investigate and moreover, there was a police investigation going on. We had the names of the five students which we passed to the police but I cannot remember how we had those names. I am very sorry to have to say this but "Thou shalt not dob" in that particular area may not have been priority for the pupils as potentially the pupils may have seen this female member of staff as a trophy on a mantelpiece. When all of this was unravelling, I thought about why the pupils who had knowledge about this issue had not come forward. Sadly, I read that this type of occurrence can happen occasionally in all types of schools, single sex or co-educational in both sectors, state or independent.
130. In my day-to-day running of the school, I spent a lot of time with pupils and we ran a lot of focus groups about many topics, not least how to make the school better. Often, the pupils said to me that they would prefer the Lower VI, S5/Upper VI, S6 to be co-educational and I think we should have done that. I am not going to blame the detractors who advised that we should stay true to what we were. I do think that boys' schools which are only co-educational in the Sixth Form can be seen as a form of social engineering but you have to start somewhere and I think it would have been an even better school if there had been a co-educational Sixth Form. It would have been very challenging with regards to our collaborative relationship with St George's and Kilgraston.

Concerns about the school

131. The school was the subject of concern because of the way in which some pupils and young people in the school were treated. I cannot necessarily remember the names of all the pupils who were the subject of concern and all the names of members of staff either previous to my time at Merchiston or during my time at Merchiston. We submitted all this material to the Inquiry when I was the headmaster of the school. We always tried to respond to issues when they came to light but what was missing, and had to be learnt, was rigour with regards to any issue being reported externally and linked immediately with the disciplinary code of conduct for members of staff thus leading to suspensions without prejudice or dismissals. New procedures and working practices needed to be adapted by the school and at a quicker pace. In a changing world, this was necessary and all staff needed to be aware of these changes. Ultimately, we made them aware. For example, we did this in relation to DRW and QTL. We also did this in relation to an earlier incident relating to QPB, which came to light in the summer holiday. I think the QPB issue happened in July 2013. By then I had learnt to seek external advice and contact regulators automatically. Whilst it was in the holiday time, I made it very clear that the police and the school were conducting an investigation.
132. QPB came to us from a school down south called [REDACTED] Boys School. In terms of the reference we sought, we went backwards and forwards to that head saying that we had not yet received the "tick box form". By that, I mean the series of questions on disciplinary processes. I will have spoken to that head on the phone. I am not convinced that the head divulged everything. QPB arrived with us and he was an outstanding practitioner. He was a single male. Even before this allegation came to us we had to investigate an issue as we were unhappy about how he sat on a settee in the vicinity of Upper VI/S6 pupils. I cannot remember the details but we dealt with it. The term ended in June 2013. I received a phone call from a member of the public who had been a pupil at Shrewsbury School in Shropshire. When he was a pupil there, he alleged that QPB behaved inappropriately to him on a [REDACTED] trip in Europe. The allegation was in relation to inappropriate touching. It was a stroking of his leg. I cannot remember the exact

details. Automatically, because I had learned by then, I called the police and the regulators and QPB. Although it was not a formal suspension without prejudice, in effect it was. It was the holidays but he was suspended.

133. If any concerns came to our attention and our knowledge, we always notified the parents. Usually it was me as the headmaster who did this. From memory, I remember meeting several sets of parents of pupils on different concerns and often I was helped by my co-senior leaders and housemasters. Obviously, it was a great concern if such a serious issue did not come to our attention because then we could not see the parents.

Reporting of complaints/concerns

134. I believe there was a complaints' process in place. It is inevitable that the depth and breadth of the complaints and concerns policy developed over the years between 1998 and 2018. It was well publicised and from memory used very openly in many different types of issues. We had a process and we endeavoured to follow the process to the utmost. For a period of time, concerns on the safety of pupils did not necessarily see the school receiving complaints from other pupils. This would be the case with James Rainy Brown and RCQ. Whenever we did receive complaints, we tried to act on them and look after the safety of the pupils. We always tried to ask the question, "What's best for the boys?" remembering one of our mantras, "Boys First." We always tried to ensure that the safety of the pupils was not compromised. We always tried to ensure that the journey of the child was central to all the staff in all the teams of staff.
135. Complaints were received and recorded in the headmaster's office. Even up until my retirement in 2018, we favoured storing these in paper form. We had categories of complaints including safeguarding and child protection (these were stored separately), health and safety, learning and teaching, pupil support, facilities, co-curricular and food. There may have been other categories. We thought this was logical and we learnt this from best working practice. Having separate categories meant that auditing every category and spotting patterns and trends was more

purposeful. We audited each complaint according to the school's policy which from memory involved acknowledging a complaint within 24 hours and trying to return to the complainant within one working week. Often this involved ascertaining the facts of the issues as to what had not been done well, what we could have done better and what could be learned from this issue. This often involved hosting several meetings with either the pupils, staff or parents or a combination of all three.

136. A governor checked our complaints' audit every term as our policy became more and more developed and this governor reported to the full Board of governors at the full board meeting every term on how the school was handling complaints. This meant a governor reading each and every complaint and signing off every complaint as part of their audit. I cannot remember the precise date when this began. Michael Lugton was the Chair of the first Education and Pastoral Committee, followed by Mike Ridley, the next chair and William Clayton the next chair. The idea came from best working practice in schools /companies from myself and Michael Lugton originally. Michael Lugton was a civil servant.
137. Generally speaking, when I was the head of the school, I called a complaint anything about which any member of the school community, pupil, member of staff or parent showed concern. Such a system was also cascaded up and down the organisation so that pupils knew who they could go to as to members of staff, as did the parents. Such a policy was always published in our policies' booklet for students, staff and parents and it was also published in hard copy all over the school. In time the policies booklet was provided to parents, pupils and members of staff in hard copy and soft copy. The hard copy was also in the pupil handbooks, boarding houses and Staff Common Room. Time was spent on this in all the different types of meetings which happened between pupils and staff in the curriculum, usually in personal, social, and health lessons and in the houses in their house meetings.

Trusted adult/confidante

138. Over my period of time at the school, I felt that such a person whom a pupil could speak to if he had worries was rightly a very internal process, as we felt that a pupil

would come forward to member of staff whom he knew. That person could be any one of a child protection co-ordinator, a deputy child protection co-ordinator, the deputy head, a housemaster, a student leader, a member of staff, the chaplain, the medical centre, the catering staff, the school counsellor or myself. Our medical centre was intentionally right in the heart of the school and we liked it that the pupils saw this, and the provision of the female nurses, as a safe haven and somewhere to go and talk if they felt the need to do this. This was always treated confidentially. Some people open up more easily to others of a relevant category such as a doctor, nurse, minister, counsellor who are not associated with the school at all and are not school employees. We tried our hardest to ensure that the pupils could "reach out" to a variety of different members of staff and student leaders. We really hoped that each pupil in the school could find one member of staff in whom he could confide.

139. The practice changed, evolved and improved because rightly over time a formal policy was written. I cannot remember the exact title of our policy but it was something like, "Who can I go to if I am worried and have a concern?" This included all of the above people but also included bodies outside the school such as Childline, Her Majesty's Inspectorate for Education, then Education Scotland and the Care Inspectorate to name two important ones.

140. The devolved leadership brought in over the years included a Pupil Support Leadership Team (PSLT) chaired by the deputy head pupil support alongside two assistant heads. These three were the Named Persons within Merchiston and whilst there was controversy about this concept outside the school, this structure definitely helped us within Merchiston. I say it was controversial because it is well-known that there was a successful legal challenge against the concept of the Named Person which resulted in Judges at the Supreme Court, ruling against the Scottish government's Named Person scheme. However, at Merchiston Castle School, it helped our sense of structure to have a named person for Pringle, Middle Years and the Sixth Form who was one of the PSLT. Ironically, we had done a form of this many years earlier. In my latter years, the notices and posters all had the photos alongside the text of which members of staff the pupils could go to if they had a concern.

141. The structure was particularly important because of the House system whereby in certain years the pupils moved houses. This Pupil Support Leadership Team was intended to bring greater stability to our horizontal house system and our care of the pupils. I had also done this previously with the concept of the head of middle years whereby the housemaster of Chalmers West, which housed 4th Form/S2, was also the head of the middle years including Chalmers East, which housed Shell/S3, and Rogerson East, which housed Fifth Form/S4 .
142. We also tried to bring in continuity and stability for the students in the Middle School whereby the pupils in 4th Form/S2, Shell/S3, and Fifth Form/S4 all had the same academic tutor. In Pringle House, which in my tenure moved to a 7 to 13 year old house, we brought about real and necessary change to the structure with the implementation of a residential house mother. Housemothers, residential, or non-residential, were not teachers, and were therefore around the houses more in the daytime. It was also important to have this "mother figure" in each house to help the pupils and offer another person of warmth or confidante. It did work. The housemaster was also residential but, for such young ones, the residential housemother was absolutely crucial in terms of support and in ensuring that these youngsters were looked after to the utmost. In my latter years, I coined the words "person of warmth" as I wished every pupil to have a "person of warmth" to whom he could refer if he had a concern or worry.

Abuse

143. I cannot remember if at the beginning of my tenure at the school in 1998 we had a clear definition of abuse. However, I can confirm that over my tenure this did occur according to the advice of the statutory authorities, as the statutory authorities also moved with the times.
144. We worked to define abuse as it is commonly known in terms of physical, sexual, neglect and emotional.

145. This definition was communicated and explained to the staff working at the school, particularly once we had defined and redefined our policy in line with statutory requirements, in every aspect of our in-service training policy, process and daily.
146. I cannot remember when such a formal up-down and down-up definition of abuse was introduced but I do believe that we had a policy prior to the challenging years at Merchiston. Our policy became more clear cut and crystallised from 2013 onwards. And of course, in the pursuit of self-evaluation leading to improvement (SELT), we always tried to change and improve the policy as we learnt. The definition of the different types of abuse was discussed with pupils at every opportunity whether this was in Personal, Social and Health education lessons, tutorials, house meetings, Headman's Assemblies, policies, notices in boarding houses and all over the school. In the period of change, we involved pupils in this process and delivered safeguarding, child protection and restorative practices' training to the whole of the Lower VI/S5 and Upper VI/S6 pupils and all the pupil leaders. We tried to ensure that we gained their "buy-in" so there was no gap between the pupil body and the members of staff. This had been the case.

