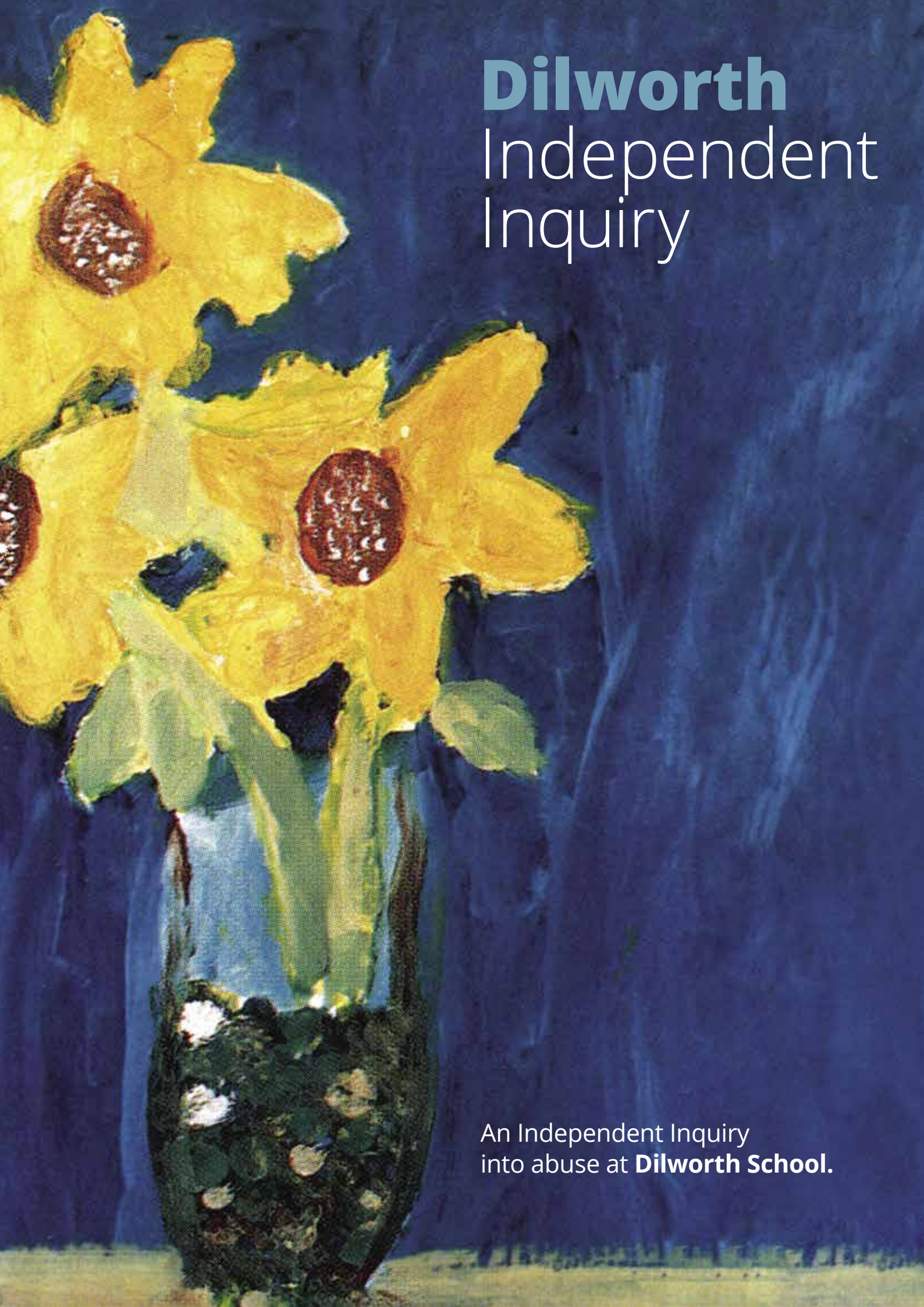


Dilworth Independent Inquiry

An Independent Inquiry into abuse at **Dilworth School.**

Published in September 2023 by the Independent Inquiry into abuse at Dilworth School.

This document is available online at: https://dilworthinquiry.org.nz

The artwork on the report cover was created by a former student during his time at Dilworth. The artist attended Dilworth in the Wilton and MacLean eras.

We are grateful to the student's family for giving the Inquiry permission to use his artwork in the report.

Contents

Executive summary

Terms of reference

The terms of reference require us to examine and make findings under four broad headings:[1]

- the nature and extent of sexual and other abuse
- the factors that caused or contributed to the abuse
- the acts and omissions of the school, its trustees, officers and staff in responding to, or addressing, complaints of abuse
- the adequacy of the policies and procedures in place at the School today to prevent any future abuse.

What the report is about

This report answers the questions posed under the terms of reference. It is based on our analysis of information provided to the Inquiry by 175 former students; 30 family members, some representing deceased students; over 100 people who were employed by Dilworth or closely associated with it, including all living headmasters, 10 of the 13 living trustees, and personnel from the Anglican Church. Our analysis also included an in-depth review of a wide variety of documentation. Regrettably, it is a catalogue of damage and injustice, and we acknowledge the distress it will cause to the Dilworth community at large.

What the report is not about

According to Dilworth, the total roll during the period under review was 4,693 students.[2] The report does not, therefore, speak to the experiences of the other students who attended the school in the period under review and who did not speak with the Inquiry. We acknowledge the many caring, talented and capable teachers we spoke to and heard about and the students who built successful careers, lives and families after leaving Dilworth and feel a huge debt to their school.

1 Inquiry into Abuse at Dilworth School, *Terms of Reference*, 2022. These are in appendix 1 of this report.

2 Data provided by Dilworth to the Inquiry, 30 June 2023. The Inquiry has not independently verified this data.

How we went about the Inquiry

This Inquiry was structured by the Dilworth Trust Board to be led by lawyers and to be independent of the Board. Lawyers are trained to follow and understand the principles of impartiality, fairness and independence, and this training has been important as we investigated the events that gave rise to the Inquiry. Staff employed to assist us as lawyers, investigators and administrators were also guided by these principles, and we have all sought to maintain the highest levels of privacy and confidentiality.

Mindful of the risk of distress and trauma that recounting abuse may cause, the Inquiry took a survivor-focused and trauma-informed approach to communicating with former students who reported having been abused and wellness supports were put in place. We have also been struck by the mistrust in the school leadership and Board expressed by many former students, leading to unnecessary additional stress for some.

Anyone who wanted to participate in the Inquiry contacted it through a publicised website, phone number or postal address. Most were interviewed. Some former staff and students and various others were approached if it appeared they might have relevant information. No former student was contacted for the purpose of asking whether they had been abused. In all, the Inquiry conducted 416 interviews and drew up 265 written statements.

We outline the Inquiry's processes further in chapter 2.

Dilworth School

Dilworth was established as a private boarding school for boys in 1906. Its purpose was to help boys from financially disadvantaged homes to be good and useful citizens. The school is led by a headmaster. A chaplain guides the students in the Anglican faith.

The Dilworth trust is administered by a six-member trust board. Since its inception, the Dilworth Trust Board has had a primary focus on managing the trust assets.

Students are admitted to Dilworth under the terms of James Dilworth's Will and are not charged fees. Students have typically been very young, usually aged 8 or 9, when they began boarding at the school. Many came to the school following family trauma or dysfunction, serious parental accident or illness, death, separation or divorce, and most lacked a father.

Although the Board's guardianship role has altered significantly in the last two decades, for generations it assumed almost complete guardianship responsibility for students in the school's care with little or no consultation with parents.

As a private school, Dilworth has minimal state oversight. We set out the legislative framework that applied to Dilworth throughout the period of the report in chapter 8.

Nature and extent of the sexual and serious physical abuse from 1 January 1950 to July 2023

The detailed response is addressed in chapters 3 to 6 and 9 by headmaster era: Mr John Conolly, 1951 to 1966; Mr Peter Parr, 1967 to 1979; Dr Murray Wilton, 1979 to 1997; Mr Donald MacLean, 1997 to 2018; and Mr Dan Reddiex, 2019 to today.

Sexual abuse

Extent of sexual abuse

Sexual abuse is not defined in legislation. For the purposes of this Inquiry, the term 'child sexual abuse' is interpreted to include acts of physical contact, such as touching, kissing, fondling and penetrative and non-penetrative contact with the anus or genitals, and non-contact behaviour such as exposure to sexual imagery. We expand on this definition in Chapter 2.

Of the 171 former students who provided information to the Inquiry about sexual abuse,[3] 126 reported being sexually abused at Dilworth. Having assessed statements and interviews in detail, and extensively reviewed documentation, we are satisfied the accounts on which we have relied are credible and compelling.

In addition to the 126, the Inquiry is aware of a further 49 former students who were sexually abused at Dilworth making a total of 175.[4] The Inquiry believes the number of abused students is likely to be higher.[5] We note the police estimate of 233 student victims.[6] We have found that sexual abuse was committed consistently at Dilworth from the 1950s until 2005. It peaked between the 1970s and 1990s. There have been two staff reported after 2005, one in 2011 and one in 2018. We have not heard of any further reports of sexual abuse involving staff members since then, but cannot say with certainty there are none due to the known time lag in reporting sexual abuse.

3 Not all students spoke about their whole experience at Dilworth. Some students provided information only on serious physical abuse or other aspects of their time at Dilworth, although the Inquiry was aware from its investigations that other abuse may have occurred.

4 This number includes those students who have died, but information was provided by family members; those where convictions have been entered in respect of abuse or those disclosed through Dilworth documentation, but the survivor has not registered with the Inquiry. The total number of students the Inquiry is aware of having suffered sexual abuse in each era is Conolly 4; Parr 69; Wilton 89, and MacLean 31. Some individuals were abused by more than one offender and in more than one era.

5 The Inquiry has assumed that older abused former students would be few in number due to age and health, that some abused former students would be dead, that it would be too emotionally and psychologically difficult for others to come forward, and that some have gone straight to the redress scheme without making a statement to the Inquiry, as they are entitled to.

6 Data provided to the Inquiry by NZ Police, January 2023. The Inquiry is also aware of three other individuals who were abused by Dilworth-associated adults.

Police have charged 12 former staff and one Dilworth volunteer with various sexual abuse offences in relation to 65 former students.[7] The first charge was laid in 1994 and the latest in 2022. In total, 11 former staff have been convicted of sexual abuse offences against 50 students.[8] The Inquiry is satisfied that the scale of sexual abuse of students by former staff is greater than those charged or convicted by police. By way of example, Peter Taylor was convicted of offending in respect of two former students, but the Inquiry is aware of 35 students who were abused by him.

Most students were sexually abused on more than one occasion. While most complaints concerned sexual abuse by a staff member, 42 students reported being sexually abused by another student or group of students.

The extent of sexual abuse known to the Inquiry and occurring during the period under review is set out in chapters 3 to 6, and in a timeline in appendix 5.

Nature of sexual abuse

A full range of sexual abuse was reported, from sending explicit sexual messages to rape. Students were extensively groomed and abused by Dilworth tutors, housemasters, chaplains, teachers, scout volunteers, staff friends and associates and friends of friends. Grooming and abuse occurred in the course of religious teaching, pastoral care, choir practices, leisure time at boarding houses, classroom teaching, and extra-curricular activities such as scouting, camping, school-organised trips, off-site Group Life Laboratory (GLL) camps and hobbies.[9] Grooming and abuse was facilitated by the age, immaturity and general vulnerability of the students enrolled at the school, many of whom yearned for a father figure. In most instances, when identifiable grooming techniques were deployed, the child concerned was later sexually abused or abuse was attempted. Grooming taught some students as they matured how to use younger ones for sexual purposes. Most children groomed and abused were aged between 8 and 14.

7 This number includes pre–Operation Beverly prosecutions, and victims. Figures relate only to charges in the period under review, 1950 to 2023.

