

## **Scottish Child Abuse Inquiry**

Witness Statement of

### **Andrew KEIR**

1. My name is Andrew Keir. My date of birth is [REDACTED] 1950. My contact details are known to the Inquiry.

### **Background**

2. I hold an M.A. in Engineering (Cambridge University), M. Ed (Open University). I did a one year teacher training course Post-grad at Moray House College in Edinburgh, qualifying in Physics and Mathematics.
3. From 1973 until 1983 I taught physics at Barnard Castle School. After leaving here I taught at Gordonstoun until 1994. From there I moved to Benenden where I was Head of Physics and stayed there until 1998. I then left to be House Master and physics teacher at Bishop's Stortford School. I left this school after a bitter argument about their employment of very suspect staff. I returned to teaching in 2003 as Head of Science at St Mary's Hall, Brighton and remained there until 2009 when the school closed. From 2010 until 2012 I did some part time teaching at St Bede's (latterly Bede's) near Hailsham.

### **Employment with Gordonstoun School, Moray**

4. I began working at Gordonstoun in 1983. From the start I was a teacher in physics. I was also a House Tutor for Duffus House and carried out that role until June 1991. From 1991 I was a visiting Tutor to Bruce House until 1994. During the years 1983 until 1994 I was a volunteer for the school Fire Service.

5. When I applied to Gordonstoun I was interviewed by the Headmaster, Mr Mavor. At that time I had my PGCE (Post Graduate Certificate in Education). I presume that my references were taken up, but this part of the process was never disclosed to me. As far as I remember there was no probationary period.
6. Dr Thomson was the Head of Physics and my line manager for teaching. I would see him daily in the course of the work and he used to bring up any problems or opportunities that occurred to him. Mr <sup>OPK</sup> [REDACTED] was the Housemaster until I think, 1990, again we met regularly in the course of our duties and discussed problems as they occurred, if we thought there were any. I forget the name of his successor, but after his dog bit me, we never got on.
7. As I was qualified to teach physics, no induction period was deemed necessary. In my first year as House Tutor, Mr <sup>OPK</sup> [REDACTED] spent time helping me 'get a grip' of the work, and the special needs of the boys. As a volunteer in the School Fire Service we had on-going training which was provided by Grampian Fire Service.

### **Policy**

8. I don't remember being in any policy or strategic deciding meetings while I was at Gordonstoun. I can't remember any major policy changes.

### **Living arrangements**

9. Between September 1983 until July 1991, I lived in Duffus House. This was in a bedsit flat off the corridor to some of the boys' dormitories. After July 1991 I lived in my own private house in Duffus Village, maybe a mile away from the school.
10. I believe that most of the staff lived near to the school, many in the village, but I'm not aware of how many or exactly where they lived. There was a block of houses for – I think female - resident teachers near Hopeman House, near the middle of the school. Each boarding house had a House Master/Mistress and most had a resident tutor, and

visiting tutors for evening duties (keeping order during homework hours, and standing in for House Staff when they were off site).

11. While I was in Duffus House there were, I believe, no locks on House doors. The entire estate was private and well off the public roads, and unknown faces were regularly challenged and escorted off site if necessary. I don't remember 'number locks' being fitted. By custom and practice any unexpected visitor to any Boarding House would have been challenged by pupils, as well as by staff. There was always, (as far as I remember) a member of staff, and ideally two, around whenever pupils would have been in the Houses.

### **Culture within Gordonstoun**

12. As I remember it, the culture was 'Outward Bound' with the intention to keep the pupils busy from waking till sleeping. There was Morning Run still in being, incidentally, I think, the best way of getting lethargic teenagers out of bed without trespassing on their privacy.
13. I am told the showers were warmish. The ethos of the school was 'you can do more' and this was regularly encouraged, both individually and as an aim for the whole establishment. Teachers were encouraged by Mr Mavor to join local activities in the region. Pupils joined 'Services' which took on duties, for example, Meals on Wheels, nearby the school. Gordonstoun was a very tiring, but a very worthwhile place to work in.
14. There was no organised 'fagging' and care was taken, in the House to which I was attached, to minimise bullying and servitude. I say 'minimise' because any school that thinks it has no bullying problem just isn't looking.