Child protection arrangements

147. We always tried to ensure that all of the teams of staff were given the correct guidance and instruction on protecting the pupils in the school and ensuring that they were safe. This happened at in-service training sessions at the beginning of each term. We learnt that regular bite-sized follow-ups were critical and more beneficial.
148. We developed a child protection policy. One of my first moves was to appoint Mr Nigel Rickard as my first child protection co-ordinator when I arrived in September 1998. He was a very experienced practitioner. In my early years, I remember training sessions held at Merchiston by Dr Susan Hamilton and throughout my tenure, staff going out of the school to annual updates by Scottish Council for Independent Schools (SCIS). Much in-service training was dedicated over the years to this topic and from 2013 onwards this was accentuated. Doctor Susan Hamilton was a Child Protection Consultant based in Scotland. In recent times, she has written the

Wellbeing and Child Protection Guidance provided by the Scottish Council of Independent Schools. Independent Schools in Scotland have used her advice for their own policies.

149. I do not believe that too much autonomy was necessarily given to staff, including managerial staff. However, in our structure, the housemaster was in loco parentis. The housemaster was as was an important person, as was the chaplain. We worked hard at what to report and to whom. The previous systems were not lacking; however, as the head, it was important to keep abreast of this all-important area. Staff were willing to report as can be proven by the records held at Merchiston Castle School. Any member of staff or pupil reporting was taken extremely seriously. As it was a small school, if staff had knowledge about a child protection issue, we felt that the reporting did happen and we advised staff to err on the side of caution. We learnt that not linking any staff issues in this area to the disciplinary process was an area for improvement.
150. Our child protection policy developed and matured over the years as it should have done. When I arrived in 1998, the child protection co-ordinator had been my predecessor and his secretary. My first child protection co-ordinator was Mr Nigel Rickard and he was appointed shortly after I joined the school in 1998. He was followed by Mr Alex Anderson, Mrs Chispa Prini-Garcia and Mrs Julia Williams (under this model we tried the team approach of the team being responsible for the Senior School and Pringle), a return to Mr Alex Anderson, [REDACTED], Mr Alan Johnston aided by the other two members of the Pupil Support Leadership Team and Ms Kerri Fox, aided by the other two members of the Pupil Support Leadership Team. I may not have all the details of this correct. In my latter years, each member of the community had a pocket card called child wellbeing and protection card which said "Notice, Check, Share".
151. As is evident, they did not work in entirety but I am confident that from 2013 onwards they had a better chance of working in entirety. This is because alongside the regulators, Education Scotland and the Care Inspectorate, we implemented so many changes with the pupils, staff, parents of the pupils and governors. We engaged fully with the process and improved our systems.

152. Changes were made in areas such as Getting It Right For Every Child (GIRFEC), the wellbeing indicators known as SHANARRI, advice on wellbeing concern or child protection, allegations of abuse against staff policy, anti-bullying policy, child protection concern form, child protection training record, child sexual exploitation guidance, child wellbeing and protection guidance, GIRFEC guidance for parents, guardian role and information request, a safeguarding app, SHANARRI in the classroom and an updated policy on staff in boarding houses. We visited St Aloysius School, Glasgow for a whole day to learn from best working practice. We were advised to visit this school by regulators who indicated that this school at that time in our improvement agenda exuded best working practice in all aspects of safeguarding and child protection. In effect, everything that we improved at Merchiston Castle School was a model of what St Aloysius had done.
153. Changes were also made to wellbeing at Merchiston Castle School as the Wellbeing Concern Form and Wellbeing web (SHANARRI) was used by staff with pupils or by pupils themselves. This website contained a scaling key which dealt with indicators such as "I feel safe, I am healthy, I am achieving, I feel nurtured, I feel active, I feel respected, I am responsible and I feel included". It also included the "Wellbeing Wheel" and an understanding of this being used to enhance and supplement assessment of susceptible pupils. I insisted that in our paper copy calendar, distributed to all pupils, parents and staff that our SHANARRI wordle, devised by the pupils, was on the inside front cover. A wordle is a visual description of the words in a piece of text. It arranges the words into a kind of graphic where words are different sizes according to how often they are used in the text.
154. It was noticeable that GIRFEC had increased pupils' awareness of their rights in relation to safety and wellbeing. In the boarding houses, as part of the improvement programme from 2013 onwards, we concentrated on, amongst other recommendations, the need for self-assessment and reflection to have a clearer focus on the safety and wellbeing of the pupils to allow boarding house staff and all the staff to develop more confidence in their role for caring for pupils. We had to ensure that care was delivered in the boarding houses in a reflective way, moving away from a punitive methodology to the development of restorative practices in

behaviour management. We had to ensure that, in the operation and procedures for care in the boarding houses, we had a regular monitoring of the day-to-day experience of the pupils through discussion, dialogue and data. In addition, there was regular monitoring and evaluation of the working practices of the staff and a review of the sanctions used by both staff and senior pupils. I am afraid that I cannot remember all the initiatives we did as rightly I had to leave these at Merchiston when I retired. These were but a few. And of course, as with any other policy, we had to ensure that they were being lived to the full.

External monitoring

155. Of course, inspectors and other officials visiting the school. The school was always inspected by HMIE, then Education Scotland and the Care Inspectorate throughout my whole tenure from 1998 to 2018. Moreover, any complaint to either of these regulators resulted in a visit and investigation. Equally, in addition to these regulators, often I asked other bodies such as consultants or accredited change experts such as RSAcademics or Mungo Dunnett Associates to spend time in the school with all the audiences and analyse the school. I cannot remember the exact dates when this was done. Very often this involved qualitative and quantitative assessment and questionnaires with parents, staff and students. We also used Baines Cutler Financial Consultants to help us check that finances were being allocated correctly and proportionately to the different areas of school life.

156. I have found the template of the first one from RSAcademics in 2008, for a whole school survey in roughly 2008 for the parental body of all aspects of the school, new parents and established parents, including numerous, numerous questions, including wellbeing of pupils. I recollect in feedback from RSAcademics that we were sector-leading amongst all the schools who used that consultancy for surveys for a considerable time. I used RSAcademics for a second survey with all the teams of staff. With Mungo Dunnett Associates, we also did a whole school survey. I remember that we were praised for how we dealt with bullying and quoted favourably in his masterclass thereafter on this topic. He indicated that in terms of the structure of the school because of our horizontal house system, the appointments of a head of

juniors; head of middle years and head of Sixth Form enabled the Headmaster's Messages to be drilled right down through the Merchiston community. I happened to find in my documents the following:

"All schools reflect upon and evaluate their performance. I often go further afield and ask professional advisors to assess what we are doing, and recently such an adviser, Mungo Dunnett Associates (Management and Marketing Consultancy), after research into what we are doing, said the following about Merchiston:

- *Merchiston delivers an extraordinary, value-added academic experience.*
- *Merchiston is an extremely nurturing School with the highest standards of pastoral care.*
- *Merchiston is a School for each and every type of boy, including those who are very keen on sport and equally boys who are not natural games players.*
- *Merchiston ensures that boys leave as all-rounders: boys who have very good academic platforms as well as the attributes; skills; talents and values to be successful and responsible adults."*

157. With Mungo Dunnett Associates, I and other members of staff attended masterclasses annually on a whole variety of subjects including; leadership development in schools, 4 ways to improve customer service, Classroom in the Cloud, Best Practice in running a VIth Form.
158. The regulators always spoke to the students more often than not in small groups. Consultants, RSAcademics and Mungo Dunnett Associates also did the same. It is important to note that correct signing-in processes, the wearing of badges and going through the visitors' policy on the safeguarding and child protection policy also happened as our policies matured.
159. I do not believe that members of staff were present when the regulators or consultants spoke to the pupils. This was obviously to allow the pupils to say whatever they wished.

160. The regulators and consultants always spoke to me and reported back to me and, more often than not, I am sure that I had one or two senior managers with me so that more than my ears could hear the reports and advice. I felt this was wise.
161. In my latter years, one of the Care Inspectorate asked to see me and my senior deputy head, Alan Johnston, as a part of an inspection and I had to suspend without prejudice the housemaster of Pringle and SNR [REDACTED] QTL [REDACTED]. I cannot remember the exact date that she was suspended but it would have been post 2015. The punishment system being administered in Pringle House, our Junior House, ran totally contrary to what was happening in the rest of the school. The punishment system was still punitive and involved using a historic sanction of boys "sitting on the bench". We thought we had abolished this. We received an immediate requirement from the Care Inspectorate over the course of an inspection. Suspension without prejudice occurred because we wished to check that the pupils were safe and we also wished to ensure that the sanction system in Pringle sat within the sanction system in the rest of the school. It was also alarming that, as senior managers, we did not know that one of [REDACTED] was doing this in Pringle. However, we believed that our actions showed an improvement in our processes.
162. Oral and written feedback was always given by the regulators and consultants. The processes were always very professional and wishing the best for the pupils, the staff and all the other important audiences. We were allowed to see the provisional report, prior to publication. We could not change anything but sometimes areas/nomenclature would be clarified. I never met the regulators on my own and had co-leaders with me so that one-and-all could hear feedback.

Record-keeping

163. In my tenure, we always tried to ensure that our record keeping was of the highest possible standard. We tried to ensure that we had an audit trail of any ill-treatment or inappropriate conduct from beginning to end. I remember that we tried to follow the process of ascertaining the facts, issues and action. This audit trail is at Merchiston

Castle School, Edinburgh. This audit trail was always under lock and key and usually only myself, my senior deputy head, his PA and my PA had access to this.

164. This does not mean that our audit trail could not have been better. We tried to learn, improve and seek advice from external advisers and regulators all the time. In my tenure, I learnt that having details in an individual member of staff's file of a disciplinary issue did not help to gain the whole picture or trends so if we had a child protection issue, we started a separate red child protection file in which details were kept. We reviewed this red file often. This was under lock and key at Merchiston.
165. With regards to the historical position on record keeping, I can confirm that my predecessor had a staff manual and I can also confirm that he often wrote very detailed notes within a member of staff's file on all sorts of issues whether this was a member of staff complaining, a member staff seeking advice about promotion, a member of staff questioning remuneration or disciplinary issues. These disciplinary issues often involved pupils and how they had been treated. Pupils or parents had reported untoward conduct by some members of staff.
166. Rightly or wrongly, we kept records of staff and pupils going back over many years and even before my tenure. Before my tenure, the pupils' files were not as full as staff files and usually included any untoward issues whereas the staff files were more detailed. The staff files contained examples of disciplinary issues in the past. These records, in addition to other records, were always stored in The Belfry above my central office. Indeed, for a period of time, my long-standing PA, Sharon Dow, my wife and other admin support staff sorted out The Belfry to ensure that all records going back decades were correctly filed. When I notified the police of historical abuse issues, The Belfry filing system was very helpful, as after reaching out to all the audiences connected with Merchiston, and when we had responses, we were able to cross-reference and pass such information to the police.