8 Mr Leonard Cave, Mr Ian Wilson, Mr Ross Browne, Mr Alister Harlow, Mr Graeme Lindsay, Mr Keith Dixon, Mr Howard Wynyard, Mr Johnathan Stephens, Staff Member RZ, Staff Member TS and Mr Peter Taylor. Mr Dixon's convictions relate only to offending prosecuted in 2014. Two individuals died prior to their charges being determined.

9 GLL camps were created by Mr Browne and run by senior staff of the school. Students the school identified as more vulnerable spent a week at a camp in Huia, West Auckland, doing group activities and they were encouraged and pressured to disclose personal problems, including sexual abuse. Activities at the camp included students participating in individual and group hugs and massages. It was left to the student to decide whether disclosures of abuse would be turned into a complaint to be reported to the school and police. These camps were a forum for grooming students, often for later abuse, and confidentiality was sometimes breached on the return to school with students who had disclosed abuse being exposed to school-wide harassment and bullying.

Effects of sexual abuse on former students

Impacts of the abuse were both immediate and ongoing. Educational performance often dropped suddenly; boys developed stutters, anxiety, bed wetting, and insomnia. They became isolated and depressed and lived in chronic fear their abuse would be found out by other boys who would then bully them. Some started smoking tobacco and marijuana, abusing substances such as glue and drinking alcohol illicitly to numb their pain, becoming addicted from age 11 upwards. Some became addicted to pornography after extended exposure to it by their abusers. For many, their behaviour deteriorated dramatically, and, for some, when their complaints were not believed, and the abuse continued, it led to them acting out to be 'expelled'.

The abuse was compounding in its impact. On leaving school, most abused students had achieved well below their educational potential. Of those who went on to some form of tertiary education or training, many did not complete it. Most worked in jobs well below their potential, often moving from one unskilled job to the next. Some had large gaps in employment when they were too mentally unwell to work. Some were convicted of criminal offences, occasionally the result of their inability to earn a living. Some were imprisoned, and others homeless for long periods. Many still suffer from an inability to earn a decent income.

Many, particularly those who had been intensively groomed, felt confusion about their sexuality. Those who had been abused and who had been counselled and encouraged by staff to have sexual relationships with other boys experienced guilt and shame. Many spent their 20s and 30s battling addictions. Some still battle them. Many developed mental illnesses. Some isolated themselves completely from any contact with family and former friends and their community. Most reported major struggles with trust and intimacy. Some were unable to start, and many were unable to sustain, intimate partner relationships. Many reported that they felt they could not parent their children well. Many have broken relationships with their mothers, who they blame for sending them to Dilworth. Lack of trust affected friendships and relationships at work. Many former students have been caught in a circle of interlinked problems, often unable to break out of it.

Most of the men the Inquiry met with who were abused are in various stages of rebuilding from shattered and broken periods in their adult lives. We note their courage and determination with admiration. We acknowledge also the suffering of the mothers and wider families and whānau of those who have died and whose voices we have not heard directly.

Serious physical abuse

Extent of physical abuse

The Inquiry interprets 'serious physical abuse' as physical acts that created a serious physical or emotional injury or impact, such as more than momentary pain, discomfort, hurt, shock or upset. Instances of serious physical abuse reported to the Inquiry are given in chapters 3-6.

Of the 159 former students who provided information to the Inquiry about physical abuse at Dilworth school,[10] 134 reported having been seriously physically abused there. There are two broad categories of reported abuse. The first, bullying, was mostly perpetrated by older, larger or otherwise more powerful students. The other entailed physical assaults on students by house tutors, housemasters and teachers. Most instances in the latter category arose from caning that went well beyond corporal punishment guidelines of the time.

Bullying

In the context of the terms of reference, bullying has a physical element.[11]

Physical bullying was usually associated with actions such as pushing, punching, kicking, beating up a student, shoving a student into objects, against walls or down stairs, or forcing a student to do painful and humiliating acts. Several reported severe bruising and wounding, broken bones and broken teeth as a result of bullying. Many needed in-house or hospital treatment for injuries incurred, and some injuries continue to affect former students. Bullying against a particular student could continue for months or years.

We have concluded the bullying, particularly where sustained, had a major impact on the student. At school, it led to feelings of fear and social isolation, changes in behaviour and personality, and reduced levels of educational achievement and participation in leisure activities. Former students reported self-harming and suicidal thoughts after severe bullying. Some attempted, and some died by suicide. Poor health in adulthood, attributed to the abuse or trauma of the school experience was also reported. In adult lives, major emotional distress and psychological harm were still being experienced affecting their ability to reach their potential in study, work and relationships.

10 Not all students spoke about their whole experience at Dilworth. Some students provided information only on sexual abuse.

11 The Inquiry adopted the Ministry of Education's definition of bullying, which requires a deliberate intention to harm someone; the misuse of power based on physical size, age, gender, social status, digital capability or access; and the behaviour to be usually repeated, harmful to the recipient and not a normal part of growing up.

For most of those witnessing bullying, it led to fear, silence and a strong desire to conform and become invisible to the bullies. For the bully, it led to unhealthy feelings of power and dominance. For some, it created a desire to retaliate when they were older, by repeating the behaviour on younger boys. It reduced empathy, and in adulthood, many former bullies have experienced guilt and shame.

Many students reported having no escape from the relentless, cruel name calling, harassment and taunting, occurring during the day at school and continuing in the boarding house. Bullying has been a major problem at the school until well into this century. For most decades causative factors included inadequate staffing of boarding houses and reliance on senior students to keep order.

Caning as a form of serious physical abuse

We have considered the use of corporal punishment by staff members against the legislation,[12] Education Board guidelines[13] and school guidelines that existed at the relevant time, in determining what caning could be considered to fall outside 'reasonable force'.

The school used caning as the primary means of controlling and disciplining students, including for minor offences. Many boarding house staff used the cane excessively causing severe physical and psychological damage until its reduction in use in the 1980s and prohibition in 1990. Caning guidelines were ignored and, with few exceptions, housemasters and tutors, notorious for their cruel misuse of the cane, were not held accountable for their actions.

Many students reported being caned for trivial things such as leaving toothpaste on a toothbrush and being caned so severely it split open their skin on legs, arms, torso and backsides and caused observable major bruising and welts lasting for days or weeks. Many reported being caned in situations that caused injuries to heads and hands as well[14], and some were aware that staff were gaining sexual gratification from caning on bare skin. Some were caned in response to their disclosure of sexual abuse by a staff member.

Younger students were terrorised by the risk and frequency of caning. Caning brutalised students, taught them to use physical violence, and further disempowered them from standing up to bullying and sexual abuse.

12 Section 68 of the Criminal Code Act 1893 provided that a parent, or person in the place of a parent, including a schoolmaster, was able to use force by way of correction towards a child or pupil in its care, provided that the force was reasonable under the circumstances. Section 59 of the Crimes Act 1961 continued this authority.

13 The report references by-laws issued by the Auckland District Education Board as this is the relevant geographical catchment.

14 This included instances where students were made to put their heads between heated towel rails and then place their hands on the heated tubes while being caned, so that when they reacted to the caning, they hit their heads on the towel railing and put their burning hands on their heads.

Factors contributing to the abuse

The presence of staff who sexually abused Dilworth students, students' vulnerability, parental disempowerment, the harsh, violent school environment and culture and failings in school leadership and Board governance, created the ideal conditions for abuse to occur and continue.

Staff who were abusers

Staff members who sexually abused students fell into two groups. The first were tutors, often young men, who cared for the students in the boarding houses after school and in evenings. These tutors were largely opportunistic and abused one or two students each. The second group comprised of long serving staff in trusted senior positions, who were often boarding house staff as well. They each abused multiple students.

Several abusing staff in the Parr era knew of other staff who were also abusing students and on occasion assisted each other. Several students were abused after an offending teacher introduced a friend with a sexual interest in boys into the scout troupe. At his home they were plied with drugs, alcohol and pornography and often sexually abused.

Vulnerability of Dilworth students and parental disempowerment

The fact students came from families in "straitened circumstances"[15], and had often come from families where there was trauma and loss and most lacked a father figure, made them particularly susceptible to grooming from male staff. Parents were kept at arm's length for much of the period under review and were never represented on the Board. They were seldom told of bullying, health concerns, sexual abuse or serious physical abuse complaints made by their sons, including when the school knew their sons had been abused. The protective role parents play was almost entirely missing for much of the period under review.

School Environment

Recent Australian research confirms that boys' boarding schools are very high-risk environments for their students.[16]

15 Qualifying term in James Dilworth's will for enrolment of students.

16 P Parkinson and J Cashmore, *Assessing the Different Dimensions and Degrees of Risk of Child Sexual Abuse in Institutions*, Royal Commission into Institutional Responses to Child Sexual Abuse, Commonwealth of Australia, 2017, p 25. Parkinson and Cashmore's research was undertaken at the request of the Australia commission to establish a means of differentiating types of institutions in terms of the level of risk of child sexual abuse.

Until the 1990s, the Dilworth boarding school environment reflected that assessment and was described as harsh and uncaring with serious physical violence and pervasive bullying. It was hierarchical, rigidly rule bound and authoritarian. Some named staff were exceptions, providing a more supportive environment. They tended to have less influence in the school than those maintaining the harsh culture.

There was insufficient staff supervision of the boarding houses after school and in evenings. With some exceptions, boarding house staff tolerated an unacceptable level of physical bullying and violence up to the mid-1980s. Senior untrained students having experienced harsh discipline themselves were given responsibilities akin to staff members. Until 2018, under the school's policy, senior students could use adult levels of authority and impose punishments on younger students. Senior students' often brutal treatment of younger students caused fear rather than modelled positive leadership. Younger students learned that when they matured, they too could punish and intimidate physically and mentally.

There was a homophobic, macho culture, causing fear among students that they would be seen as different, effeminate or gay. Until the late 1990s, that unchecked perception, led to ongoing, taunting and bullying and exposure to sexual predation by other boys and staff.

Those perceived as weaker or different were particular targets. For decades, there was also a racist culture where Māori and students of other non-European ethnicities were belittled and often targets of bullying.

There was an entrenched, strictly enforced "no narking" code of conduct. Any student who complained was often disbelieved and punished, creating a barrier to complaining. Staff were believed over students, who felt powerless. Students' communication with their families could be monitored and there could be long periods where they could not go home, isolating them from their family support.

Until the late 1990's, students had no education in physical and personal safety, and the inadequate pastoral care itself often resulted in mental or psychological harm. These factors reduced boys' confidence and self-esteem and made them more vulnerable to grooming and less able to resist abuse or complain of it.

The Board was repeatedly told by Mr Parr, Dr Wilton and and Mr MacLean of the risks presented to students due to the inadequate supervision of the boarding houses and that the employment of more staff could ease the problems arising, particularly that of serious bullying. However, it allowed the situation to continue largely unaddressed in the Parr era, with some improvement in the Wilton era, but back on the Board agenda as a serious issue under Mr MacLean.

Failings in school leadership and governance

Failure to respond to complaints and concerns

Many students did not complain of sexual abuse. Reasons included shame and confusion, threats to remain silent, punishment, the no narking culture, no known avenue of complaint, and the disempowering, harsh school environment. Similar factors led to even fewer students complaining of serious physical violence.

However, in all eras complaints of sexual abuse were made, to matrons, older students, housemasters, chaplains, teaching staff, senior leadership and headmasters. They were usually made either by the student being abused, students aware of the abuse, or mothers. Chapters 3 to 6 set out a detailed analysis of the response to each complaint made. Most complaints were dismissed without investigation and not reported to the Board.

Students in the Conolly and Parr eras were typically called liars, troublemakers, attention seekers and accused of ruining the good reputation of the staff member complained about. They were often severely punished, mostly by caning. There is evidence limited disciplinary action was taken in some instances. No investigations were undertaken to determine the extent of the problem.