### **Discipline and punishment**

15. Individual teachers could, I think, set small written punishments, (I think repeating and improving on substantial work) or send a child to 'detention'. I think detention clashed

with the children's spare time – possibly with their chance to visit Elgin. I'm not sure about this as my memory is going. There was no physical punishment at any level, unless you count enforced exercise, which were Honour Walks, which were very rare and I never set any.

16. I don't remember any formal policy about discipline and punishment, I just remember what actually happened. Pupils went through an induction process, but as I was never part of it I can't give details. House rules and expectations were explained to new pupils by the Housemaster or Housemistress.
17. Senior pupils were generally quite busy enough, not to need to mentor juniors. I don't remember any 'dormitory leaders' but, as I have mentioned, my memories are less focussed than I would like. As a matter of routine, pupils were kept up to the mark in classes by their teachers, and in their houses by House staff. There were 'Colour Bearers, who were elected by staff and pupils together. I do not think they had any formal duties, and I'm pretty sure they did not set any punishments. They were handy, though, if a teacher wanted to chivvy a pupil out of a shower area. A Colour Bearer could go where a teacher would not, and could pass on the teacher's instructions.

#### **Day to day running of the school**

18. I did have some involvement in the day to day running of the school. I took turns with my Housemaster in supervising Morning Run. We would stand a few hundred yards from the House and pupils would run to us, report themselves, and return to the House for a shower.
19. In the evening one of us, a visiting Tutor, myself or the Housemaster, would supervise prep (homework) time. Usually it was the Housemaster who would supervise bedtimes, but if he was away I did it. I would clear the corridors of boys and get them to quieten down and, presumably, sleep.
20. Out of class time, there would usually be at least one teacher around the House, just wandering around and being 'present'. By rota one teacher would supervise detention

on Saturdays. Again by rota, a different teacher would patrol the grounds on Saturday nights, mainly to prevent pupils from sneaking into the woods with alcohol, cigarettes, drugs, or each other. Saturday evenings were the time when pupils were able to visit the 'mixed common rooms' in houses other than their own, under staff supervision. Eventually the patrol duty was given to a non-teaching staff member who also had security duties around the school.

21. There was one non-teaching member of staff who was tasked with general security around the school, late in my time at Gordonstoun. I do not remember his name, nor exactly when he was appointed. He appeared to be specifically tasked with conducting searches of the grounds at weekends and during the evenings (when teaching staff would have been either off-site or closely attached to their Houses). Teaching staff were always available but were not specifically tasked to patrol duties – known to the pupils as "Shade-bashing" – i.e. patrolling the 'shady' areas of the grounds.
22. I can't be confident about this and I suggest it is unwise ever to be confident that an absence of complaints proves an absence of problems, but we did aim to educate the pupils to believe in themselves and to stand up for themselves, so I would expect that any staff-on-pupil abuse would have been reported.
23. Incidents of pupil-on-pupil bullying did come to light but one has to be aware of 'confirmation bias', if one assumes everything has been detected. We did, however, intend to educate the children to believe in themselves, and to stand up for themselves. This would, I think, have meant that any attempts by teachers to bully or abuse children would have been resented and immediately reported. It is more difficult to persuade children that reporting attempts to bully or abuse them, made by other (probably older) children, is not sneaking. Pupils don't usually tell on pupils, and this is a problem. But they have higher standards for teachers, and no 'camaraderie' with them, so children are more likely to report teachers, given the chance and the need.

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

24. Any appraisal was conducted daily by Heads of Department, but I don't remember any annual 'sit down and talk over the year' meetings. These were not formal, but as I met senior colleagues in the course of my work they would pass on messages, hints, the occasional word of praise or correction, and instructions as they felt necessary.

### **Concerns about Gordonstoun**

25. During my time at Gordonstoun I had no concerns. There was a concern about its linked Prep School, Aberlour House, where there were difficulties with one teacher. I don't remember the exact circumstances – if I was ever told them.
26. I understand that Aberlour had separate existence from Gordonstoun, with separate staff, Heads and Governors, but that it was always taken that Aberlour was the 'feeder' junior school for Gordonstoun. I believe that the great majority of Gordonstoun's 13 year old intake came from Aberlour, every year. There may have been some peripatetic staff who worked at both sites but this was the exception, not the rule.
27. I have no knowledge of what was told to the parents, either of any child involved, or more generally. I would expect that the Headmasters of Gordonstoun and Aberlour House would have taken responsibility for reporting this and liaising with parents about it.