Investigations into abuse – personal involvement

167. I was involved in investigations into allegations of abuse, however, I cannot precisely remember the investigations, names and dates. I remember that the full details are in the audit trail I did at Merchiston and every one of these was reported to the police as part of the police inquiries into Merchiston Castle School and historic abuse issues in 2013 onwards. We submitted all of these details to the Inquiry as part of their gathering of information and investigation.
168. In my tenure, I had to deal with allegations concerning: James Rainy Brown, RCQ, RCQ, QZL, QZA, DXP, FQY, FHY, DRW, ODL, OPA and QPB.
169. The allegation against OPA was reported to the police, investigated and dropped with no further action taken. I cannot remember the date of this, however, it was post 2013. I reported this to the police immediately and did not make OPA OPA aware of this first as that would have been construed as interfering in a potential investigation. I would have followed legal advice on this.
170. With regards to FHY, a housemaster, he was reported to me by our bursar for phoning female sex lines from his housemaster's flat, usually after midnight. This was investigated but I did not report it to the regulators. I passed information on this case to the police as part of the audit trail given to the police in 2013 but no action was taken. Once the bursar had reported this to me, as far as I can remember, I met FHY and spoke to him about appropriate behaviour as housemaster and member of staff. There would have been a formal account of my meeting with him and I would have written to him. In those days I had to learn that I wished the member of staff to sign the letter that I sent them. It took me some time to learn that.
171. I cannot remember the precise date when this happened, however, I think FHY left Merchiston way before 2013. It will be in the audit trail. According to how I dealt with issues like this at that time, I remember having a pastoral heart meeting with this member of staff. It belongs to that era in my thinking where the pastoral heart was dominating at the cost of considering the staff disciplinary process and seeking external advice.

172. With regards to ^{ODL} [REDACTED], as part of a [REDACTED] session, I think approximately 2001, he inappropriately slapped a boy on the face. This was investigated. The member of staff apologised to the pupil and this was accepted by the pupil. As part of being open and transparent with the police, this incident was also submitted to them and no action was taken by them.
173. All of these instances are within our submission to the Inquiry. All of these were members of staff at Merchiston in my tenure. The employment of James Rainy Brown, ^{QZA} [REDACTED], ^{DXP} [REDACTED] and ^{OPA} [REDACTED] preceded my tenure. As part of police investigations, all were reported to the police.
174. Under the correct police procedures, as Merchiston was investigated twice I believe for historical abuse issues, and audiences responded to me reaching-out, I had to supply the files of previous members of staff. I cannot remember exactly but names like Mr ^{BRW} [REDACTED], Mr ^{OZK} [REDACTED], Mr Mervyn Preston and Iain Robertson come to mind.
175. With regards to ^{QPB} [REDACTED], I received an allegation from a former pupil whom ^{QPB} [REDACTED] had taught at a former school where he had been a teacher. The incident happened before he was employed at Merchiston Castle School. I cannot remember the precise dates, approximately 2013 or 2014, a member of the public contacted me from one of Mr ^{QPB} [REDACTED]'s previous schools, [REDACTED] School, indicating that Mr ^{QPB} [REDACTED] had behaved inappropriately towards him. Again, I took legal advice and referred this immediately to the police and the Care Inspectorate. I believe that it was fully investigated by both. I believe it was unproven. We as a school also investigated and double-checked his behaviour over the year with us. We were concerned by his friendliness with senior students. We felt that a parting of the ways was inevitable. I believe this might have been in 2013. ^{QPB} [REDACTED]'s employment at Merchiston ceased after investigation and with immediate effect. Mr ^{QPB} [REDACTED] left the teaching profession.
176. We also dealt with a serious concern raised by a pupil at the school, named I think, [REDACTED] about doing an activity naked at one of the summer camps, Rua Fiola, which we used to support, with the Pringle boys, in the summer holidays. Rua Fiola was an outdoor education camp run by Mr Torquil Johnson-Ferguson. We also

received complaints about this supervisor at a different weekend camp under his auspices, Blakerston, which happened in term time. At Blakerston, we received a complaint about Mr Johnson-Ferguson watching boys showering, under the guise that he was controlling the hot water supply. As far as I can remember, this complaint came from a pupil called [REDACTED].

177. Both Rua Fiola and Blakerston were run by Mr Torquil Johnson-Ferguson. These outdoor education camps had been happening long before I arrived at Merchiston. As part of the police enquiries in 2013 onwards, into historic abuse at Merchiston, all information on these instances at Rua Fiola and Blakerston were passed to the police. Whilst it did not appear to be related to Merchiston, Mr Johnson-Ferguson received an 18-month sentence for lewd indecent and libidinous practices and behaviour. I do not know if this was the result of Merchiston complainants. However, the challenge was that Mr Rainy Brown and Mr Johnson-Ferguson were close friends. We used both camps with our Pringle boys but the challenge was that Merchiston's representative was James Rainy Brown. We already had what I called "double asterisks" when it came to James Rainy Brown's file which related to incidences of inappropriate behaviour. The provider of our externally resourced camps being a friend of James Rainy Brown and vice-versa, in addition to instances of inappropriate behaviour happening in the provider's camps meant that the safety of pupils was at risk.
178. We broke off using these camps immediately, once I had been notified by the police that Mr Torquil Johnson-Ferguson was being investigated by the police. A learning point was that we should have done this much earlier. As a school, we were obviously unhappy that we were associated with Mr Johnson-Ferguson. We should have broken links with this provider earlier when we had investigated allegations of lewd and libidinous behaviour by him.
179. We definitely had complaints about Mr Johnson-Ferguson. I think they were probably before 2013. First, what we did wrong was that we had James Rainy Brown solely in charge of the pupils on these trips and secondly we had these outdoor education opportunities being delivered by a provider about whom we had concerns. We investigated both of the complaints and they are in our audit. The police rightly came

to see me and asked me to talk about both camps; they were in my audit trail anyway. The police asked for all of the details on those issues. The police suggested to me that they were concerned about Mr Johnson-Ferguson and that was when we decided to break ties. Our camp was about to go to Rua Fiola in about three weeks time and we said that they were not going. Our parents of the pupils were not at all happy that we cancelled this. I believe this was before he was taken to court.

180. With hindsight, we learnt that in our processes we were “too internal” and did not necessarily seek advice from regulators and social services, or such an approach was inconsistent. We also learnt to adhere to the disciplinary code of conduct for members of staff, whereby certain behaviours merited suspension without prejudice or dismissal. I learnt that I had to adhere to the line of “suspension without prejudice” in the instance of any potential safeguarding and child protection issue. I fully engaged with this process.
181. I remember that I did this twice from 2013 onwards, in the cases of DRW and QTL. With my deputy heads at the time, we tended to spend much time ascertaining the facts and the issues and we would also interview the member of staff at great length. In some instances, I definitely remember seeking advice from outside the school whether this was regulators or indeed legal advice. I also learnt that I had to notify my chair and the Board of Governors of any alleged issues and what we had done. I cannot remember precisely when I learned this. I was always trying to learn and improve as a leader. This was a gradual process as policies and process tightened up and once we had internally clarified and improved our policies and process from 2013 onwards.
182. I also learnt to remove myself from the process of ascertaining the facts and issues so that I had a clear view on what action needed to be taken. However, we did not always have the management resources to do this. In my latter years, we supplemented capacity at senior leadership and management level to help with this. In effect, my school leadership team was expanded to include senior deputy head, deputy head pupil support, deputy head academic, deputy heads co-curricular, head of juniors, bursar. We created a Pupil Support Leadership Team (PSLT) of 2 assistant heads and the deputy head pupil support. Regulators indicated that this

had to happen and governance totally agreed. In effect, the deputy head pupil support was a new expensive external appointment and the two assistant heads to the PSLT were internal appointments. This triumvirate mirrored the Academic Leadership Team. The appointment of a deputy head pupil support accordingly created spare capacity in the workload of the senior deputy head as opposed to originally the senior deputy head having to encompass Pupil Support within the job description.

Reports of abuse and civil claims

183. I was involved in the handling of reports made against the school by former pupils.
184. I received reports against James Rainy Brown, RCQ [REDACTED] and OPA [REDACTED]. I cannot remember precisely when, but after James Rainy Brown had committed suicide, some years later, I believe we also received notice from a former pupil's legal advisers with regard to potential abuse. We had no knowledge of this, checked all our records and investigated this to the best of our ability. We reported this to the school's lawyers and insurer and I believe we reported this to the police and the regulators. I cannot remember the name of the former pupil. I do not have any records with me but I recollect that a mother, Mrs [REDACTED], of another one of the former pupils, [REDACTED], also stated that James Rainy Brown had abused her son when he was a pupil in Pringle. We had no knowledge of this and investigated it. I passed this to the police.
185. With regards to OPA [REDACTED], I cannot remember the exact allegation except I recollect a member of the alumni stating that another member of the alumni had a potential relationship with OPA [REDACTED]. I cannot remember the names. This was reported to the police, investigated and dropped with no further action taken.
186. Aspects of abuse had regrettably happened to some pupils. These aspects included physical, sexual and emotional. With regards to sexual, we had evidence of lewd and libidinous behaviour and with regards to the allegations of the behaviour of one member of staff, RCQ [REDACTED], we had no knowledge of these allegations when she

was an employee at the school. We submitted all this material in our submissions to the Inquiry.