Many complaints in the Wilton era were dismissed or minimised, and not investigated. Students were told they were making things up and mothers who reported concerns were told they were reading too much into matters. Students complaining to the chaplain in the MacLean era were told the reported behaviour was normal, even when they were reporting non-consensual sexual activity with other students. Multiple rumours and expressions of concern or unease about the chaplain in the MacLean era were not acted upon in favour of waiting for a 'concrete complaint', as Mr MacLean understood this was the legal advice received by the Board.

Failure to investigate

Between 1971 and 2006, the school received complaints about each of the following charged or convicted former staff: Leonard Cave, Johnathan Stephens, Keith Dixon, Rex McIntosh, Peter Taylor, Howard Wynyard, Staff member RZ, Ian Wilson, and Ross Browne. It also received complaints about charged Dilworth Scouts volunteer, Richard Galloway.

If a complaint was raised with the Board, it treated the matter solely as an employment dispute. Offending staff were offered and accepted the opportunity to resign immediately, sometimes with financial benefits. The school community and students were not told the truth about the reasons for the staff member's sudden departure. In spite of receiving a credible complaint about Ian Wilson and knowing the police had been notified, until he resigned, no steps were taken over several months to protect the students in his care.

Where a student displayed behavioural issues, the school chose to view it as a student attitude issue, categorised the student as unsuitable for Dilworth and arranged for him to leave the school, either through withdrawing the student's scholarship or asking the parents to withdraw their son. There did not appear to be any recognition by the school, even where it was aware that a student had been a victim of abuse that the impact and damage of that abuse might manifest itself through a change in attitude or academic performance.

By failing to recognise students' deteriorating behaviour as related to possible sexual abuse, the school lost an opportunity to address the problem. By removing the students, it also silenced other students' voices and protected the abuser.

When staff left the school, complaints of historical abuse continued to be made, but were neither further investigated nor care provided to the former students concerned.

Failure to report to police or education authorities

Until the end of 1994, the Board did not report staff to the police, and no reports about undesirable teachers were made to the Department of Education, or under the voluntary reporting provision provided by the Education Amendment Act 1996,[17] despite the fact the school was aware of and had access to the lists of undesirable teachers held by the Department.[18] Teachers were being deregistered from the beginning of the 20th century for sexual abuse of students and sexual abuse by an adult on a child was a criminal offence.[19] Reporting abusing teachers to these authorities might have meant that other staff had less confidence that they could continue to abuse without consequence. Dr Wilton gave effusive references for four staff who resigned following complaints of sexual abuse. These references allowed some to go on to teach at other schools and abusing staff to feel emboldened. This placed other students at risk.

In contrast to the Board's failure to report staff, the Board was aware Mr Parr had reported students to the police, advising it of his moral responsibility to do so.

When Mr Taylor was prosecuted in 1994 and 2000, limited assistance was provided to the Police. The Police were not told that Board members and former staff who knew the circumstances of his departure were still available for interview and relevant information was held on student medical records. The only focus for the Board was to ensure it obtained name suppression of the staff member and school.

17 The Education Amendment Act 1996 introduced a new provision allowing for voluntary notification to the Teaching Registration Board of any aspect of the behaviour or performance of any former employee which might be relevant to the Registration Board's performance of its duties.

18 The Board approved Mr Parr's proposal to contact the Department of Education for its list of teachers who should not be employed, but did not report its own offending staff, even when Dilworth knew they had been employed at another school.

19 Department of Education list of teachers' certificates cancelled 1880–1922 and Department of Education index of individual files of cancellation of registration cases 1951–1982.

Failure to implement policies or processes to respond to abuse complaints

Throughout the period under review the school's response to sexual abuse complaints fell far short of what was expected in an educational setting. From the beginning of the Wilton era the Board had knowledge of the sexual abuse of students due to complaints and staff dismissals. Complaints by parents or students were however routinely ignored or dismissed by school staff and no mechanism existed for routine notification of serious complaints to the Board.

In 1984, and 1989, the Department of Education provided specific guidance to schools on sexual abuse and how to respond. Schools were told to report abuse to the police or Child, Youth and Family Services and to provide appropriate pastoral support for abused students. In 1989, schools were also directed, as part of school policy, to have procedures for dealing with suspected sexual abuse of students, as well as a policy statement on the professional conduct expected of staff. Dilworth, as a private school, was not obliged to follow this guidance. Nonetheless, it had an obligation to ensure it complied with the same student safety standards as those applying in other New Zealand schools.

In 1994, following Mr Taylor's first conviction for offending against a former Dilworth student, the Board received advice from its lawyer to adopt procedures for responding and recording complaints of sexual abuse and that attempts should be made to ascertain whether there were further unidentified victims. The school also sought, and received, information from the Scouts Association as to the procedures it had instituted to respond to abuse. This advice was considered but not implemented by the Board.

A Dilworth staff handbook produced that year did not contain any guidance for staff about sexual abuse, procedures for dealing with a suspected case, or guidance for providing pastoral care for abused students.

Between 1994 and 1996 the school received complaints, or were made aware of external complaints, about sexual abuse carried out by Mr Taylor, Mr McIntosh, Staff Member RZ, Mr Harlow and Mr Wilson. Viewed in the most favourable light, by 1996, senior leadership of the school and Board knew they were not dealing with isolated cases. They knew of the sexual abuse of multiple students (and that there might be more) by at least six staff, some of whom had only recently left the school.[20] Despite this, it did not act on its own legal advice to develop and implement a complaints policy.

It was not until 2000 that the first complaint policy was drawn up. It was rudimentary, and it is unclear if it was formally implemented then. In 2006, the school adopted the first formal process for student complaints, set out in a flow chart entitled "How to handle a complaint". It was not a policy; instead, it set out the steps to be followed by a student before making a complaint. It is notable that the flow chart was designed to address complaints of any nature and did not provide information about what steps the school would take to address a complaint.

20 Mr Taylor, Mr McIntosh, Mr Cave, Staff Member RZ, Mr Harlow and Mr Wilson. School leadership also knew about Mr Wynyard.

Board failure to understand business of school

A major Board failure has been its focus on the commercial aspects of the trust's responsibilities rather than on governing a primary and secondary school. Members of the Board were nearly always appointed for their business and commercial skills, influencing decisions to prioritise the school's reputation over the safety of students. Educational and other relevant expertise in the governance of the school was missing, as was any parental involvement. One surviving headmaster spoke of his largely unsuccessful efforts to have the board engage more with school administration and the welfare of the students, and three headmasters tried over several decades to have staff-student boarding house ratios improved to promote student safety

Board failure to ensure external oversight of school performance

The Board failed to comprehend the implications of the legal status of the school, which, as a private school, was always lightly regulated. The current Education Review Office (ERO) review for private schools is superficial and completed by school management. Most past and current Board members were unaware they could not rely on these assessments to satisfy themselves that the school was operating well and students were safe.

The Board failed to put in place an alternative mechanism to Department of Education and later ERO audits to ensure continuous ongoing monitoring of the performance of the school, including its leadership, which would have resulted in the identification of substantial gaps in student safety protocols. The occasional external review between 1950 and 2019 was inadequate in identifying risk, and the Board relied on the headmaster's reports, overlooking that he had no professional oversight.

Board failure to provide adequate staff, vet or supervise staff

Sexual abuse and severe bullying could happen more readily because the school had too few staff in the boarding houses who might monitor or observe colleagues' behaviour. Nor did the school properly vet or supervise abusing staff. As a result, the school unknowingly employed and retained abusing staff. Over a combined near 30-year period both chaplains were largely unsupervised and sexually abused many students.

Even though policy was rudimentary, staff were aware from the Conolly era onwards that they were not to be alone with a student for any length of time. Yet that was never policed, staff movements were not monitored, and staff routinely took students off-site with very little supervision.

In the Conolly, Parr and Wilton eras, school leadership rejected expressions of concern and complaints about staff, demonstrating loyalty to them in preference to protecting their students.

Failure to ensure training and professional development for staff

The Board and school leadership did not provide professional training and development to educate staff on child sexual abuse issues and complaints processes. Staff awareness of the nature and extent of sexual abuse of children was therefore limited. They lacked proper guidance about how to detect possible signs of abuse, about the need to have appropriate policies, and how to provide support to students who suffered abuse. There was also no guidance provided to staff members on what to do when a student complained to them of sexual abuse by another person.

Failure to recognise weakness in scholarship model

The Board failed to recognise the weaknesses in its 'scholarship model', which allowed a scholarship to be removed arbitrarily, operating effectively to expel students without a fair process and discouraging complaints from them or their parents. This policy was at odds with the evolving state school guidance which recognised that students could act out due to abuse. Students 'stuck it out' despite abuse, rather than risk becoming a financial burden on their parents.

Summary

All these factors lead to a conclusion that successive Boards have failed over many years to prevent serious physical and sexual abuse of Dilworth students. It failed to investigate complaints properly or at all, failed to support students reporting abuse or investigate for further students impacted, failed to report abusing teachers to the police, and the Department of Education, thereby endangering students at other schools, and failed to establish and monitor policies to ensure that students were free from abuse and fear and able to take full advantage of the education and opportunities promised under James Dilworth's will. The Board delegated most responsibility for the school operation to headmasters and senior staff, failed to guide and oversee them, failed to take notice of repeated signs and complaints of abuse and to ensure that it modelled itself on best school governance practice by applying current knowledge and advice.

Dilworth today

Mr Reddiex started as headmaster in April 2019. His message to staff, parents and students has emphasised the school's values of transparency and honesty.

Following complaints of sexual abuse made by former students to the Anglican Church and passed on to the school in 2019, the school advised police who began a major investigation. The school established a Listening Service to provide and pay for therapy by an independent clinical psychologist for any former student and the Board chair and headmaster met former students on request, heard their accounts of past abuse and apologised.

The school began the intensive process to obtain accreditation as a Child Wise school,[21] resulting in a far-reaching change in the culture of the school.

Accreditation involved participating in a detailed child safety review. This process included document review, leadership interviews, and student, family and whānau, and staff involvement. Accreditation was granted in September 2022.

Accreditation confirms that Dilworth is a school where:

- child safety is embedded in organisational leadership, governance and culture;
- children and young people are informed about their rights, participate in decisions affecting them and are taken seriously;
- families and communities are informed and involved in child safety and wellbeing;
- equity is upheld and diversity needs respected in policy and practice:
- people working with young people are suitable and supported to reflect child safety;
- there are child-focused processes for complaints and concerns;
- staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training;
- physical and online environments promote safety and wellbeing while minimising the opportunity for students them to be harmed;
- the implementation of standards is regularly reviewed and improved; and policies and procedures document how Dilworth provides for the safety of its students.

21 Child Wise is an organisation based in Australia that works with government, non-government and corporate organisations in the Asia-Pacific to build child safe communities and cultures.

In addition, Dilworth has developed its complaints policy in close consultation with students, families and whānau to ensure its fitness. It has two purposes: to give students and families and whānau access to a complaints system that promotes students' rights, responsibilities, safety and wellbeing and to ensure everyone understands what to expect from it. It recognises barriers to making complaints and the steps the school takes to remove them. It includes accessible and well-used anonymous tools for students to report concerns, measures for tracking student movements and for recording key information about students and their pastoral care.

There is now a Student Protection Policy and Student Safety: Code of Conduct for Staff which are part of all new staff induction, extensive pastoral and medical care and a school relationship management plan which supports positive behaviours for learning and living well.