### **Reporting of complaints/concerns**

28. A child could make a complaint or a concern, but this process varied during my time at the school.
29. I believe that children were encouraged to see their Housemaster or Housemistress as a first person, to discuss serious problems with. OKX the school

██████████ was also a person to whom they could speak. I don't know of any such discussions or complaints, but that only means that I wasn't told about any.

30. I would presume that the Headmaster would keep records of complaints but I don't know this from personal experience.

### **Trusted adult/confidante**

31. As previously mentioned above, <sup>OKX</sup>██████████, School ██████████, was the official 'First Point of Contact', for a child with problems. Children were also encouraged to see their tutors, House staff, and in fact any teacher, as a person to whom they could speak privately. Each child had an appointed tutor but this was mainly for academic matters. Children 'get on with' adults who work in ways the child prefers, and it was up to the child to choose a person to speak with, if they thought it was necessary. We tried to offer them a wide range of personalities, however.
32. The process was ongoing during my time at the school but I was not aware of any changes that may have taken place.
33. I am not aware of any major concerns being raised while I was at Gordonstoun. Several students came to me with what I considered to be minor problems, and I hope I was able to help them. No allegations of staff abuse of children were ever made to me.
34. After all these years I really cannot give chapter and verse on this, but I had a tutor group where we discussed coping techniques for minor problems, and some pupils from outside the group came to me for discussion of their difficulties, often with work.

### **Abuse**

35. I don't remember any formal definition of 'Abuse' being issued. It wasn't a very legalistic time. I suspect the atmosphere was 'You'll know if you see it'. Senior

members of staff were always available for junior staff, such as myself, to speak with if there might have been problems. I am not aware of any substantive changes during my time at the school.

### **Child protection arrangements**

36. I cannot speak for managerial staff as I wasn't one. I don't remember any specific courses, workshops or lectures about child protection, but, as I have mentioned, my memory is not currently one of my strong points.
37. If we were to receive any reports of abuse or ill treatment we were encouraged to raise these to <sup>OKX</sup> [REDACTED] School [REDACTED] or David Byatt, the Second Master; failing them the Headmaster. I never had to handle such a complaint or report, but I would expect any staff member to refer them upward immediately. I can only assume that this would have been decided by the Headmaster, Mr Mavor.
38. I am concerned that the question I have been asked ignores child on child abuse, ill treatment or 'inappropriate conduct. I have, however, attempted to tell how we tried to minimise such abuse in practice. The likelihood of adult on child abuse was, I believe, minimised by the school's practice of having all areas subject to a 'second adult' walking in without warning, and a general atmosphere of permission for any staff to visit any area of the school without notice, apart from the Houses.
39. Each House had at least two resident staff, and visiting Tutors as well. Showers and changing rooms were, of course, off limits to adults (with the resultant safe places for child on child abuse) and staff would always, in my experience, knock before entering dormitories. We relied on the House Captain and Colour Bearers to be a presence in those non adult areas. It was custom and practice that no House rooms were locked in term time, so that there were no safe places for adult on child abuse. I believe the system in place at that time was effective at minimising the risk to pupils.



### **Investigations into abuse – personal involvement**

40. I was not involved in any investigation on behalf of the school into allegations of abuse or ill treatment of children at the school or into inappropriate behaviour by staff or others towards children.

### **Reports of abuse and civil claims**

41. I was not involved in the handling of reports to, or civil claim made against the school by former pupils, concerning historical abuse.