Police investigations/ criminal proceedings

187. I became aware of police investigations into alleged abuse at the school. In 2013, the police asked to see me to say that they had received a complaint from a member of the alumni about a member of staff, Mr James Rainy Brown. I cannot remember the precise nature of all of the allegations except that they were related to inappropriate behaviour when the member of the alumni was at Merchiston, I think in the 1970s and 1980s. The police advised me that I needed to tell the member of staff that they wished to see him. On reflection, I think the police under the correct procedures should have asked for his address and gone to see him personally.
188. I saw Mr James Rainy Brown on 29 April 2013 to tell him that the police wished to see him. He left the school after our meeting and committed suicide 40 minutes after our meeting at his home nearby in Colinton having refused to have any support from the chaplain.
189. On 30 April 2013, DS Brady came to see me. In the presence of the school's lawyer and The BIG Partnership, I was interviewed with regards to the suicide of this member of staff by DS Brady. I expressed my concerns as to how aspects of this member of staff's career at Merchiston could have been handled differently by my predecessor and myself. I also indicated that I wished to air other concerns that I had, in how I had dealt with some members of staff and whether or not the police wished to investigate these.
190. As far as I can remember, my audit was itemized 1 to 14. This audit is at Merchiston and will have been part of Merchiston's submission to the Inquiry. I was entirely open with the police. After the member of staff had committed suicide, I received both unsupportive and supportive pieces of correspondence from members of the alumni with regards to Mr Rainy Brown. Some were very angry about alleged abuse being

suggested with regards to this former member of staff; however, others agreed with the allegation and equally some gave me details of other former members of staff.

191. In addition to any concerns I had with members of staff in my time at Merchiston, under the correct police procedures of requesting contact details, I passed all the information on relevant whistleblowing cases to the police. I believe that an exhaustive enquiry, or two, happened into cases of alleged abuse from former members of staff as a result of this. I believe that one of the police enquiries was called Operation Yewtree.
192. As part of giving every assistance to police investigations, I write about Mr Gordon Cruden below (who was charged) and I am afraid I cannot remember the name of another former member of staff, it may have been a Mr ^{OZK}, who was still alive in 2015. I do not know what happened to this case except I believe that the Procurator Fiscal had received a report in connection with a number of incidents alleged to have occurred in Edinburgh between 1 and 31 March 1977 and there were no proceedings.
193. As far as I can remember, the allegation I received about Mr ^{QPB} occurred at the beginning of the summer holiday 2013 and I cannot remember precisely the date we received a report about inappropriate behaviour by ^{RCQ}, our then ^{RCQ} as to whether or not this was in ^{RCQ} or ^{RCQ}. I do remember it after ^{RCQ} had left Merchiston and was in ^{RCQ} first term as ^{RCQ} at ^{RCQ} School, Surrey. I contacted the head of that school immediately. Obviously, the police, the regulators, The Registrar for Independent Schools, Education Scotland, The Care Inspectorate and General Teaching Council Scotland were informed about both Mr ^{QPB} and ^{RCQ} and the school then went into requirements from The Registrar for Independent Schools, Education Scotland and the Care Inspectorate for several years.
194. As part of reaching outwards, I remember writing and rewriting again to the alumni, former parents of pupils at the school, the pupils of the school and the parents of pupils at the school asking if anybody wished to come forward to discuss issues of inappropriate behaviour by members of staff to pupils and from pupils to pupils. I

cannot remember exactly how many times I did this but I believe it would have been at least 10+ times and close to 15 times. The details are in the records I left at Merchiston and will have been part of Merchiston's submission to the Inquiry. On any occasion that I received information, I passed this to the police. In this regard, it might have been even better if I had also appointed an external person to whom audiences could write about any potential concerns, as opposed to just the school.

195. I am not aware if this is done now at Merchiston. I do know it is done at Gordonstoun which is where I learnt about this concept. Whilst I did receive many responses, maybe other people were are not necessarily going to respond to my appeals, as the headmaster of the school, especially if they have been hurt of abused. Gordonstoun's approach covered both options. We went out to the alumni repeatedly asking for help because we wanted to know more. In relation to James Rainy Brown, or any other member of staff for that matter. We wished to establish whether it was lewd and libidinous behaviour or was it more? We could not find any evidence of the latter, despite probing and probing. I imagine too that the police in their own investigations followed the same approach.
196. As part of the police enquiries into historic abuse at Merchiston, I had several meetings with the police and I have given a statement to police. I have never been called to give evidence in any trial relating to the abuse of children at Merchiston Castle School.

Convicted abusers

197. One person who worked at Merchiston was convicted of indecent exposure at to children at the school but he received an absolute discharge. A further person, either a peripetatic music teacher or someone who helped in our catering department or both were convicted. These were not related to pupils at Merchiston. I had no dealings with all three persons. A further person, not employed by the school, Mr Torquil Johnson-Ferguson was convicted of lewd and libidinous practices in relation to outdoor education camps pupils in Pringle attended. As the headmaster of Merchiston, I had dealings with Mr Torquil Johnson-Ferguson.

198. I am afraid I cannot remember anything about [BKO]. I remember that the Minister of St John's Church Edinburgh reported to me that one of the [REDACTED] [REDACTED] at Merchiston, who may have been [BKO] was being investigated by the police for observing pornographic images of children on his computer at home. [BKO] may not be the correct name. I cannot remember the date. We had no knowledge of this at Merchiston. To my knowledge, we had no concerns about this teacher. The details of this are in the audit trail I left at Merchiston. I believe that he was charged. With regards to the second person whose name was Mr Cruden, he was not at Merchiston under my tenure.
199. At the time of the James Rainy Brown complaint, I reached out to all audiences at Merchiston time and time again, the pupils, the staff, the former pupils, the former parents and the present parents asking if anybody would like to divulge any concerns they might have over historical issues of child abuse at Merchiston. A leading member of staff at Merchiston, Mrs Marion Muetzelfeldt, acted as a whistleblower and reported to me that she felt that there were concerns about a former member of staff, Gordon Cruden and how and why his career had ended at Merchiston. I believe that Mr Cruden moved to Bloxham School, Oxfordshire. I reported this to the police as part of my handing over of any concerns and the police investigated this. I understand that Mr Cruden was found guilty of lewd and libidinous behaviour but was given an absolute discharge. There were recorded notes in his staff file, by my predecessor, including the details of former pupils and I assume that the police contacted these former pupils.
200. The full audit is at Merchiston Castle School, Edinburgh. We submitted this to the Inquiry as part of our submissions. With reference to another former member of staff still alive in 2015, Mr [OZK], I have already referred to this.
201. Gordon Cruden was academically qualified as a teacher and then left Merchiston to move to a school down south, Bloxham School, Oxfordshire.

Specific alleged abusers

202. With regard to James Rainy Brown, FQY DRW DXP RCQ BKO QZL and QZA it is relevant that one of these members of staff, James Rainy Brown committed suicide shortly after I advised him that the police wished to see him about allegations of historic abuse.

203. We cooperated immediately with the police and submitted to the police the full audit trail of each of the below, in addition to others. The full audit trail is at Merchiston Castle School, Edinburgh. Naturally, I do not have this with me. All this material was also submitted to the Inquiry as part of our submissions. I am no longer the headmaster of Merchiston, and I cannot be precise about some of the details. I have tried to remember as much as I can.

James Rainy Brown

204. I recall James Rainy Brown and my employment at Merchiston coincided with his between 1998 and 2013. I believe he was around 72 to 74 in 2013 and therefore 57 to 59 in 1998. When I started at Merchiston in 1998, James Rainy Brown was a non-residential member of staff in our junior house, Pringle. Indeed, he had been the founding housemaster of Pringle House and he continued to help the next housemaster, Mr Peter Hall. He was a teacher of mathematics and a coach of rugby and athletics. He was renowned for outdoor education and trips of various outdoor education types. He had been a pupil at Merchiston and, as far as I can remember, he was a graduate and fully qualified teacher from The University of Edinburgh. I suspect that he did not teach anywhere else before returning to Merchiston as a member of staff.

205. Gradually over time, I insisted that he moved out of the house on the campus and lived off-campus in his own house. This was part of a staged retirement. He still offered so much value to the school but on reflection, it was neither healthy nor natural that he had such an emotional dependency on the school. I was concerned that so much of his life revolved around the school.

206. He reported directly to the housemaster of Pringle House, Mr Peter Hall. At the same time, he was an alumnus of the school and very influential. He knew several of my governors well. My chairs were former pupils of Merchiston and some had been at Merchiston at the same time as Mr Rainy Brown or had their own children under his care. This was also the case with some of my governors.
207. I remember James Rainy Brown as a long-standing, senior member of staff. He had a tremendous folklore. On so many occasions, I heard parents saying that he had really helped their son adjust to boarding school life and I heard from so many alumni that they had been helped by him when they were terribly homesick. He gave young children time.
208. I would describe him as fit and active and still bicycling huge miles on this bicycle as a leisure pursuit. He was passionate about art. He was passionate about the history of the school. He was passionate about the presentation of the school. Indeed, I asked him to help my wife to deliver on the presentation of the school as my wife and I were trying to modernise the school. This did not always work well because he did not like some of our ideas.
209. I felt I knew him in a professional capacity. What I should have done better was to consider his staff file and the disciplinary occurrences under my predecessor. During a handover, David Spawforth and I discussed James Rainy Brown's contribution within Pringle House and some Maths teaching. As a boarding school, his co-curricular activities of coaching sport, camping, cycling and outdoor education were extremely popular with the pupils. David Spawforth advised me on some of the challenges he had faced with him. He spoke to me about how James Rainy Brown had a capacity to do things wrong, that did not appear on the surface to be hugely wrong but actually they were. With hindsight, they were aspects of lewd and libidinous behaviour. It is difficult for me to remember whether David Spawforth gave me examples but in any case they were in the member of staff's file.
210. There are two ways to start a new headship, you read every single member of staff's file from beginning to end or you do not. I did not. I was advised not to by professionals but I think that was a mistake and I would not recommend a head to

start this way. However, I did read "red alerts". I cannot remember if my predecessor gave me exact incidences in relation to James Rainy Brown but when I read the file it was obvious. For example, the coach of rugby, which was James, and the boys were not allowed to wear jockstraps so in the team chat, at the side of the pitch, it could look as if those boys were told not to wear jockstraps for a reason. The incidences were there and my predecessor had not hidden anything. With hindsight, my potential bone of contention is that I should not have been handed this problem, and he should have potentially lost his employment at the school before I arrived but I then compounded it by doing the same. My predecessor did not hide anything from me with regards to this member of staff (with hindsight, I am unsure as to whether or not the board knew about the instances of inappropriate behaviour) but I do think that I should have been more explicit in saying to my boards as to why I and the other co-leaders found this member of staff so challenging to manage.