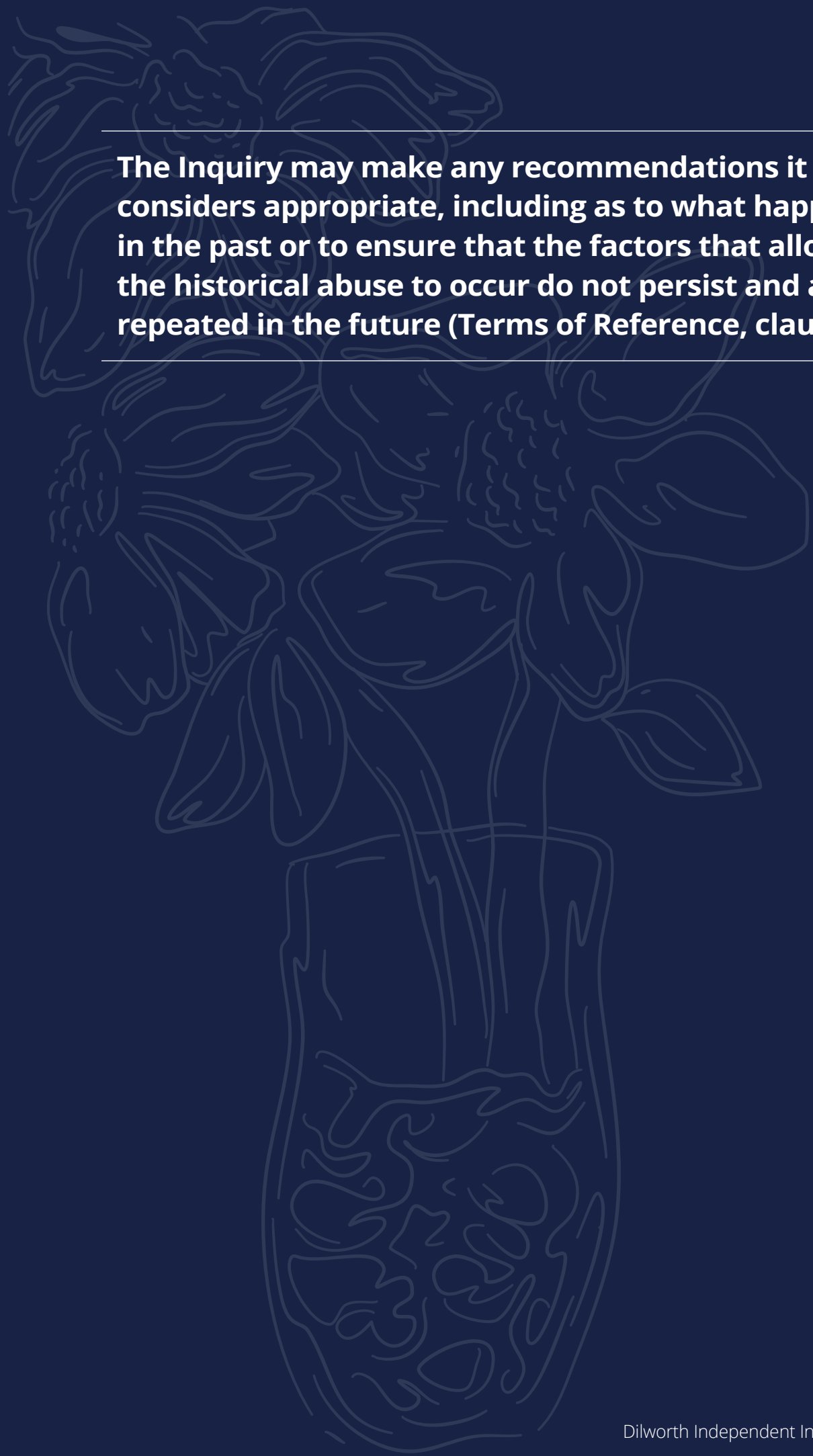
Our discussions with current students and their families revealed strong belief that students are now well-protected, that there is zero tolerance for any form of abuse including bullying, and that the headmaster and staff have their confidence. The remaining concerns relate to the inaccessibility of the Board to parents, and an underlying unease about the impact the history of serious physical and sexual abuse may have on current students.

Conclusion

We commend the school for the work it has done to obtain Child Wise accreditation, which appears to have initiated a fundamental cultural change and should reduce significantly the risk of abuse of students.

The factors we identified as causative of the abuse are now being addressed, and we have made recommendations about what additional work needs to be done, particularly at Board level. It will take time for the new culture to embed, and continuous attention to ensure the changes outlined are sustained.

The Inquiry may make any recommendations it considers appropriate, including as to what happened in the past or to ensure that the factors that allowed the historical abuse to occur do not persist and are not repeated in the future (Terms of Reference, clause 13).



Recommendations

Introduction

Our recommendations are made under clause 13 of the Inquiry's terms of reference:

The Inquiry may make any recommendations it considers appropriate, including as to what happened in the past or to ensure that the factors that allowed the historical abuse to occur do not persist and are not repeated in the future.

There are 19 recommendations which we have grouped under nine broad topics:

- **transforming Dilworth governance**
- **ensuring professional oversight of school performance**
- **assisting recovery from historical abuse**
- **maintaining and enhancing student safety**
- **considering the future direction of the school**
- **improving school systems**
- **vetting, supervising, developing and training staff**
- **supporting students and staff after publication of the Inquiry report**
- **developing positive external relationships**

Transforming Dilworth governance

Recommendation 1:
Reform and revitalise the Dilworth Trust Board

We recommend that Dilworth Trust Board reforms and revitalises its structure and implements change, so its members have the wide variety of governance skills and experience necessary to govern a boarding school of students ranging from primary to secondary level.

A critical reason for the failures to detect, properly respond to, and prevent serious physical and sexual abuse in the decades under review by the Inquiry has been the structure and focus of the Board. The Board is a model devised in 1897 with the objective of growing and managing the financial resources of a trust so a boarding school for boys could be developed and supported. This is a responsibility that most other schools in Aotearoa New Zealand do not have. Managing financial assets and income remains an important duty for the Board, but it needs other skills and resources to manage a school. While we acknowledge the substantial efforts the Board and its chair have made in the last five years, the model remains inadequate for proper governance of Dilworth School.

The Board has lacked a sufficiently experienced educational and welfare focus for most of the period with which the Inquiry has been concerned. A broad variety of characteristics, skills and experience is needed to govern a successful school. These characteristics include cultural diversity and competence reflecting the school's composition, gender diversity, relevant educational knowledge, and, as occurs almost universally in schools in Aotearoa New Zealand, the involvement of parents, whānau or guardians of the students attending the school.

While the Board now has its first Pacific member, with few exceptions it has comprised Pākehā business and professional men. No parent has ever sat on the Board and only two women, one of whom, Isabella Dilworth, was the widow of James Dilworth, the founder of the school. Historically and currently, Board qualifications remain dominated by commercial, financial and asset management skills and experience.

By convention, the Board's membership has been up to 50 percent former students (old boys), and, for many decades, the chair has been an old boy. This focus on past traditions may have prevented or obscured innovation, and instilled, as a guiding force a strong sense of loyalty to the school and the need for protection of the school's reputation. These values have sometimes been unhelpful to Board decision making in the context of a long history of sexual abuse and serious physical violence at the school.

When this history first came to the Board's notice decades ago, a radical culture change was required but not undertaken because the Board members lacked the necessary knowledge and expertise.

Reviewing the structure

A successful review of the Board's structure requires wide consultation, including with the school community, past and present, as well as with legal and educational consultants and advisors. The Trust Deed may need to be amended to achieve what is necessary and court-sanctioned approval obtained, but the goal is to achieve a board that is more diverse, school-focused, attuned to modern educational theory and practice, and representative of the community it serves.

Representation of parents and whānau is vital due to the child protective role they play. We have found that their absence from decision making at all levels is another causative factor in the continuation of the abuse for so long. Because of the school's current composition, whānau Māori and Pacific parent representation is essential. These representatives should have knowledge and connection to their cultures and communities.

Selecting an alternative model

We do not recommend a specific governance model, noting that wide consultation with appropriate experts and the school community is required. However, the new model needs to incorporate the qualities and experience required to manage a substantial asset and financial operation as well as a school with a unique model and history, and entails managing a wide age range of potentially vulnerable students as well as boarding houses. We set out two possible models for consideration.

Model 1 – an integrated model: One possibility for Board consideration is an integrated model with one sub-committee focused on asset and financial management and the other on school governance. The two would be equal in status. In practice, the subcommittees would meet as a whole board to agree or approve a variety of important issues such as changing admission and exclusion criteria, appointing a principal or headmaster, setting the school's strategic direction, determining a hierarchy of financial expenditure, overseeing regular, effective and independent external school oversight, and ensuring compliance with all regulatory policies such as for health and welfare.

Model 2 – a two-board model: Another possibility for Board consideration is a two-board model that allows assets to be managed separately from the school operation and reflects modern school practice. As with model 1, the board would be in two parts. One part would retain the title of Dilworth Trust Board and be responsible for overseeing and managing the trust's assets and finances. The other part, the Dilworth School Board, would oversee and manage school operations. In recognition of their respective expertise, each board would be autonomous and members appropriately remunerated. Responsibilities could be divided in a variety of ways, and we set out our ideas below.

Dilworth School Board: The school board would support the principal and senior management team in all aspects of school management. The headmaster or principal would be a member of the school board. This board would set school priorities and manage progress after consideration of current state or integrated school policy guidelines. With appropriate employment and other expert advice, it would be responsible for student admission,[22] exclusion and discipline policies, oversight of staff employment and discipline, and, as needed, liaison with agencies such as the Ministry of Education, the Education Review Office, the Teaching Council, Oranga Tamariki and New Zealand Police.

With the headmaster, the school board would build on and continue to improve the school's staff development policy to ensure it remains coherent and progressive and that the school has the best qualified and experienced teaching and other staff available. It would also be responsible for boarding house operations, all student and staff welfare, health, and safety issues, and, in particular, recognising the potential vulnerability of its student body, would provide the best available pastoral care.

The school board's role and responsibilities would reflect those of state and integrated school boards as appropriate. It would also reflect the best and most effective private school board models. It would apply to the trust board for major financial expenditure and prepare a periodic budget, setting out its income requirements.

To achieve its objectives, the school board needs a diversity of skills and experiences. This would involve a rotating membership to keep a freshness of thinking as well as strong parental representation, with the inclusion of members from a variety of relevant cultural backgrounds with expertise and competencies to ensure a broad skill base.

Consideration should be given to staff and senior student representation. There would be regular elections of members, term limits and a provision for co-option of others to provide the full range of skills. We do not envisage a large school board and acknowledge that achieving the broad representation and diversity considered vital will need work.

To improve the relationship between the school and the Anglican church and to ensure shared objectives for religious teaching and the chaplain's appointment and responsibilities, a representative of the Anglican Church could serve as an advisory member of the school board. It may be that after consultation, a decision is made to create an old boy position on this board to uphold tradition. However, that person should not be given deference over any other board member.

Dilworth Trust Board: The trust board would retain its title to reflect the history of the trust and Mr Dilworth's vision. Its responsibility would remain to protect and provide the asset base and income so the school can function. We recognise that this is a skilled task and that it has been creditably discharged over the 129 years of the school's history.

22 This is currently a Board responsibility under the Trust Deed. However, a school board is better equipped to discharge these responsibilities.

The trust board would continue to acquire and dispose of trust assets, and oversee the maintenance, development and insurance of school buildings and other trust assets in accordance with the trust provisions. It would receive and approve or engage with the school board to determine the need for all school projects requiring substantial financial input. It would periodically set and oversee the income and expenditure for the whole school operation and be responsible for appointing and retaining sufficient staff, including a chief executive or school manager, to service the requirements of both boards. The chief executive or school manager would report to the trust board.

While greater diversity such as that proposed for the school board would be an asset, the focus of the trust board would remain on asset and financial management, and recruitment to the trust board would be from those who have the requisite skills and experience as well as a real interest in ensuring the education of potentially vulnerable children is promoted.