### **Allegations of abuse against me**

42. I was involved in a police investigation into alleged abuse at the school.
43. I was detained/arrested I think in 2015 after allegations were made from several former pupils that I had abused, indecently assaulted or behaved incorrectly towards them, during my time at the school. I was able to disprove most of these allegations but two went to trial, with a third which, I seem to remember, reduced to 'He made me feel uncomfortable', with no further details or allegations. I have no idea of the school's response as they would not answer any of my requests for information. My barrister had to request a Court Order to get even the architectural details of the school at the time.
44. I gave a written statement to my solicitors who passed it on to Police Scotland. There were two waves of allegations. The first (probably, I believe, co-ordinated by the closed Facebook group of whose existence you are, I assume, aware) was a slew of allegations from various people. In nearly every example I was able to refute the allegations on grounds of date, location, or extreme improbability or impossibility. I can only presume that my rebuttals were accepted by Police Scotland as there was no further mention of all but two – one allegation by "A" that 'I had made him uneasy' and one allegation that "B" had seen my erect penis. In his original police statement

“B” said it was not erect, but he claimed in court (after ‘recovering memories’ during counselling) that it was. The Sheriff disallowed this testimony but still found me guilty of ‘exposing my erect penis’.

45. At a later date, a further allegation was made by “C”. In his police statement, “C” said that he had visited my house (in the wrong village, at a time when it had been let to another member of staff) but by the time of trial he had ‘remembered’ its correct location, and even the phone number. The Sheriff made it clear that this was a telling point against me. In Court, a diary was produced, which, it was agreed, was partly written at a later date. I never saw the diary and thus was not permitted to contest the specific dates that “C”, and presumably the Court, considered relevant.
46. The dates that “C” gave to the police in his original statement were after he had left the school unexpectedly. This appeared not to matter. He testified that I was still a resident Assistant House Master, but if his dates were correct (as evidenced in his later police statement and Court testimony) I was, by then, a visiting tutor in his own House.
47. The charges of which I was found guilty had, again, evolved from the ones of which I was initially accused (I was later informed that this is standard operational procedure in Scottish Criminal courts) so I am still not sure exactly what I was convicted of, but the sexual charges relate to 2 persons only. “A”, ‘corroborating’ the “swimming naked” charge, stated both in his police statement and in Court that he had never actually seen me swim naked but that he ‘knew’ I had done so because he had been told so. I believe that the ‘public order’ offence for which I was convicted was in relation to his testimony. Apparently this is enough to corroborate the allegations of my penis being visible and it touching “B”, and the further claimed ‘contact offence’ against “C” which was alleged to have taken place in my Physics laboratory at night, with nobody else around.
48. I gave evidence in my own defence at a trial in Elgin Sheriff Court, where I pled ‘Not Guilty’. Unfortunately, I have Aspergers (now classified as Autism Spectrum Disorder) which means that my social behaviour can be other than normal. In particular, I cannot look a person in the eye, which I am told can make me look untrustworthy. This is not

good in a summary trial with no jury, especially with the current atmosphere of concern about historical charges and offences.

49. My diagnosis of Aspergers was initially strongly suggested by Professor Bill Fraser, a consultant psychiatrist, when he diagnosed [REDACTED] c. 2002 to have that disability. This medical diagnosis was formally repeated and accepted c. 2011 by the Employment Tribunal against Roedean. I am advised that this is definitive in English law. In preparation for the pre-sentencing review, I saw a further consultant psychiatrist c. 2017 who reconfirmed the diagnosis.
50. For the avoidance of doubt, the Sheriff would appear to have accepted this diagnosis as she mentioned, in *obiter dicta*, that she found that I was “hiding behind my Aspergers”. In addition, I was provided with an “Appointed Adult” at trial.
51. I gave evidence in an Employment Tribunal against Roedean; I believe this did not go to Appeal. Roedean admitted their fault. My evidence was based on the paperwork provided by Roedean, and did not hinge on personal testimony. It absolutely did not feature the “he said, she said” situation in which I was placed at Elgin Sheriff Court, where ‘looking people in the eyes’ is conflated with honesty and innocence, and failure to do so is assumed to be an irredeemable sign of guilt. I felt then, and still do, that the Sheriff did not take my disability seriously, but assumed it was an attempt to ‘throw dust in her eyes’. I can only wish that Aspergers was as trivial a thing as she clearly thought it.
52. As Scots law does not require witnesses to a crime, merely corroboration, the trial came down to a ‘He said, she said’ dispute. The Sheriff, who had referred to the complainants as the ‘the victims’ throughout the trial, found me guilty.
53. At Elgin Sheriff Court in 2018 I remember being found guilty of one offence of indecent assault for a date sometime in the 1990s, and guilty of another offence of indecent exposure. I was sentenced to a 12 months prison sentence. I am now told that I was found guilty of other offences but I don’t remember much about the trial.