211. I saw him with the children teaching maths or coaching rugby and athletics and around the boarding house, Pringle House. At one level, he appeared to really care for the youngsters. However, it was disarming to find out later that he clearly had favourites and clearly had non-favourites; I did not necessarily realise that he had favourites and non-favourites. With hindsight, I wondered if even I as the head was being manipulated by his charm. I learnt that the favourites might have been the out-and-out games players or from farming families. This was not the style of inclusivity we were trying to espouse at Merchiston. It was interesting too that I learnt that pupils, members of staff and parents either liked him hugely or disliked him intensely.
212. I did not see him discipline children and I did not see him abuse children, however, I did hear of him abusing children. I inherited this member of staff with some errors of judgement and professional misconduct on his file. These were in the areas of allowing children to swim naked on outdoor education trips, "apple-dooking" whereby a naked boy on his haunches in the shower took an apple out of a bucket of water with this member of staff observing, allegedly looking up the shorts of pupils at a rugby meeting where he was sat on the grass with the pupils and pupils were not wearing jockstraps and, as a sanction in Pringle House, asking boys to sit "on the bench" when the pupil had done something wrong. The bench was situated in a

public hallway and could be very humiliating for the pupil. Some pupils did not see it this way.

213. He returned to these types of instances of behaviour in my tenure. As far as I can remember, in my predecessor's time, there was an allegation of comforting a homesick boy by lying on the bed of the homesick boy. I believe that I am right in saying that he totally denied this. I believe that I remember an allegation that he was reported to the school by a member of the public for driving one of the school minibuses too fast.
214. In my tenure, issues happened and I cannot remember precisely how many. I saw him after each incident, often with other senior managers. I spent time with this member of staff urging him to adhere to protocols, processes and standards of behaviour with children.
215. I had to deal with him over disciplinary issues. From memory, I had to discipline him for allowing children to swim with no swimming costumes on an outdoor education trip. It is for these sorts of instances that I believe the police wished to meet him and pose questions as the police had received a complaint from one of the alumni. In my view, his abuse appeared to be in the area of voyeurism, lewd and libidinous behaviour.
216. I had to learn, especially with him. His staff file was huge so eventually I said to other staff that we could not see clearly what was happening with this member of staff so could we prepare an audit of "double asterisk issues", as in instances of inappropriate behaviour. The file was huge because it had masses in it. There would have been complimentary aspects in it as well. In those days, we kept everything for a member of staff. If there was a letter of compliment from parents to you as a head which mentioned a member of staff then I normally gave a copy to the member of staff, as well as my reply and put another in their file. We then had to produce an audit and not just James Rainy Brown's file. My system was that I placed a double asterisk ** against issues which were related to inappropriate behaviour. Some of these issues did happen in my predecessor's time. Further down the audit there would be a double asterisk which in type, related to an earlier double asterisk. We

would be able to see that he had returned to a modus operandi that had already happen two or three years before. Until we had actually done this type of audit of his employment file, we could not even trace this.

217. With hindsight, which I think is always easy, I think James Rainy Brown should have been retired earlier, even before I started my time as headmaster. We missed a trick with James Rainy Brown because, just before the removal of the compulsory retirement age legislation came in, we had a window of opportunity to retire him. My bursar and I discussed this and I do not know why it did not happen but I think we may have run out of time to fulfil the process properly. Equally, in my time he should have formally entered the disciplinary process on numerous occasions leading to suspension without prejudice and/or dismissal. He tended to make himself look indispensable to the running of Pringle, and related co-curricular activities under Peter Hall, the leader of Pringle.
218. There were very complicated issues in relation to James Rainy Brown. He was an alumnus of the school. One of his closest friends was my first chair and I was not brave enough to ask my chair what I should do about this. I felt under pressure in my new job as the head of Merchiston, as student numbers were low, I was bringing in change and some of these changes were not universally popular.
219. I go over this in my mind a lot, particularly with James Rainy Brown. I ask myself why I did not have the courage to seek advice, in particular from my chair. I was genuinely concerned that I might lose my job. We felt that we were making progress in developing the school further. When you do make changes it takes time for people to see what you are trying to achieve for all audiences of the school. . My sixth sense just felt that I was being briefed against by James Rainy Brown, and indeed other staff. On reflection, I should have suspended him without prejudice and/or dismissed him.
220. Hopefully this sort of situation would never happen to a head again. However, despite the fact that you and any organisation can try your hardest to have systems which are 100% safe, you cannot give a guarantee that you will ever have a system which is 100% safe. But that should always be the aspiration.

221. During my handover, I went through every member of staff with David Spawforth and some of his points were performance related issues. He would talk to me about a member of staff and say that they were obdurate or fixed in their approach so this was what we did. The only child protection one was really James Rainy Brown. I do not remember any others. I remember him saying that his director of studies, John Begg, shouted at the pupils children a lot. I managed to clarify that situation. Merchiston and John Begg parted company during the course of my first year with the agreement of the board. We did not work well together and he carried on shouting at pupils.
222. When I arrived the Board of Governors was all male and nearly every member of the board was a member of the alumni. That was one of the areas that we had to change and we managed to change that. In relation to James Rainy Brown, I do not think that I felt under pressure from the board but I was still developing my confidence levels in my own capacity as a new head and he clearly had good friends on the board. It was clearly a learning point for me to share more with my board of governors. I always reported to the board that I and other co-leaders found this member of staff extremely difficult to manage but that was not precise enough.
223. I think the board and certainly the chair, Lord Robertson, (who was the chair for the majority of the time with my predecessor, David Spawforth) were aware of the suggestions of lewd and libidinous conduct. The relationship between David Spawforth and Lord Robertson was clearly mutually very respectful. I believe that David spoke to Lord Robertson about James Rainy Brown. Neil Kilpatrick assumed the role of chair at the end of David's time (and was the chair who appointed me) I did not discuss James Rainy Brown in depth with Neil Kilpatrick and vice-versa. I should have done. Neil Kilpatrick and James Rainy Brown were very good friends and they spent time together.
224. As far as I can remember, in James Rainy Brown's will, he bequeathed £800,000 to the school. This was debated at Boards of Governors' meetings and it was their decision, fully supported by the executive of the school, that this could not be accepted. It was quite right that this issue was discussed formally at Boards of

Governors' meetings. That is professional. All organisations do this. All points of view were discussed. There was unanimous agreement that this bequest was not going to be accepted. Aspects of the Rainy Brown family were extremely unhappy about the whole issue of James Rainy Brown, the police involvement, Merchiston's role in this, the fact that there was no real acknowledgment of James Rainy Brown's contributions to Merchiston Castle School and finally the turning down of the bequest.

225. From memory, I remember that the Reverend Reginald Woodward was a retired teacher/headteacher from Lincolnshire. His annual visits to the school were in place on my arrival. I was always notified of these visits. These visits were organised by James Rainy Brown. He spent most of his time in Pringle, helping with the delivery of Modern Foreign Languages (MFL). I refused to let him try and influence policy at Merchiston Castle School on MFLs. I was uncomfortable as were others. I cannot remember precisely but I remember an investigation into Mr Woodward sitting on a boy's bed. We should have stopped his visits, not least because he was a friend of James Rainy Brown. I remember that there was a scholarship system, The Reg Woodward Travel Scholarship for UpperVI/S6 to travel after they had left school. We changed the title to Travel Scholarship.

FQY

226. I recall FQY I cannot remember the precise dates when my employment at Merchiston coincided with his but I do not remember him being at Merchiston for long. I think he was there for 2 or 3 years and I imagine it was circa 2004 to 2006. I cannot remember what age he was, however, I believe he was aged around 26.
227. He was a teacher of [REDACTED] and a [REDACTED] in addition to being a residential tutor in Rogerson West. He had attended The University of Edinburgh and he was a qualified teacher with a Post Graduate Degree in Education. I cannot remember if Mr FQY had taught before he joined us.
228. He was a member of staff who reported to his line managers, the head of department and the housemaster. I remember that he was a member of the alumni.

He appeared to be very interested in his subject, [REDACTED]. I only knew him in a professional capacity.

229. I saw him with pupils as he taught lessons, [REDACTED]. [REDACTED] I also saw him in his capacity as a residential house tutor when my wife and I visited that boarding house. I felt he was always engaged with the children and had their interests at heart.
230. I did not see him discipline pupils and I did not see him abuse pupils, however, I did hear of him and inappropriate conduct with one pupil. I cannot remember the precise dates but I remember his then housemaster, Mr Jonathan Wilson, a developing housemaster reporting to me after the end of term that he was very concerned about the potential closeness of this member of staff and a pupil. I cannot remember whether the pupil was in the fifth year or sixth year.
231. I remember that the housemaster, Mr Jonathan Wilson, reported to me at the beginning of the summer holiday that he had come across inappropriate notes written by the member staff to the pupil. Moreover, at the time of this report, this member of staff and the pupil were on one of Merchiston's co-curricular trips to Fiji. I remember being told that the accommodation requirements for this trip required the sharing of accommodation in pairs, and that this member of staff and pupil were allocated to share a unit of accommodation on this trip. I remember acting immediately by contacting the master in charge of the trip in Fiji by radio telephone to say that this could not happen. It did not happen.
232. I do not remember if we reported this to the regulators. I sense that we did not. As far as I can remember, the member of staff remained at Merchiston for one more academic year before joining The Royal Military Academy Sandhurst. I cannot remember what actions we took after this except that we concentrated on the safety of that particular pupil. I felt that I had dealt immediately with the potential challenge of the Fiji trip, sorted this out and tried my utmost to protect the safety of a pupil. At that stage, I do not believe that contacting regulators was an automatic modus operandi in how I and others at Merchiston Castle School dealt with such issues. As I have already indicated, we learnt that and improved our systems.

DRW

233. I recall DRW. I cannot remember precisely when I worked with him but I believe it may have been between 2011 and 2013. I cannot remember how old he was then but I imagine that he was aged around 40. He was married and had, I seem to remember, two or three children.
234. He was in his second spell at Merchiston. Earlier in his career, he had done a GAP graduate scheme at Merchiston from his home in the . He worked for James Rainy Brown when James Rainy Brown was the housemaster of Pringle House. DRW regarded James Rainy Brown as a lifelong mentor. In this second spell, DRW was appointed the housemaster of Pringle.
235. Initially, he reported directly to the head of juniors, Mr Peter Hall, although inevitably, as the headmaster I took a particular interest in the housemasters who were responsible for the pastoral care and pupil support of the pupils in their care within each and every boarding house. I cannot remember when Mr Peter Hall became the senior deputy head of Merchiston and at this stage Ms QTL the role of SNR
236. I remember that DRW wished to do aspects of housemastering his way which did not totally fit in with the Merchiston way. I played a role in the interviews of DRW, shortly before entering hospital for a major operation in October 2009. I then had to pass the rest of the process to my senior leaders. I already had concerns which I discussed with them. I should have trusted my sixth sense and put a stop to the final stages of the interview process which accordingly happened when I was in hospital for three weeks and then off work until March 2010. I felt that we were rushing the process. I was going into hospital literally the next day. DRW was over from . I felt uncomfortable about the clear friendship between James Rainy Brown and DRW, which was almost like a mentor and mentee relationship. I was uncomfortable that DRW would remember Pringle as it was on his first spell at Merchiston Castle School. We had moved on and

wished to move on further. My sixth sense was saying “No, no, no” but other senior leaders were in favour. I should have trusted my intuition and overruled.