There should be no continuing tradition of old boys having a place on the trust board as of right. The chair should be appointed following a merit-based selection process and hold the position for a fixed term. Refreshment of trust board membership should occur at regular intervals, akin to the practice in other commercial boards and state entities, and the practice of engaging new members using a recruitment agency to avoid the appearance of shoulder-tapping should continue. There would be an upper limit on trust board tenure.

Coordination, trust and respect between the two boards: It is self-evident that a strong relationship of trust and respect between the two boards would be required. While each board would be autonomous and have discrete functions and responsibilities, joint planning for the school's future and coordination of respective obligations would be essential for this model to succeed.

The headmaster, from time to time as required, would report to the trust board. The headmaster's role as a member of the school board would mean that board would have the most regular and detailed reports and advice from the headmaster.

The school board, inevitably, would be more visible to the school community than the trust board and would have the primary role of liaising between the community and governing entities. The trust board would also need to retain close ties to the school community, so it remains relevant and understands the development and other needs of the students as it provides them with the resources required to fulfil the promise of a comprehensive education that equips the students to become good and useful citizens.

The two boards should meet as one entity at regular but not oppressive intervals to discharge their broader and overarching governance duties.

Ensuring professional oversight of school performance

Recommendation 2:
Establish continuous external review and oversight of school performance

We recommend that the Dilworth Trust Board establish a system of continuous external review and oversight of the school's performance with professional and reputable external educational consultants.

We have found the lack of ongoing, robust external oversight was a contributing factor to the continuation of the abuse. Many current and former trustees had not appreciated that Dilworth, in comparison with state and integrated schools, was lightly regulated and that they could not rely on Department of Education or, from 1989, Education Review Office (ERO) reviews to assure themselves all was well in the school.

Decades of hidden abuse, which Dilworth has had to confront and the silence that enabled it, is unlikely to have happened had there been full ERO or equivalent professionally regulated ongoing oversight. The gap in professional accountability was immediately identified by the current headmaster and, on his initiative, steps put in place to ensure he has the professional support and accountability a headmaster needs. However, a permanent mechanism that establishes a regular, robust external review process of the whole of school performance should be put in place. Other private schools routinely do this to ensure professional accountability and standards.

Any review undertaken needs to be binding on the Board in the sense that the advice, criticism and recommendations received must be implemented by the Board. The Board will retain the discretion as to the steps and action needed to give effect to any improvements or changes recommended to it, but it cannot create an accountability structure that allows it to ignore the recommendations. Another option, if that were permissible under the current legislative framework, would be for the school to contract ERO to undertake reviews.

Assisting recovery from historical abuse

Recommendation 3:
Collaborate with survivors

We recommend that the Dilworth Trust Board consults widely and collaborates with abused former students and families and whānau of deceased former students who were or are suspected of having been abused, and works with them to identify what steps are needed to supplement the current redress programme and to help them and the wider Dilworth community to heal and move forward.

The Board has an obligation to the students and their parents and whānau who have lost so much as a result of historical failures in the school's governance. Wide consultation and collaboration will enable the Board to gain a full understanding of their views on how best to acknowledge the suffering of former students who were abused physically and sexually at the school or were otherwise traumatised by their experiences while attending the school.

The stages needed for survivors to heal from trauma include the ability to end their silence and tell their stories, and to have accountability and the abuse acknowledged. They need to be confident there is effective collaboration on the best means of making reparation and working together to achieve reconciliation. Dilworth has taken many of these steps, but it will continue to be blighted by the scandal that has engulfed it unless and until it works collaboratively with those abused while in its care to find ways for the Dilworth community to move forward as a unified group.

The process of working together is an opportunity in itself to heal from the trauma and build trust between the Board and survivors.[23] The survivors are the experts, and their views and concerns should be accorded primacy.[24] We have been told repeatedly by survivors with whom we have spoken of the mistrust that remains following creation of the redress scheme using an inadequate process of consultation when a collaborative process had been sought. The Board is likely to need expert external assistance to develop a fully trusted collaborative process with survivors.

We note that this year the government has recognised the need for a collaborative approach with survivors when determining redress options for survivors of abuse in care and, while its model is necessarily more elaborate than what is needed here, the concept is similar.[25]

During our interviews with former students and whānau of deceased students, they told us the redress actions needed in addition to the current Redress Programme.[26] These were examples of redress outside what is permitted under the redress programme's terms of reference, and many were of symbolic reparation.

It also ensures the history of a disastrous period is told honestly. It is usually supplementary to financial redress; it does not replace it. Whatever models are decided, the voices of former students and their families and whānau who have been injured by abuse are essential for a successful outcome.

23 The consultant psychologist the Inquiry engaged expressed it this way: "a powerful way of increasing our capacity to cope with trauma, is being part of the solution – rebuilding your city after earthquake or your community after human-caused devastation".

24 Collaboration and consultation are different. The former requires the Board and survivors to work together from the beginning of the process as equally engaged in restoring trust and providing for the needs of survivors. On the survivor side, a group appointed largely by survivors would represent their interests and liaise with all survivors when decisions were needed. Consultation involves the Board alone deciding the process and expected outcomes with its own experts after asking for views from survivors.

25 It has created a survivor-driven design group to determine how to provide redress to survivors. Two co-chairs have been appointed, one of whom is a survivor. A design panel made up of a diverse variety of survivors has been established to produce high-level design proposals for the new system, and an advisory panel that includes survivors has been established to advise on the proposals: Cabinet Appointments and Honours Committee, *Minute of Decision: Redress system design and advisory groups – Appointments*, 3 May 2023.

26 Some told us of the broken relationships between sons and mothers and would like support in healing these relationships. Some would like an opportunity to meet other abused former students in person. Others want to meet and talk directly with the Board. Continuation of the Listening Service would be valuable for many. Some, however, want ongoing alternative therapies, and others want help managing finances and legal advice. Some suggested removing buildings such as the chapel where sexual abuse occurred. Others liked the idea of scholarships named for abused men who had taken their lives or a day each year when victims would be remembered and promises made to protect and nurture each other. Some would like an installation in the grounds that speaks to optimism for the future of the school or a tree with suitable plaques. Others want the names of the boarding houses reviewed to ensure the named person was an appropriate role model, and if not, then the house renamed. Others suggested renaming all the boarding houses to mark a new start for the school, with wide consultation with students, parents, families and whānau, and staff to select names that would restore pride in the school. This was seen as a potentially powerful symbolic statement of a new future without abuse.

Recommendation 4:
Heal rifts within the former students' community

We recommend that the Dilworth Trust Board works to improve its relationship with all former students of the school.

Major rifts exist among former students who, as another consequence of the long-standing, suppressed abuse, have responded to the publicity around Operation Beverly in differing ways. Some, particularly those who were not abused and for whom Dilworth provided a platform for a good future, have been fiercely protective of the school's reputation. That group is associated mostly with the Dilworth Old Boys' Association (Association).[27] Another group, compromising mostly of students abused at the school, told the Inquiry they needed to form their own support groups as the Association blocked many of them from its webpages and closed down discussion about abuse or criticisms of school.

The perception of those who have been abused, as they reported to the Inquiry, is that the Board is closely aligned with, and has major influence over the Association, so is opposed to some of their statements.[28] This is strongly denied by the Board and the Association.

At a time of heightened mistrust in the Board and significant sensitivity, tension and distress in the old boy community, particularly those who have been abused, the Board should take extra care to be, and to be seen to be, even-handed in its relationships with all former students and focus on creating trusting relationships with them.

27 As an example of its dissociation from former students who are survivors of abuse, the Association sent out a newsletter in December 2022 citing old boy events and successes in that year, but failed to acknowledge the scores of abused former students who had been involved in giving evidence throughout the year in relation to the abuse they had suffered. This omission caused considerable distress and hurt in that community.

28 For example, strongly contested allegations have been made about the Board's influence in the ousting of the former association president, reportedly because of his survivor advocacy work.

Maintaining and enhancing student safety

Recommendation 5:
Undertake continuing reviews of child protection and complaints policies and practices

We recommend that the Dilworth Trust Board, on an ongoing basis, maintains and continues to review and implement the suite of child protection and complaints policies in place to ensure their maximum effectiveness.

The Board has chosen to do much of this essential work by seeking and obtaining accreditation by an Australian-based organisation that uses consultancy, coaching and accreditation to help organisations strengthen their internal child safeguarding capacity and ensure compliance with child safety principles and legislation.[29] We refer to the work the Board is doing though this organisation as its 'student safety programme'.

The Board is to be commended for taking significant and necessary steps. However, the policies, processes and systems are still relatively new. The Board must be vigilant to ensure that these changes are fully and permanently embedded into the culture of the school. Given the decades during which abuse continued and was suppressed, this will take time and an on-going commitment to fully embed a change of culture.

Regardless of whether the Board maintains its commitment to this particular student safety programme, it must always have and implement a suite of child protective policies and practices that is based on up-to-date information, advice and research on best measures to protect students in its residential school setting.

The complaints policy is important as is ongoing student, family and whānau, staff and trustee education and training, all of which are a strong feature of the student safety programme. As the past has demonstrated, policies without training and implementation are ineffective.

We remain especially concerned for the safety of particular boys who were consistently targeted for psychological and physical bullying and were more vulnerable to sexual predation throughout the period under review. These were typically boys perceived to be different, such as effeminate or gay, or who were known to have been victims of abuse. This group needs special protection and support in a residential boys setting. The school should seek expert guidance on how best to do this.

29 Child Wise Australia.

The Inquiry was told of situations where a sexual relationship between students started consensually, then became an abusive relationship when one boy wanted to stop but was unable to. Expert external assistance is essential to ensure a consistent and student-centred school response to this type of behaviour continues to develop with evidence based best practice. Students who abuse have themselves sometimes been abused and account should be taken of this with special attention to manage the complex situation.

Recommendation 6:
Update the Protected Disclosure/Whistleblower Policy

We recommend that the Dilworth Trust Board updates the Protected Disclosure/Whistleblower Policy.

The Protected Disclosure/Whistleblower Policy should be reviewed to ensure its compatibility with the Protected Disclosures (Protection of Whistleblowers) Act 2022. This review should make clear to staff they are entitled to make a protected disclosure directly to an appropriate external agency.

The policy should include examples of types of disclosures and the names and contact details of relevant agencies.

Recommendation 7:
Supplement the student safety programme reviews

We recommend that the Dilworth Trust Board supplements the student safety programme's three-yearly review with a parallel review of the school's processes and procedures to ensure cultural safety and to reflect the needs of the school community, and that it engage an external provider with the appropriate cultural background and expertise to undertake the review.

Dilworth's current child safety policy and procedure contains commitments to cultural safety and to Te Tiriti o Waitangi.[30] In line with the school's response to the student safety programme for which there is a three-yearly accreditation review, standards for diversity and inclusion should also be included in the school's improvement plan and be reviewed regularly for effectiveness and to ensure implementation.

While the student safety programme is credible and respected, and we acknowledge the work done to implement it, the school must always recognise cultural nuances in the current student and whānau community.[31] This is important for Māori whānau and Pacific families who combined currently make up 73 percent of the school roll.[32] Whānau from the Pacific Advisory and Whānau Māori Groups emphasised that these aspects of cultural safety and commitment to Te Tiriti o Waitangi are the areas in which the school requires the greatest improvement.

To ensure this commitment goes beyond mere words, as well as regular review, a critical part of this work will be increasing the school's understanding of tikanga Māori and te reo Māori and their special importance to Māori students and whānau. This work will include identifying and understanding how the incorporation of tikanga Māori and te reo Māori into school policies, procedures and curriculum benefits not only Māori students and whānau but all students and whānau, assisting them to achieve their aspirations for student hauora (wellbeing).

The school needs to undertake similar work with the school's Pacific parent community to identify the cultural differences between the ethnicities that make up the school's Pacific community. Any plan or strategy to advance Pacific student health and wellbeing must be cognisant of and cater to the differences identified.