54. I served some weeks in Inverness prison and the rest in Barlinnie, in 2018.
55. Following strong advice from my solicitor, I did not appeal either conviction or sentence. I was advised that the cost (£50 000 to £70 000, win or lose) and the extreme difficulty of reversing a finding of guilt (absent a clear error in law) in a Sheriff Court, made any appeal unwise in the extreme.
56. I was advised that one of the charges was appealable, on a point of law, but as the Sheriff did not give a specific sentence for each charge, even if I won the appeal (I was advised) that it was unlikely to affect the sentence.
57. You asked a question about my conviction and ask me describe how I was able to get away with it. As I still maintain my innocence against both claims, I can't answer the question as I believe that I did not commit the offences and therefore that the school's system did not fail.

### **Leaving Gordonstoun**

58. I left to move on to become Head of Physics at Benenden School, after being invited to apply, by my former Headmaster, Michael Mavor, for the position of Head of Physics at Rugby School where he was then Headmaster. I got to the last two at Rugby and they recommended me to Benenden.
59. My references, as far as I know, were from the then Headmaster of Gordonstoun in 1994, Mr Pyper, and my Head of Department, Dr Thompson. There may well have been a reference from Mr Mavor. I do not have them but assume that they were satisfactory as I was not quizzed about them, at interview or at any other time.

### **Helping the Inquiry**

60. I am not sure I can come up with a silver bullet here. A well led school will walk the narrow line between trusting everyone to do the right thing and suspecting everyone

of doing the wrong things. Mutual trust between pupils and staff creates a virtuous circle, but if a school does not have a good atmosphere it needs an effective framework for adults and children, all the more.

61. Pupils should be, and, I think, are being encouraged to see their own safety and self-respect as worth defending, and, if compromised, reporting the problems. A well-oiled reporting system empowers the victim and controls potential abusers. Having multiple adults randomly 'around the place', and, especially having zero 'no go' or 'private' areas, also means that pupils are better protected from staff on pupil abuse.
62. An absolute ban on having one teacher with one pupil, alone in a secluded spot, is easy to suggest but will always have necessary exceptions. If such a rule was broken, where is the evidence? Staff should generally avoid being alone with a single pupil in a secluded area, but when you find a boy crying from homesickness, or bullying. Do you take him into a public area to reassure him and try to sort out the problem? I'd suggest that that would be most unhelpful.
63. I once had to tell a boy that his grandmother, who he adored, had died. He really didn't need an audience, he needed a quiet place to do his crying and to gather himself together to face the future.
64. There are further limits. I doubt that body cameras would be accepted by teaching staff, even as a defence against spurious claims – 'If you give me detention I'll say you touched me up'.
65. We need to empower the children without removing the powers of control from their teachers, encourage reporting of abuse while avoiding false claims (which would effectively involve pupils bullying teachers), and create an environment where the truth prevails. There is no golden road here, but it starts with mutual respect.
66. When a school is seen by pupils as a place where they gain something worthwhile, whether 'an education' or 'good grades', by teamwork with teachers, there is no antagonism and very little danger of false claims. But where pupils are regularly punished in any way, or see their time at school as worthless, some of them will be

motivated to get their own back, by fair means or foul. However, one question is not being asked here. Wherever there are multiple students, some will attempt to make their will powerful over others, by bullying or more subtle forms of influence. Is anyone taking note of this?

- 67. I think that it is right that there are 'no go' areas for adult staff – showers, changing rooms and, to some extent, dormitories, but this also makes these places much more suitable for pupil on pupil bullying and other forms of abuse.
  
- 68. It seems to me that this Inquiry has been set up to minimise and, if possible, eliminate staff on child abuse. I would like to think that it can succeed. But, even if this was achieved, pupil on pupil abuse is much more common, and will be much more difficult to eradicate. By all means, minimise adult on child abuse, but please don't think that will eliminate mental and physical damage to pupils. "Flashman" caused much more suffering than any of the teachers did.
  
- 69. 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..... 10<sup>th</sup> February 2021 .....