237. DRW [REDACTED] was very confident and at times he could be also be described as being abrasive. But he did really care for the pupils. He was married with a family which he adored. I knew him in a professional capacity as an employee who taught [REDACTED] junior classes, and as a housemaster of the Junior House, Pringle. He was also passionate about athletics and outdoor education.
238. I did see him with pupils. He cared for them and looked after them and I also remember [REDACTED] celebratory days, such as [REDACTED] in the house for the pupils and this was a good thing to expand their horizons.
239. I did not see him discipline pupils and I did not see him abuse pupils. I did hear of inappropriate behaviour in relation to pupils. In the summer term of 2013, after his great friend and confidant, Mr James Rainy Brown had committed suicide, we had to look after the wellbeing and welfare of DRW [REDACTED]. I asked the Chaplain to keep a particularly close eye on him as we were very concerned about DRW [REDACTED]s welfare.
240. However, it came to our attention that while speaking to another member staff, The SNR [REDACTED] Ms QTL [REDACTED], DRW [REDACTED] had questioned what was wrong with a number of the things that James Rainy Brown had done. He told her that he, in his first spell at Merchiston, after a run with prefects had once showered with the prefects in the same showers and on an educational trip he had swam in the reservoir naked in the presence of pupils.
241. The member of staff to whom he said this, declared this to me and my senior deputy head. We believed that we had no option but to suspend him without prejudice and investigate the issue. His behaviour, in a historical context, was the same potential lewd and libidinous behaviour as James Rainy Brown. The decision was made to suspend him as I had learnt from not suspending James Rainy Brown for similar occurrences. We reported this to both the regulators and the police. The police investigated and there was no charge. He ceased employment with us in July 2013

and returned to [REDACTED]. It is important to note, to my knowledge, that there had been no repetition of this sort of behaviour in his second spell at Merchiston between 2011 and 2013.

DXP [REDACTED]

242. I recall DXP [REDACTED]. I cannot be precise about this but I believe his employment at Merchiston coincided with mine between 1998 and 2006. I believe that he may have been 60 or older when he retired in 2006 so he was approximately 52 in 1998.
243. He was the [REDACTED] at Merchiston when I first arrived at Merchiston. My predecessor had appointed Mr DXP [REDACTED] from [REDACTED] [REDACTED], Aberdeenshire. He had taught previously at [REDACTED] School, Edinburgh. He was a qualified teacher. I saw the recruitment process in DXP [REDACTED] DXP [REDACTED]'s file. I think I remember that he retired [REDACTED] in 2006. He continued to work at Merchiston in a part-time capacity as an A-level teacher of [REDACTED] for a short period of time. I cannot be precise about when he finally retired.
244. The [REDACTED] at Merchiston held an instrumental role in the pastoral and [REDACTED] care of the pupils. He attended the housemasters' meetings and reported any issues of concern with regard to pupils to myself and my deputy head. He was intelligent, affable, a man [REDACTED] and he delivered different messages to the pupils every week in the daily [REDACTED] assemblies. In addition, he was Master in charge of the [REDACTED] [REDACTED]. He had an interesting habit as in when you were talking to him, his eyes behind his glasses, did not necessarily look at you. He had a nervous mannerism as in he always looked down at the ground and he did this a lot of the time.
245. When he passed away after he had retired from Merchiston, I remember many former pupils [REDACTED] attended his funeral. He appeared to be a true schoolmaster. He appeared to be well-liked by the pupils and the staff. I knew him in his professional capacity [REDACTED]. He lived on campus with his wife and they had two grown-up children.

246. I saw him with pupils in the sense that, just like any other employee, I observed his teaching, I attended nearly every single morning [REDACTED] Monday to Thursday, in addition to the [REDACTED]. I saw the [REDACTED] in action at numerous events and he would always report to me any issues of real concern with pupils. An example of this would be if any pupil had suffered a bereavement in his family. He cared about the pupils in the school and he was an outstanding academic teacher of [REDACTED].
247. I did not see him discipline pupils and I did not see him abuse pupils. However, allegations of inappropriate behaviour in relation to pupils were reported to me. I cannot remember the precise dates but from memory I had to deal with several concerns. First, I remember that accompanying members of staff on a [REDACTED] Tour to France wrote to me about [REDACTED] DXP appearing to look up boys' kilts on a [REDACTED] trip. This was investigated.
248. Secondly, I recollect that there was a kilt-fitting session for the [REDACTED] and a liaison [REDACTED] parent, Mrs [REDACTED], walked in on such a fitting where a pupil was in his underwear, as the kilt-fitting was happening. This was investigated. I also remember Mrs [REDACTED], the liaison [REDACTED] parent, one of two such parents in this role, seeing me and other senior staff, as in deputy heads, on several occasions indicating that the school had not dealt with this effectively enough. Both instances were investigated and the details of this are all contained in the audit trail at Merchiston, Edinburgh and in the Merchiston submission to the Inquiry. They were examined at great depth and length, involving myself and other leading members of staff. As I have already indicated, what was missing was the automatic link to the school's disciplinary process, reporting to the regulators and the like.

[REDACTED] RCQ [REDACTED]

249. I recall [REDACTED] RCQ [REDACTED]. I cannot remember precisely when she joined the school but I believe she left the school at the end of the summer term [REDACTED] or summer term [REDACTED]. I cannot be precise but I imagine she was 30 or older.

250. She came to Merchiston as a teacher of [REDACTED] and residential tutor in several boarding houses. Once she had become established at Merchiston, her first leadership position was SNR [REDACTED] SNR [REDACTED] Pastorally, she became an assistant housemaster in [REDACTED] House and then she became the [REDACTED] then [REDACTED] then the SNR [REDACTED] for one term.
251. As a teacher and non-residential teacher, she reported to her head of department and housemaster. As an assistant housemaster, she reported directly to a housemaster and the senior deputy head and in her capacity as [REDACTED] [REDACTED] she also reported directly to the [REDACTED] and the senior deputy head. This was the case when she also became the [REDACTED] [REDACTED] Equally, the senior deputy head reported to me on all [REDACTED] issues.
252. When we interviewed her to join Merchiston, she joined us with outstanding references and a very impressive teaching record. She was fully qualified. She taught a full timetable of [REDACTED] and she indicated that she wished to be considered for pastoral care promoted posts from the point of view of being a residential tutor or assistant housemaster. I declined to appoint her as a housemaster. I felt that she was more suited to academic leadership. She was a very good teacher of [REDACTED]
253. We had a dress code for both students and members of staff at Merchiston. We were unhappy with how this female member of staff in a boys' school dressed the upper part of her body. I was hesitant about how to deal with this as I was concerned about being discriminatory so two senior female members of staff spoke to her about her inappropriate level of dress for the workplace. Those members of staff were Mrs Marion Muetzelfeldt, Deputy Head Academic and Mrs Chispa Prini-Garcia, child protection co-ordinator.
254. I was really unsure about appointing her as the [REDACTED] and SNR [REDACTED] It comes back to that sixth sense. I just did not feel that she was emotionally stable. Again, I was under considerable pressure to make

the appointment and I should have said no. However, we had no other options. The experienced [REDACTED] whilst still a member of staff at Merchiston, had resigned mid-term from the position. We should have considered emergency measures. We had no back-up. It is important to note that as staff we had zero knowledge of what clearly was potentially happening. However, as part of our internal process of promoting a member of staff, we took advice on her credentials from other leading staff, as in two of her line managers, her head of [REDACTED] and her housemaster.

255. I also remember that earlier in her career, we received a complaint from a member of staff, Mr Richard Lucas, about the nature of one of her [REDACTED] lessons. This was investigated and with hindsight, it appears that we reached the wrong conclusion. I cannot remember precisely what the details of the complaint were. RCQ [REDACTED] was teaching [REDACTED] in the next door classroom to Richard Lucas's maths classroom. I think Richard Lucas objected to elements of the [REDACTED] lesson and the approach to the topic. I cannot remember what the subject matter was. It would have been in the curriculum. Investigations were conducted by Marion Muetzelfeldt, Deputy Head Academic. We would never normally have had one member of staff alone investigating and I cannot remember the other senior manager. As a leadership team, we discussed this at great length. From memory, I think I met Richard Lucas. We had different types of challenges with Richard Lucas as a member of staff and the outcome was a drawing a line under the issue. I remember that this member of staff withdrew [REDACTED] from [REDACTED] lessons permanently either before this or after this. This also applied after RCQ [REDACTED] had left Merchiston. He was fervent about some issues and a very challenging member of staff to manage. But on this matter, with hindsight, he was probably right.

256. I knew her in the professional sense that I watched her teaching, I watched her delivering co-curricular activities, I saw her in her boarding houses and I observed her delivering in-service training on [REDACTED] all of which were good.

257. I saw her as a professional with children in all of her roles at Merchiston. She was always very engaging with children. She was a very good teacher and she gained very good academic results.
258. I did not see her discipline pupils and I did not see her abuse pupils. I did hear of her abusing pupils but only after she had left our employment. We had to speak to this member staff about her professional dress sense. With hindsight, we believed that we possibly missed a potential sign of attracting interest from pupils and potentially grooming them. Her way of dressing her upper body revealed far too much and was wholly inappropriate in a school setting. We had not received any focused training on the topic of grooming but immediately we enlisted the expert and professional support of a consultant from down south who delivered in-service training to all the teams of staff over a period of 1 or 2 years. I cannot remember her name and the records of this will be at school. Only after ^{RCQ} [REDACTED] had left the school, in September, was it reported to the school by alumni visiting the school for a reunion that two highly inappropriate [REDACTED] type manual videos were circulating on the worldwide net, posted by ^{RCQ} [REDACTED]. I have never seen these videos and I believe they were [REDACTED] lessons on the upper half and the lower half of a female body.
259. On their school reunion, these members of the alumni specially requested to speak to a trusted housemaster, Mrs Prini - Garcia, whom they knew well, from their time at Merchiston. As far as I remember, Mrs Prini - Garcia was also Merchiston's child protection co-ordinator when they were at school. So, these members of the alumni remembered the actions to take and to whom to go, even after they had left school. I believe that Mrs Chispa Prini - Garcia quickly saw these videos the alumni had access to and Mrs Prini - Garcia was able to identify ^{RCQ} [REDACTED]. We were told by members of the alumni that these videos had been widely seen by the previous academic year's Upper VI/S6 pupils.
260. In addition to these videos, I honestly cannot remember how we found out after she had left the school as an employee, that potentially she had been involved in relationships with five members of the Upper VI/S6 which involved potentially sexual activity such as masturbation and oral sex. I cannot remember how we gained the names of these five students. Some of these five students were student leaders and

prefects in [REDACTED] House, our Fifth Form/S5 house in which [REDACTED] RCQ was an assistant housemaster. It is important to note that the housemaster of this house, in our view, an excellent practitioner, had no knowledge at all of these issues.