Other ethnicities will always be represented at the school. It is equally important that they feel valued and supported in the school community.

Recommendation 8: Ensure a safeguarding leadership succession plan

We recommend that the Dilworth Trust Board, in consultation with the headmaster and senior staff continue to ensure that a safeguarding leadership succession plan is in place to maintain the continuity of the school's commitment to its child protective measures.

30 Where policies incorporate principles of Te Tiriti o Waitangi and tikanga Māori, those principles and values should inform how the organisation conducts itself and be upheld in actions taken. See, for example, GF v Comptroller of the New Zealand Customs Service [2023] NZEmpC 101, an Employment Court case that discusses the incorporation and impact of Te Tiriti o Waitangi and tikanga Māori in employment policies.

31 The Inquiry notes Child Wise is an Australian-based organisation

32 Data provided by Dilworth to the Inquiry, 7 August 2023.

Most of the school's safeguarding transformation has been led by key personnel. The current headmaster, head of student services and newly appointed safeguarding officer have been critical to this process. They have been supported by the safeguarding trustee, the chair of the Board and external safeguarding consultants.

Improvements in child safety have been completed in two years, a relatively short period compared with the number of years the school operated unsafely. In addition to that work, the school launched its new curriculum, Ako Puāwaitanga – Flourishing. This substantial amount of new work and system change needs to be maintained and sustained over the long term. A risk exists that, given the speed and amount of change, should the school's leadership alter significantly, the momentum for improvement will slow or even cease.

Recommendation 9:
Continue to improve the relationship with parents

We recommend that:

(a) The Dilworth Trust Board and school further develops its relationship with parents, guardians, and family and whānau of students by continuing to support the parent groups.

The disconnection between parents and school during the period under review, resulted in less protection for students and is another reason abuse went unaddressed for so long.

The demographic composition of the student body has changed dramatically from the time when Mr MacLean became headmaster, and Māori and Pacific students are increasingly enrolling at Dilworth. This has been a positive development for both the school and these students. Their families and whānau are a resource that is being increasingly relied on to support and guide the school. The school has gradually developed its curriculum and the use of te reo Māori and other languages familiar to the students, has acknowledged the value of integrating Māori and Pacific cultural values into the life of the school and is considering the place of Te Tiriti o Waitangi.

Much is still to be achieved. We know from our discussions with parent groups that they are enthusiastic about continuing the school's improvement in supporting and acknowledging Te Tiriti o Waitangi values and would be willing to guide the school in advancing this vital part of its culture. This is another area where Dilworth could become a leader.

(b) The Dilworth Trust Board and school continues to ensure there is an effective parent contact system where parents and whānau are confident they are closely in touch with the school on all important matters affecting their children, such as medical and mental health matters as they arise, treatment options, homesickness, discipline, and student achievement and performance.

One reason for the continuation and extent of abuse was the school's assumption of guardianship responsibilities to the exclusion of parents for most of the period under review. With some exceptions, parents were not involved in decision making or did not receive information concerning their sons, even when they had been sexually abused or seriously physically abused. The integration of parents as partners with the school in the care of the students is essential, and strong systems are being developed under the current Board and headmaster. These must continue and be embedded.

Recommendation 10: Whānau and senior student representation on the safeguarding committee

We recommend that the Dilworth Board ensures parents, whānau and senior student representation on the school's safeguarding committee.

The school's safeguarding committee has a strong school senior management and Board membership, as we outlined in chapter 10. However, it lacks parent, family, whānau and student representation. While we acknowledge that a small committee is the most efficient, we recommend that a there be at least one student and parent/whānau representative appointed to increase its skills, knowledge and effectiveness.

Considering the direction of the school

Recommendation 11:
Regularly review and consult widely on whether the current model is best to implement the trust's aspirations

We recommend that the Dilworth Trust Board, after consideration of high quality, relevant contemporary research and the views of the pastoral care team, current staff, parents and whānau, and the wider Dilworth community, review regularly the best options for implementing James Dilworth's aspirations for current and future students as expressed in his trust and will.

The original will envisaged children starting at the boarding school from age 3, an age that would be considered inappropriate today. In the past 100 or so years since the will was signed and the Trust Deed established, the Board has made many amendments to accommodate changing social and educational patterns and knowledge. It is timely for the Board to review the way James and Isabella Dilworth's aspirations for the provision of a comprehensive education to disadvantaged children can be met in light of this report, the student safety programme, and current knowledge and thinking. A review of this nature should be implemented at appropriate intervals in the future.

It is now known internationally that boys boarding schools are high-risk environments for their students. Student safety programme accreditation and implementation will result in a significant reduction in this risk for Dilworth students from 2023. A number of steps have recently been taken by the school including lifting the minimum age for boarding, accepting day students, providing school and home private transport and returning year 9 students to the senior campus. Nevertheless, continuing review is necessary including consideration of the suitability of the boarding structure for school-aged children and, if it is retained, whether the entry age should be further changed. This review would be informed by the thorough protections that have been put in place under the student safety programme accreditation system.

Consideration could also be given to amended models such as increasing day schooling with transport and other extracurricular support for younger students while they continue to live with their families and whānau, introducing co-educational schooling, or establishing a new and additional form of scholarship so children can remain in their homes and attend local schools while being fully supported financially and academically and provided with opportunities to connect with Dilworth and its community.

Improving school systems

Recommendation 12:
Develop a policy document registry

We recommend that the Dilworth Trust Board develops a central registry of all policy documents by category.

One of the issues the Inquiry had when wanting to review policy documents developed by the school over the years, is the poor management of those policies. In past years, there was no central library of current and archived policy documents. Reviews were done in an ad hoc way, with documents simply written on by hand to update them, or updated and the earlier version not saved.

To ensure a continued focus on review and maintenance of school policies, a central registry with regular review and clear version control should be implemented.

Recommendation 13:
Maintain complete student file records and retain them indefinitely

We recommend that the Dilworth Trust Board ensures school records of students, in addition to academic, cultural and sporting achievements, include all relevant aspects of a student's life at the school, such as those relating to student health and welfare, activities, complaints, discipline and behavioural concerns, in both boarding houses and day school.

In undertaking its investigation, the Inquiry was concerned that so much of what students told us occurred and that they had reported was not recorded on the student's file. But for the fact a major inquiry was undertaken with extensive participation by former students and relevant others, detailed documentary examination, and the ability to verify parts of what the student recounted independently, the student history and individual student's information would have been lost and we would have been unable to determine facts essential to our terms of reference. Full student records, residential care records, including references from incident books, all significant Board correspondence, including that relating to complaints and major interventions relating to the student should be recorded on the student file. Students will then be able to access a full record of key years of their childhood, including important personal information such as medical history.

The retention of student files is an area that is regulated externally in state and integrated schools but there is no external regulatory policy for private schools. As well as complying with information privacy principle 9 in the Privacy Act 2020,[33] all state and integrated schools must consider the Public Records Act 2005 and the School Records Retention and Disposal Schedule,[34] which sets minimum retention periods for certain school-related records.

However, because of the long history of abuse at Dilworth and the time it takes for complaints to emerge, we suggest, that student records are retained indefinitely and archived securely rather than destroyed after a set number of years as provided for in the state schedules.

Recommendation 14:
Retain and archive staff disciplinary files relating to sexual abuse and serious physical abuse indefinitely

We recommend that the Dilworth Trust Board includes all investigation materials relating to staff disciplinary matters on staff files with a reference, where relevant, to the existence of this file on the student's file, and retained there securely indefinitely.

The Inquiry could not locate, on staff files, records of the investigations undertaken into five staff accused of sexual abuse. It independently verified that investigations were undertaken and obtained one investigation report only because the retired staff member who undertook the investigation had kept it in his personal files. The Board did not have any explanation as to why the reports were not held on the staff file or anywhere else. The Inquiry was also seriously hampered by the fact that Mr Taylor's staff file of was not available. The school advised us the file had been accidentally destroyed in the early 1990s. This destruction also prevented police from accessing a valuable source of information to assist in their prosecution of him in 1994 and 2000 and in the identification of other boys Mr Taylor had named as his victims.

In state and integrated schools, the School Records Retention and Disposal Schedule requires schools to retain information from the date of a person's employment, including safety checks and vetting information, for seven years. Because of the long history of abuse at Dilworth school we recommend all records relating to staff discipline for sexual misconduct of any sort or serious physical violence and including safety checks and vetting, be retained and archived indefinitely.

33 Privacy Act 2020, section 22. Information privacy principle 9 says, "An agency that holds personal information must not keep that information for longer than is required for the purposes for which the information may lawfully be used".

34 Ministry of Education and Archives New Zealand, *School Records: Retention and disposal schedule,* 2022, www.education.govt.nz/school/managing-and-supporting-students/archiving-and-disposing-of-school-records.

Vetting, supervising, and developing and training staff

Recommendation 15:
Maintain sufficient high-quality boarding house staff

We recommend the Dilworth Trust Board provides both adequate staffing, and the best quality staff for boarding houses.

Most sexual and serious physical abuse at the school was perpetrated by boarding house staff, sometimes with a dual teaching role, outside the classrooms, in the boarding houses or during extracurricular activities. Boarding house staff were inadequately supervised and there were poor staff–student ratios for much of the period under review. Housemasters with a dual teaching role were seriously over-worked, reducing their boarding house supervisory capacity. Housemasters and tutors who abused could do so with impunity, due to lack of control, oversight and opportunities to isolate students. Housemasters and tutors who abused could do so with impunity, due to lack of control and oversight.

Boarding house staff, including matrons, were often unskilled and inherently unsuitable in temperament to be responsible for children and young people, and received no training or professional development. Tutors were also often immature and received no direction to enable them to supervise large numbers of students.

The Board must ensure best practice staff–student ratios in the boarding houses and continue screening and vetting staff before and during employment to exclude anyone with a history of violence, aggression, sexual misconduct or criminal offending in relevant areas. All short-listed applicants must be reference checked. Staff must be mature, and child-oriented, with personal qualities that make them appropriate role models and able to foster a caring and supportive environment for students.

The Board must provide ongoing training and professional development for its boarding house staff so they are well equipped for their responsibilities.

Recommendation 16:
Engage quality teaching staff

We recommend:

(a) The Dilworth Trust Board engages the best quality teaching staff available and provide full continuing training and support for them.

The Board should continue to attract and retain the best qualified teachers and actively seek to recruit candidates who reflect the cultural and ethnic diversity of the student population and to meet its goals for child safety. The Board should maintain or develop appropriate supervision and performance reviews of all staff and provide for ongoing training and professional development, at least equivalent to that available in the state sector. Staff should also continue to have ongoing training in all other essential areas of their work, including child safeguarding, Pacific cultural safety, te ao Māori and Te Tiriti o Waitangi.

For much of the period under review, teachers employed at Dilworth had few professional development opportunities, and were not kept up to date with the latest research and information concerning detection and prevention of child sexual abuse. Board failure to provide protocols and to make available information and training left staff unaware of the danger and either unwilling to act or unsure how to respond to rumours of sexual impropriety.

Within the category of best available teaching staff, we include those who are more broadly representative of the school's community. Parents and students emphasised that this would make being in the school environment more welcoming and would increase, "wellbeing through identity".

A more representative staff would also allow for a greater body of cultural knowledge and expertise and support the school's commitment to cultural safety as part of student wellbeing and protection.[35]

Representation of different cultures in the school leadership is important and will need to change if the composition of the school changes in the years ahead. It is not a static initiative.

(b) The Dilworth Trust Board provides adequate support for teaching staff and students engaged in individual tuition.

Some sexual abuse occurred when teachers worked with students in isolation from other adults and outside classroom hours. Music teachers, teachers taking choirs, chaplains and those leading school hobbies and club activities were all involved in the historical sexual abuse of students. Additional protective systems and practices should be maintained, and reviewed regularly for effectiveness, to ensure support and protection for the students and teacher in these situations.