261. We also gained information that [REDACTED] RCQ had allowed the prefects in [REDACTED], late at night to go through her flat to exit the boarding house to go to Edinburgh and clearly had also let them back in over the course of the early hours of the morning. Only members of staff could access the alarmed exit and entry doors. This was a serious, serious breach of responsibility and trust.
262. Mrs Chispa Prini-Garcia immediately reported these allegations to our child protection co-ordinator, Mr Alan Johnston and me. Immediately, I contacted the regulators and the police. I also immediately acted and contacted her new employer, the headmaster of [REDACTED] School, Surrey and she was suspended without prejudice from that post and ultimately dismissed. At that stage, [REDACTED] RCQ was in her first few weeks of this new post as [REDACTED]. As far as I remember, in my reference on [REDACTED] RCQ I said that we had been concerned about her dress sense and about her potential emotional instability.
263. A police enquiry was carried out and she was not charged with criminal behaviour. Ms [REDACTED] RCQ lost her GCTS membership. We were totally shocked at Merchiston that we had been completely deceived by our [REDACTED] and our [REDACTED] SNR. We were stunned that such behaviour had occurred for the whole of an academic year without any member of staff having knowledge of this. There were three residential members of staff in this house, including [REDACTED] RCQ. The housemaster and the other resident tutor were very experienced practitioners and had no inkling of these behaviours in the boarding house. We were dismayed that our student culture was so awry. This led to a form of requirements imposed on the school by the Registrar for Independent Schools, Education Scotland and the Care Inspectorate. I remember numerous 4-6 inspections over a period of two years, by both Education Scotland and the Care Inspectorate.

264. We had tried to address her incorrect dress sense and it may have been on legal advice that as a male head I had to be very careful on this topic so I asked my director of studies academic Marion Muetzelfeldt and Chispa Prini-Garcia to meet with RCQ [REDACTED] but she appeared to take no notice. We may have sent a letter of warning as we definitely would have followed this up in writing. Once she then did it again, I should have suspended her and started the disciplinary process. Then this potential grooming and the subsequent allegations might not have happened because by then she might not have been employed at Merchiston. It is important to note that we always reviewed our dress code for staff.
265. It was a mistake but the other unintentional mistake in this area was that we did not even know this way of dressing by a female was a potential grooming sign. This sort of behaviour is not common in any school. The excellent consultant helped us all and we all learnt from her training on abuse that this was a grooming signal. We embarked upon this training because we had never come across this situation in the school before with a female member of staff and pupils. We had to ask what could we do better, what should we have done better and what can we do better next time? The consultant spent a year and a half helping us with all of the teams of staff (in addition to the other consultant whom we had helping us with our systems.) In particular with her, we spent most of our time, spotting the grooming signals with males and females, in addition to receiving more training on the prevention of abuse. We thought we were dealing with a member of staff who did not dress professionally enough but she appeared to have other motives.

zBKO [REDACTED]

266. I do not recall zBKO [REDACTED] I believe that he may have been employed as a [REDACTED] teacher in my very early years at Merchiston somewhere around the area of 2000. I cannot honestly remember. I have wracked my memory and the only other person this might be is someone who worked in the Gardner Merchant/Sodexo catering and domestic team. I cannot remember the details of this issue but our external providers dealt with this. The audit trail will be at school.
267. I definitely think that this name is in the audit trail.

268. I recall hearing about the peripatetic music teacher. It was reported to me I think by the Minister of St John's Church, Edinburgh that this member staff had allegedly been looking at images of young children on electronic devices. The peripatetic music teacher also worked in some capacity at St John's Church. There was no evidence to my knowledge that these images were of pupils at Merchiston Castle School. The Minister of the Church was advising me as the headmaster of Merchiston. The peripatetic music teacher never returned to Merchiston. I believe that he was charged and that he received a jail sentence.

QZL

269. I do recall QZL. I cannot remember this precisely but memory suggests the member of staff was with us for a period of four or five years circa 2001 or later. I believe that he would have started his career with us at the age of around 22. He was a teacher of and a residential house tutor. As a teacher of, he reported to his head of department and as a residential house tutor he reported to his housemaster. As a, he reported to me until I had set up a more sophisticated middle-management structure of having a senior manager of co-curricular activities and in time a deputy head co-curricular.

270. He was an excellent teacher to all ages of pupils and he was a charismatic. He was intelligent and he joined us straight from The University of Cambridge. This was at the time when an independent school in Scotland was allowed to employ non-GTCS registered teachers. We set about training such a member of staff to teach the pedagogy of teaching in addition to understanding all the requirements of staff guidelines and child protection. He was expected to join GTCS, even though GTCS registration was not mandatory for the independent sector. The school's approach was that staff had to become registered through the exceptional admissions route. We helped staff to the utmost to try and achieve this.

271. I remember that he appeared to be shy but he was extremely creative. He threw himself wholeheartedly into the

██████████ at Merchiston which usually happened three times a year. These were usually twinned with the pupils from St George's School, Edinburgh. We had to keep an eye on his exhaustion levels from this. He treated ██████████ at the school as if it was a professional ██████████. I knew him in a professional capacity.

272. I saw him with pupils in the sense that I observed his lessons, I saw him in his capacity as a residential house tutor in his boarding houses, I always dropped into ██████████ to support both him and the pupils and of course, ██████████. He got the very best out of the pupils in both the classroom ██████████. He was engaging and the quality ██████████ at the school was of an extremely high standard at this time. The pupils really reacted well to this approach which involved as many pupils as possible ██████████. The pupils felt excited about ██████████ in the school. This was part of the school broadening its base and attaching real importance to activities outside the sporting world.

273. I did not see his disciplining pupils and I did not see him abuse pupils. I did hear of him potentially abusing one pupil. I cannot remember precisely but a female member staff alerted me to the fact that she was concerned about the contents of a blog that QZL ██████████ wrote whilst an employee of the school. I think this was Gayle Cordiner, the Director of IT Services. Correctly, this was whistleblowing. As far as I can remember, this came to my attention after he had taken a Merchiston ██████████. This blog suggested that he had inappropriate feelings for a student, in Upper VI/S6, called ██████████.

274. As far as I remember, the blog did not mention ██████████'s name. As far as I can remember, ██████████'s father, ██████████ came to see me about this member of staff. ██████████. As far as I can remember, as soon as I was notified about this, I reported this immediately to the chair of the Board of Governors, Charles Abram, the regulators and the police. ██████████. ██████████ had also reported this to the Chair of Governors.

275. The police investigated this and no action was taken. In the 2013 police enquiry into historic abuse at Merchiston, this case was in the historical record I submitted to the police. I can remember being told in 2013 onwards that [REDACTED], the former student, did not wish to cooperate with the police at the time, circa 2006, I originally reported this to the police. I understand after he left Merchiston, [REDACTED] QZL did not re-enter the teaching profession.

QZA [REDACTED]

276. I do recall [REDACTED] QZA. He was a member staff when I first arrived at Merchiston and over the course of 10 or more years. When I arrived at Merchiston in September 1998, I believe that he would have been around 50 years old. Prior to my arrival, he had been the [REDACTED] for 13 year olds. When I arrived, he had retired from this role and he was an [REDACTED] teacher and he helped with the marketing of the school. This also involved travelling overseas to represent the school at marketing events in the pursuit of the recruitment of students. In time, I promoted him to [REDACTED] SNR [REDACTED]

277. As an [REDACTED] teacher, he reported to his head of department. As someone helping our marketing and admissions department, he reported to the managers of marketing and admissions, and ultimately myself. As [REDACTED] SNR he reported directly to me. He cared about the school [REDACTED]. He had not just taught at Merchiston and I remember he had taught in [REDACTED] previously. He had high standards of the behaviour of students and members of staff. I did not know him particularly well and the relationship was always that of a professional standing.

278. I saw him with pupils in his capacity as an [REDACTED] teacher and as [REDACTED] SNR. He expected the best from the pupils and colleagues. I did not see him discipline pupils but when he was [REDACTED] SNR he was in charge of pupil discipline. As is correct, he always reported to me instances of poor behaviour by pupils. Often, as far as I can remember, I would check that the sanction was apt. Equally, this would be recorded in our audit trail. As far as I can remember, such an audit trail was originally in the "[REDACTED] SNR's Book, [REDACTED] SNR's Book". He appeared to be

firm and fair in his dealings with children and members of staff. Pupils and members of staff respected him for this.

279. I did not see him abuse pupils but I did hear of him and inappropriate behaviour. As far as I can remember, this happened very close to the end of his long career, maybe in his final term. My Director of IT Services, Mr James Bisset, reported to me that he was concerned about the nature of the websites Mr [redacted] was observing in after work hours from his workstation on his desk at work. If I remember correctly, this was in the evenings and the websites were in area of spanking boys.
280. As far as I can remember, I saw Mr [redacted] and he pledged not to do this again and he submitted a written apology. I also asked the Director of IT Services to continue to track his account. There were no further instances. With hindsight I should have notified my chair of Governors, the regulators or the police. He retired at the end of that term. He had announced his retirement to me a year previously. As part of the feedback to me by the police after their 2013 enquiries into historic abuse at Merchiston, the police indicated that with regards to the website issue, this would have been handled very differently to how I handled it in 2008, as in 2013, the police, not the school, would have monitored the account of Mr [redacted]
281. After the suicide of James Rainy Brown in 2013, as we were reviewing all known and unknown historical issues of Merchiston and as part of this, we read all the files of all known staff who had ever worked at Merchiston. It was in Mr [redacted]'s file that he had caned a pupil in [redacted] boarding house after Merchiston had abolished corporal punishment. As far as I can remember, the parent of the caned pupil had complained. It is important to note that my predecessor abolished corporal punishment in Merchiston before this was statutory. In Mr [redacted]'s file, there was evidence of how my predecessor had dealt with this. In his retirement, [redacted] went to help The English Speaking Board in a part-time capacity. A supplementary reference went to the English Speaking Board, clarifying our concerns.