35 Diversity in education institutions benefits everyone regardless of culture and is a positive step for all involved with the school. Another positive is that more diversity would take the strain off the small group of existing staff who carry this extra level of responsibility, so are more vulnerable to burnout.

Supporting students and staff after publication of the Inquiry report

Recommendation 17:
Review and enhance pastoral support

We recommend that the Dilworth Trust Board reviews and enhances pastoral support and, in particular, provides additional support to current students and staff in wake of this report's publication.

Pastoral care was largely absent or of poor quality during the period with which the Inquiry is concerned. The Board has a duty of care to its students and the broader school community to engage the best available medical, psychological, counselling and spiritual support. This requires fresh and independent review and advice.

Current and former students, staff, and their families and whānau have experienced difficulty since the news of Operation Beverly became public. Prejudicial comments have been made to current students, based on the historical abuse, affecting their pride in themselves and their school. Bullying of Dilworth students remains a strong possibility. All groups should have access to high quality pastoral care and support after this report is published.

The intrinsic vulnerability of Dilworth boys who live in a residential setting, and are more isolated from family and whānau, may mean that any difficulties they are experiencing because of the reporting of historical abuse will increase when this report is disseminated.

Developing positive external relationships

Recommendation 18:
Develop a trusting and cooperative relationship with police

We recommend that the Dilworth Trust Board, as a priority, develops a trusting and cooperative relationship with New Zealand Police and continue to refer immediately any instances of sexual misconduct to police for investigation and co-operate promptly in providing information police seek.

Over the period under review, the school has often not reported staff accused of abuse of its students to police. In some cases, it offered not to report as part of a negotiation to secure a quick resignation from the staff member and so avoid the need for an investigation. In some situations, such as the allegations against Mr McIntosh, the Board decided the allegations did not constitute a criminal offence, so did not need reporting. When Mr Browne resigned, the school relied on its employment lawyer's advice that no criminal offending had occurred.

In all cases, to fulfil its protective duty to students, the Board should have referred the matter to police and let that body decide whether criminal offending had occurred. When an investigation was finally undertaken in these cases, it transpired there had been widespread criminal offending by the staff member. If reports had been made to the police, and a professional investigation conducted, abuse may have been detected earlier and further offending prevented.

The Board did not cooperate fully with police during their interactions with the school in 1993-1994 and 2000, as detailed in chapters 5 and 6. Without this cooperation other victims could not be identified.

On occasion, the school has reported immediately to police. However, there is a sustained and verified history of the Board holding police at bay when sexual offending of staff was at issue. In the interests of student safety, it is vital the school view police as partners in the task of student safety, and form cooperative, helpful relationships, to assist them to do their work efficiently.

Recommendation 19:
Develop an effective working relationship with the Anglican Church

We recommend that the Dilworth Trust Board develop an effective working relationship with the Anglican Church to ensure chaplains employed by Dilworth have their performance properly reviewed and any concerns are immediately passed onto the other party and actioned effectively and swiftly.

While Dilworth is not an Anglican Church school it has strong ties to the church. Under the terms of the will, the Bishop of Auckland Diocese is to visit the school and report on the outcome of the visit to the Board. Church services are Anglican, and the school chaplain is licensed by the Anglican Church.

Several parents told us one of the factors that reassured them about sending their son to Dilworth was its association with the Anglican Church. Tragically, over a 30-year period two Anglican chaplains and a temporary chaplain betrayed the trust and faith the school and the church encouraged students to have in them by sexually abusing scores of students between them. The church and the school are both responsible for this outcome.

Between the church's licensing of the chaplains and the school's employment of the chaplains there were major accountability gaps. Each party relied on the other to hold the chaplains to account but neither was forthcoming with adequate relevant information in its possession to enable the other to do the job properly.

In recommendation 1, we have suggested that a closer relationship might be achieved by including a representative of the church in an advisory capacity on the school board. The role of the church in the school requires re-evaluation if it is to be useful for the students and effective. While new terms of partnership have been completed, the roles and responsibilities of the church for the spiritual welfare of the students and staff should be considered again in the light of this report and reviewed regularly.

This report sets out in detail the school's failings over the decades to protect, nurture and educate all its students and the structural matters requiring immediate attention.

Introduction

This Inquiry was established by the Dilworth Board of Trustees for particular and carefully defined purposes that are set out in its terms of reference.[36] The Inquirers are bound to report only on the listed issues. For example, we have no brief to comment on the school's academic, sporting or cultural achievements or standards. The terms relate almost entirely to matters that have adversely affected the students and staff of Dilworth School and its reputation.

We have undertaken our task to the best of our combined abilities, with the assistance of an able staff. This report to the Board contains our findings and recommendations under the terms of reference given to us.

The report includes an account of serious physical and sexual abuse at the school from the 1950s until the 21st century. Although we heard of many excellent, dedicated teachers and boarding house staff who cared about, supported and went the extra mile for the boys, we do not record their work and successes in this report. Nor do we discuss the high-achieving and successful students who passed through during that time, who flourished at the school and built strong, long-lasting careers, families and friendships as a result.

Regrettably, this report is a catalogue of what went wrong, the lifetime of damage it caused to abused students, how that damage might be fixed, and an expression of hope that the terrible events of the past will never be repeated.

We have reached one fundamental conclusion from the many interviews conducted and documentation read: ongoing silence about the sexual abuse recorded in this report is the primary reason for the damage caused to many former students of Dilworth.

Students were silenced by their isolation from family or the absence of trusted adults, by shame and confusion about what had happened to them, by their immaturity and lack of knowledge about adult sexual behaviour, by severe punishment or the threat of expulsion on reporting, or by dismissal of and inaction on their complaints of abuse. A cloak of silence was placed over the abuse, preventing the public from knowing of it, and forestalling criticism of the school. Until this century, the Board perpetuated the silence by failing to notify the Department of Education or future employers of the sexually abusing staff.

The Inquiry, therefore, has been concerned to ensure former students' voices are heard clearly throughout this report. Due to the extensive period covered and the numbers of abusers and types of abuse, the report contains a large number of quotes and descriptions of their experiences from survivors. These accounts will be confronting for many.

36 See appendix 1 to this report.

Distressing content **warning**

We have chosen to include some of the former students experiences in their own words. We acknowledge the reality of their suffering. However, many of these accounts are graphic and may be distressing. Some contain explicit language. This may be difficult to read and could evoke strong emotions. **If you need support, please contact your GP or healthcare provider.**

We spoke to all former students whose accounts of abuse are included in this report and gained their informed permission to use these quotes.[37] Many expressed gratitude that their experiences are being recorded, usually in their own words. On occasion, a former student may think he has been quoted or his experience set out when in fact it is an experience shared by more than one former student. This is another part of the tragedy of Dilworth's history: abuse by an offender often happened more than once, to different students.

This Inquiry is a private inquiry commissioned by the Dilworth Trust Board. Although it has not been formally carried out under the provisions of the Inquiries Act 2013, we have followed the Act's guidelines. For example, we have observed the requirement in section 10 to act independently, impartially and fairly.

We have not had the power to compel people to give evidence. For the Inquiry's success, we have depended on former students and their families, former staff and others with relevant information voluntarily coming forward to speak with us. We have depended on the school and other organisations to provide us with the information we made numerous requests for.

We thank all those who gave their time to speak with us. Above all, we acknowledge the former students who came and met us and the family members who spoke for those who had died. Speaking to an Inquiry is a stressful and alien experience even for those who have not been damaged or whose education or standing in the community might prepare them for the ordeal. We are acutely conscious that the students and family members who met us are the ones who could cope with the experience and that many others were unable to, including those who died prematurely. We hope this report will go some way to acknowledging the suffering of all these people and form an enduring part of the history of Dilworth.

We wish also to thank current members of the Trust Board, present and former staff, as well as family members, whānau, current students and others such as Anglican Church personnel.

37 We also engaged a psychologist with specific expertise in working with sexual abuse survivors to provide advice and guidance on our approach to recounting accounts of sexual abuse in this report.

We want to acknowledge former headmasters, other senior staff and former Board members who spent many stressful hours helping us understand the school environment and the decisions they made or implemented when they were at the helm. Many are now elderly and have been obliged to face lengthy criticism of their actions or omissions after previously spending retirement satisfied they had done good work at Dilworth. They have felt deeply betrayed by the actions of the staff they had trusted.

We recognise that all have done valuable work in the school's service and are deeply distressed at the events outlined in this report. Some find it extremely difficult to accept the level and extent of the abuse we have outlined and are troubled by the impact the report will have on the school's reputation. All of these reactions are understandable, and we acknowledge that the report makes grim reading for the former students, staff and trustees. Some current staff also faced intense examination and now have to help the school recover from this account of failure, to support vulnerable students, and to thrive.

We also acknowledge the assistance of two convicted former staff who agreed to meet us in prison, another now in prison who met with an investigator and made a statement, and two others who communicated with us in writing.

We thank everyone for their willing participation in assisting us to understand what went wrong. None were under an obligation to speak with us. Nonetheless they almost always agreed to assist, motivated by a desire to help uncover what had occurred and prevent it from happening again. Their observations and concessions formed a valuable part of the Inquiry's work.

We set out in detail the school's failings over the decades to protect, nurture and educate all its students and the structural matters requiring immediate attention. We support those former students who told us they want a reformed and revitalised Dilworth school to survive. We do not support the views of the few who want the school demolished, but we understand why they say that.

Dilworth is worth preserving and fostering. The dream of its founders, James and Isabella Dilworth, was to help disadvantaged boys have a chance at a decent education and to be cared for in every possible way while at the school. It is a matter of shame and deep regret that their dream has not been realised for so many of its students, but every opportunity exists for those who govern and manage the school to continue to support its rehabilitation. The need remains as strong as it was at the end of the 19th century for economically disadvantaged children to have access to the educational opportunities the Dilworth Trust provides and to reach their potential as many have done before them. Dilworth must be encouraged to rise to the challenge of its founders.

Dame Silvia Cartwright

Frances Joychild KC

The most important part of Mr Dilworth's will was the establishment of a trust to build and operate a school for boys on land gifted to the trust for that purpose. The objective of the trust as it related to the boys' education was to "make them good and useful members of society".

Chapter One
Background

The school's background

1.1 Dilworth School was established as a private school for boys in 1906. Mr James Dilworth, an Irish immigrant to New Zealand, who died in 1894, endowed the land for the school in his will. The will set up a trust to establish a school to educate boys from families in straitened circumstances. Its purpose was to help the boys to be good and useful citizens. The school was to be led by a headmaster and the trust administered by a six-member trust board. A chaplain was to be appointed to guide the students in the Anglican faith.

James Dilworth's arrival in New Zealand

1.2 Mr Dilworth was born in Ireland and educated by a wealthy single relation, Miss Anne Dilworth, who also guided his career and urged him to emigrate to Australia at a time of severe poverty and over-population in Ireland. At 23, he emigrated first to Australia but soon moved on to New Zealand where he became a successful banker, acquired land, married Isabella Hall and established a farm on land purchased in Remuera, Tāmaki Makaurau (Auckland).

1.3 Miss Dilworth's plan had been for Mr Dilworth to establish a base for other Dilworth family members. His nephews, Mr James Mossman and, later, Mr William Mossman, were dispatched to join him on the farm.

1.4 Mr Dilworth's sister, the mother of his nephews, and her family moved to New Zealand and joined the other Dilworths on the farm. Ultimately, several Dilworth family members benefited from the assets built up by James and Isabella Dilworth and acquired valuable farms in other parts of the country.