Helping the Inquiry

282. It is always difficult to look at the past through the lens of the present. It is important to remember that in the world of safeguarding and child protection external agencies also adjusted to best working practice in this area and accordingly schools also did this.

Policy, process, structure of Child Protection and Safeguarding

283. Ensure that all policies are robust and are examined frequently. Ensure that a follow-up action plan occurs whenever an issue of concern happens. Remember to adhere to the policy, process, procedure and structure.

284. Always seek advice from outside the school with regards to the regulatory bodies and if there is a concern about the safety of a pupil, once the safety of the pupil has been reassured, ensure that reaching-out to the regulators and seeking advice in addition to rigorously following the policy is automatic for this is mandatory. And of course, this reaching-out should be in the policy as in "Notice, Check, Share".

285. Remember that safeguarding and child protection supersedes everything else and that members of staff cannot be "reformed" if they make mistakes in this area. The key is having policies and being robust. However, we believed intrinsically in improving staff. It was often said that I had a "pastoral heart" in my approach to both pupils and staff. As I have already acknowledged, instances of safeguarding and child protection should automatically have entered the disciplinary process for a "pastoral heart" cannot supersede such issues.

286. If there is a safeguarding and child protection issue, apart from being informed and ensuring that the policy is being adhered to, as part of the process as the head, keep out of the investigation and ensure that staff report to you so there is a neutrality and objectivity to the process. This does depend on having enough resources to do this.

287. In one's dealings as the head of the school, always remember the wellbeing and welfare of the pupils comes first. "Pupils first" or the tagline we had at Merchiston, "Boys first" as in "What is best for the boys?" Of course, we always tried to do this at Merchiston.

288. Ensure that, in every boarding school, there is also an external person to whom the students, parents, former students and former parents can go to if they have historical or present concerns about the school. People might feel more comfortable doing this as opposed to contacting the school. In my time at Merchiston Castle School, we had still not achieved this. I am really in favour of this as one of the options available to all the audiences. Some prefer to know the person to whom a disclosure is being made, others may find it easier if they do not know the person. The key is providing options.
289. Ensure that in the culture of the school that there is not a culture whereby it is extremely difficult to speak out against a senior established member of staff without feeling that one is going to be reprimanded.
290. Remember that Getting It Right For Every Child (GIRFEC) and the wellbeing indicators known as SHANARRI lie at the heart of everything.
291. Ensure that every school and boarding school undertakes the UNICEF Rights' Respecting Schools' Award at bronze, silver and gold. This helps to underline the importance of each child's rights within a boarding school. The Rights Respecting Schools Award works in 190 countries. In Rights Respecting Schools children's rights are promoted and realised. Adults and children work towards this goal together. The process is: Bronze: Rights Committed, Silver: Rights Aware, Gold: Rights Respecting and Sustaining Gold: Rights Respecting. We knew that George Heriot's School was doing this and Merchiston Castle School has now started this process. George Heriot's School and George Watson's College have both gained the UNICEF UK Gold Rights Respecting Schools Award in the last three years.
292. Consider setting up a stand-alone safeguarding and child protection office, compliance office and HR office, potentially with 3 different employees who are totally dedicated to this task with no other roles in the school.
293. As I was advised by regulators, as a head do not be so trusting of human nature. Always trust your sixth sense, always trust that nano moment, always trust that

sense of intuition. In those nano moments, do not look for data or evidence to back up the nano moment. Sometimes, something crosses your mind, as in a feeling that makes you uncomfortable or a thought that makes you question something. This should not be ignored. I asked regulators for advice in this area. Where does my intuition sit as an experienced practitioner in relation to Data, Observation, Dialogue? The advice was that even if I could not find the evidence for my intuition that on no account should my intuition be ignored. In those instances, my intuition should have come first.

Governance

294. Every boarding school should set up the equivalent of a Wellbeing and Compliance Subcommittee of Governors which challenges, monitors and supports the school in this area. The Child Protection Liaison Governor should obviously be a member but this governor should not be the chair of the committee.
295. Ensure that there is always the correct balance of challenge, monitor and support between governance and the executive. This has not always been the case in boarding schools. In the past, I do not think the balance in all independent schools was right between the three points of the triangle of governance. Governors felt they were there to solely support the head. My boards over twenty years were remarkable. Together, we learnt to achieve the balance of that triangle of support, challenge and monitor. A sense of improvement occurred in moving away from just supporting me as the head.
296. Ensure that the governance of a boarding school is not dominated by members of the alumni. It is tremendous that members of the alumni wish to manifest this sense of public service. Each one of my four chairs, who were members of the alumni, in his own different and distinctive way, contributed a huge sense of service in a non-executive capacity to Merchiston. As influential as the best chairs can be, who are members of the alumni, consider advertising in the national press for such a post to achieve a really objective lens of the school. Many schools are now doing this. Equally, minimise risk by ensuring that there is also a deputy chair of governors and

of course, always endeavour to achieve all aspects of Equality and Diversity in the composition of the leadership of the board and the whole board.

297. Ensure that there are enough people who wish to contribute public service in terms of being a governor in a boarding school. It is my own personal view that, whilst boarding schools are charities, thought has to be given to 4 or 5 governors receiving remuneration such as the chair receiving £15,000, the chair of safeguarding and compliance receiving £10,000, the chair of finance and general purposes receiving £10,000, the chair of education and pastoral receiving £10,000 and the child protection liaison governor receiving £10,000. One can then build up teams of some governors and parents around these central offices. Being a governor now has even more accountability attached to it and it is my concern that people will not wish to be governors in boarding schools. The level of responsibilities for governors has increased. It is important to remember that governors of schools do this gratis and on top of their paid jobs. I think it is very challenging to expect the level of commitment from people who are in full time work. Equally, I think having a Board of Governors who are all retired is not the best fit either. One needs a mixture. In the perfect world, one might also like some young "associate governors" from the alumni who are making their way in the world of employment. Such a role would ensure that the school is keeping an eye on ensuring that its young adults are prepared for the world.

298. I fear how independent and state schools are going to find governors. It is a huge responsibility. I can comment on this as I am a trustee of the Laidlaw School Trust which is a multi-academy trust in England. Most retired heads would think about going into governance of an independent school to contribute and give back an understanding of schools, intellectual capital and public service. I have no evidence but it may be such a resource pool may be reducing.

Recruitment of staff

299. In the recruitment process and thereafter always keep an extremely careful eye on whether any likely member of staff or present members of staff do not exude a sense of balance and have a life outside the school. Ensure that a dependency and

emotional dependency on the boarding school context and nature does not occur. This is hugely unhealthy to one and all.

300. I would urge real care and caution in terms of appointing any member of the alumni to the teaching staff and certainly appointing any member of the alumni to the teaching staff unless a considerable passage of time has occurred between leaving university and other job placements. They often remember the school as it was in their day and possibly do not embrace how their school has to carry on moving forwards. But equally, one cannot have a hard and fast rule.
301. In terms of leadership appointments, I think it is justifiable to try and nurture leaders from within. But with hindsight, I would say that nurturing solely from within can mean that one loses a freshness of perspective at School Leadership Team and Senior Management Team level. After all, when a member of staff joins a school, the sharp antennae is at its most objective.
302. Whilst one cannot be ageist, in my view, the removal of the mandatory retirement age of 60 is a challenge. The retirement age of 60 prevented staff "hanging on" and working in the same school for ever. There is nothing to stop such a person contributing in another setting.
303. I worry that if you are a true teacher in any school do you have a lot of petrol left in your tank at sixty. These teachers are actors and actresses. The best ones are public performers. Teaching a lesson is like a public performance and if you have done it really well then would you have any petrol left in the tank at the age of sixty?
304. We tried to move such folk to part-time arrangements but people are not going to do that willingly because the pension regulations are very tight. I seem to remember that when I did do that I thought it was the best for the teacher and the students, I had to be careful how I did that. There was a loophole that the pension depended on the best three years of the final ten. I think that may also have changed.
305. When I first started at Merchiston, to teach in the independent sector in Scotland, one did not have to be eligible for GTCS. I think it is in Scotland's favour that this is

now the case and in particular that GTCS maintains a stringent eye on the qualified teacher entry routes. At Merchiston, when we did recruit teachers who were not qualified with a teaching degree, yet who had a degree or a Masters or a PhD in their subject, we always endeavoured to train them to be teachers. Indeed many more than a few gained accreditation through the GTCS route available then or did the qualifications with the University of Buckingham. In time, this GTCS exceptional admissions route for GTCS accreditation was stopped.

Strategy

306. It is a moot point but maybe a boys' boarding school should potentially have elements of co-education within it. Strategic reviews at Merchiston (and indeed some potential funding from a philanthropist), suggested that we could run an even better Merchiston with female students in the Lower VI/S5 and Upper VI/S6. S6. I had written strategic papers on this as long ago as 2003 and as part of my research, I had visited schools down south which had done this. The purists would say that this is a form of social engineering but equally student input and the input of some of the alumni at Merchiston on this strategic area, indicated that they felt it would have been an even better school and for the right reasons. Of course, we would have had challenges with our sister school relationships, as in St Margaret's Edinburgh, St George's Edinburgh and Kilgraston. Looking after oneself and improving the educational and growing-up experience for present students should have been the top priority. I felt that elements of some of the staff, governance and alumni were not in favour of such an initiative.

Other information

307. As I have already indicated, we say sorry if our procedures at times did not protect pupils to the utmost and if any former pupils feel that. We know that there is very little we can say or anything we can change or anything that will make the feeling of former pupils go away. We did our best to ensure that our safeguarding improved and that it was conducted in the best possible way. We took all the recommendations of the regulators as to how to improve extremely seriously. All the

recommendations were implemented. As an organisation, we became even more committed and passionate about conducting safeguarding and child protection to the highest of standards. We did our best.

308. I have helped the Inquiry to the utmost.

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

Signed.. 

Dated *December 17th, 2020*