Original Dilworth School site

1.5 According to an account provided by Dilworth School, Mr Dilworth purchased the land between Ōhinerau (Mount Hobson) and Titikōpuke (Mount St John) in Remuera, Tāmaki Makaurau (Auckland) in 1844. This land became the site for a farm and homestead and, later, the original Dilworth School, which opened in 1906. As with the land in the wider Tāmaki isthmus, the land Mr Dilworth selected was already widely valued. Indeed, the name Tāmaki Makaurau, specifically references the desirability of the region to many.[38]

1.6 Recent reviews indicate that the land Dilworth acquired was likely originally part of a tuku whenua[39] by Te Kawau of Ngāti Whātua Ōrākei to Wetere of Ngāti Māoho, Ngāti Tamaoho, and Ngāti Te Ata in 1842–1843.[40]

Modern Dilworth School sites

1.7 The land on which the modern Dilworth School operates is extensive, with the school now operating over three sites. The senior campus is located on the original school site, towards Newmarket, between Great South and Manukau Roads in Auckland. The junior campus is located nearby on Omahu Road and borders Market Road. Te Haerenga – Mangatāwhiri Campus (the rural campus) operated from 2012 until 2023 as the entry point for year 9 students.[41] This campus sits on land and uses facilities formerly occupied by Hotel du Vin. In 2023, it was converted into the school's dedicated outdoor education centre.

1.8 The school advises that, over the decades, any formal relationships between the school, the Board and Ngāti Whātua Ōrākei or any mana whenua in the wider Auckland area from which the school intake has traditionally been drawn, have been mostly non-existent. Since the development of Te Haerenga, however, links have been established with Ngāti Tamaoho in Mangatangi, primarily through a local kaumātua. This has seen consultation and involvement with Ngāti Tamaoho around tikanga, history and curriculum delivery, visits to Mangatangi marae, and the attendance of kaumātua and kuia at campus events. More recently, initial engagement has occurred with mana whenua in relation to the development of two building projects.[42]

38 Tāmaki Makaurau translates as "Tāmaki desired by many".

39 Land gifted in accordance with tikanga Māori.

40 Ngāti Whātua Ōrākei tribal narrative cited in *Ngāti Whātua Ōrākei Trust v Attorney General (No 4)* [2022] NZHC 843, para 11 and pp 156–158. See also R Stone, James Dilworth, Dilworth Trust Board, 1995, pp 45–46.

41 Previously known as form 3.

42 Schedule 2 of correspondence sent by Dilworth to the Inquiry. Note: All references to 'the Inquiry' in the footnotes are to the Independent Inquiry into Abuse at Dilworth School.

Terms of the will endowing a school for boys

1.9 The most important part of Mr Dilworth's will dated 15 November 1894, was the establishment of the trust to be administered by the Board that would build and operate a school for boys on land gifted to the trust for that purpose. The land gifted was largely that farmed by Mr Dilworth and his wife, Mrs Isabella Dilworth, in Remuera, and the original Board comprised six trustees (Board members) who would govern the school in a structure that has persisted until the present.

1.10 The original six trustees were appointed under Mr Dilworth's will. Mrs Dilworth was the first named, along with her younger brother, Mr Robert Hall; the Reverend William Beatty, an Anglican vicar; Sir Maurice O'Rorke, an academic and farmer, who later became a member of Parliament; the Reverend George MacMurray, a friend of James Dilworth; and Mr William Gardner who was not a trustee of the will because he was not a member of the Anglican Church, but remained an executor. Mr Gardner died in 1899, and Mr James Carpenter a farmer and prominent businessman, was elected to replace him.

1.11 There were clear qualifications to be a trustee, including membership of the Anglican Church, business acumen and farming knowledge. The most glaring omission, one that has continued to the present, is that of any focused relevant educational expertise among the trustees. Over the decades, it appears that a practice has emerged for a former Dilworth student to chair the Board.

1.12 Mr Dilworth had long been interested in education, and it can be assumed that this led to him endowing a school for boys from New Zealand and Ireland on his death. Clearly, Mrs Dilworth was supportive of this proposition, as she relinquished her home to provide a first building for the school.

1.13 The terms of the trust are complex and have been varied regularly to provide additional trustee powers or reflect changing social patterns.

1.14 The will provided that, after erecting a suitable building, the trustees should develop a school for boys of "sound bodily and mental health being orphans or sons of persons of good character and of any race to support train and educate the [selected] boys [who] shall be either destitute orphans or children of parents of straitened circumstances" from the Auckland or Ulster (Ireland) Provinces. Detailed provisions were made to support and educate the boys while at the school and to provide discretionary powers to assist them after they left it. The purpose of the trust as it related to the boys' education was to "make them good and useful members of society".

1.15 In light of the issues the Inquiry has been asked to address, it is important to note that one of the trustee duties was to "do everything else they think necessary for the health, recreation and education of the pupils".

Immediate amendment of trust terms required

1.16 The need to amend the trust became apparent very soon after Mr Dilworth's death. Significant obstacles had to be overcome before the trustees could begin fulfilling the trust's main purpose of setting up the school. In essence, Mr Dilworth required the trustees to reach a certain level of earnings each year before they could start building the school, and this was not possible due to restrictive terms prohibiting the sale of valuable land in central Tāmaki Makaurau (Auckland). Amendments to the terms of the trust were required to enable the trustees to manage the trust assets to produce sufficient income to begin the school project. This pattern has continued as financial and social conditions have required over the 128 years since Mr Dilworth's death.

1.17 The amendments were not in themselves sufficient to guarantee an income adequate to meet the large capital and income requirements to establish a school. New Zealand authorities refused to grant charitable status to the trust, which would have given it tax-free status. The trust took an appeal to the Privy Council for this to be achieved in 1898.[43] The trust was registered under the New Zealand charitable trust legislation in 1903.[44] The tax-free status of the trust governing the school has been beneficial and according to the most recent filing with the New Zealand Charities Register, it has a net equity of over $1.12 billion.[45]

Dilworth School opened its doors in 1906

1.18 Dilworth finally opened its doors in 1906 with six students, after the trustees had done the necessary legal work in the preceding years and prepared for the school. The original will specified that students aged 3–5 should be admitted, but that was amended to ages 3–9 (and later 10). Originally, the school was solely a primary school, and students attended Auckland Grammar School for secondary education.

43 *Isabella Dilworth (widow) v Commissioner of Land and Income Tax* Privy Council, 26 November 1898.

44 Charitable Trusts Act 1903.

45 Dilworth Trust Board, Annual report and financial statements for the year ended 31 January 2023, p 19.

1.19 Mrs Dilworth took an important role as an original trustee, following her husband's death. She helped the young students in the early stages of the school and vacated the homestead, which was then adapted for the school to use. Another house, later to become MacMurray House, was built for her in the grounds.

1.20 In light of the information we received from students and staff, the original young students must have faced daunting conditions, undoubtedly common to all boys' schools at the early part of the 20th century. For a start, a practice was adopted, which endured for many decades,[46] of assigning a number to each student and using that number instead of the boy's name when addressing the student. More recent students spoke of the dehumanising impact this practice, now discontinued, had on such young children.

1.21 It was also during these stern post-Victorian times that boys were expected to wash naked under the gaze of their fellow students, boarding housemasters, matrons and tutors. This too was a practice that has only relatively recently ceased; it was degrading and, as it has transpired, dangerous for boys of any age attending the school.

Governance model

1.22 Dilworth has a board of trustees that is solely responsible for all aspects of the governance of the school. The Board's six members unofficially have included at least two 'old boys' or former Dilworth students. The will that established the trust, remains the key document from which the trustees' duties and responsibilities are drawn. Mr Dilworth's objective as stipulated in the will, was the establishment and administration of a school for boys.

Duties attached to Dilworth's objective

1.23 The duties attached to Dilworth's objective include:

- selecting boys to attend the school who are of sound bodily and mental health, being destitute orphans or sons of people of good character and of any race and whose parents are in "straitened circumstances"
- using the trust income to support, train and educate boys (from named geographical areas and within a specified age range) to enable them to become good and useful members of society

46 The number assigned to every student is set out in the appendix to M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007.

- having the complete discretion to review at any time, the continuing eligibility of a boy to remain as a pupil at the school
- appointing an Anglican chaplain and all staff required to run the "business" of the school and paying them appropriate remuneration
- purchasing land and erecting, maintaining and insuring buildings required for the school
- doing "anything else necessary for the health, recreation and education of the pupils".

1.24 There are also provisions that enable the trustees to sell land and generally oversee the administration of the trust and provisions for assistance to be provided for successful students to help them achieve a tertiary qualification.

The school as a business

1.25 One essential part of governance is the oversight and guidance of the business. The second essential part is the management and day-to-day operation of the business. Effective governance ensures the managers have the necessary finance and tools to conduct the business successfully.

1.26 The managers report to the governing Board and receive broad guidance from it. Recognising that management is closer to the daily business operations, however, managers also make proposals to the governing Board on strategies and operational matters that might improve the business and its success.

1.27 A private school is a different type of business. In general, its primary objective is not to provide an income for shareholders. The chief executive or general manager is the manager of the Board's assets and investments, including the school property. The headmaster manages the school and is responsible for its educational performance and the welfare of the students. The chief executive and headmaster report to the Board.

1.28 The school charges fees to its students and is in existence to educate its students; ensure their health, welfare and cultural observance; and provide them with opportunities to engage in sport, the arts and recreational activities while at school. The aim is for students to graduate as useful all-round members of society.

As a private school, Dilworth is lightly regulated

1.29 Dilworth is a 'private' school for the purpose of the New Zealand educational legislative framework. Private schools are also referred to as independent schools. The collective known as the Independent Schools of New Zealand, which represents 53 independent schools, describes independent schools as, "private entities, each with their unique governance structure, employing their staff under their own contractual terms and setting their own tuition fees".[47]

1.30 Equally, independent schools might be described as educational businesses, with governance and management under independent control and the ability to charge fees. For the purpose of this report, we use the legislative term "private school" rather than independent school.

1.31 Within the private school model, Dilworth is unique. It does not charge fees and under the terms of Mr Dilworth's will has no power to do so. It admits students further to the terms of the will and assesses and audits their ability to benefit from the school by reviewing progress before they attend the senior school by retaining the right to discontinue the student's scholarship at the school.

1.32 The school has a governing board, academic and boarding house staff, and administrative staff and management.

1.33 Although the Board's guardianship role has altered significantly in the last two decades, for generations it assumed almost complete guardianship responsibility for students in the school's care with little or no consultation with parents.

1.34 Following the enactment of the Private Schools Integration Act 1975, independent schools could integrate with the state education system. There were advantages for many such schools at the time. While there was no legislative requirement that teachers in private schools be trained and qualified, students and their fee-paying parents expected this. Many independent schools could no longer afford to engage qualified teachers and had assets requiring maintenance and development, so integration became a useful compromise. Integrated schools were allowed to retain their special character, in many instances, strong religious associations that were the founding ethos of the school, but also could receive significant state funding. Integration did mean these schools were subjected to the much more stringent regulatory regime that applied to state schools.

47 Independent Schools of New Zealand, FAQs (webpage), 2023.

1.35 Financial constraints were briefly a motivation for Dilworth to consider integration. In discussions with us, a former chair of the Board, Mr Derek Firth, recalled a period in the 1980s when, due to restricted income from leased properties owned by the Board, the Board took a series of steps to integrate. But when a change in its investment policy led to sharply increased revenues, the school continued as a fully private entity.

1.36 Retaining its completely independent character, however, has not deprived Dilworth of all state financial support. The Education Act 1989 makes provision for grants to private schools, and Dilworth receives a financial contribution. In 2022, that funding amounted to $853,000.

1.37 Critically, this decision not to integrate has resulted in Dilworth being subject to a very light regulatory regime under the state education framework.

1.38 The framework applying to state and integrated schools incorporates provisions for the processes for enrolment and review, suspensions and expulsions, attendance, curriculum and charters. It also incorporates extensive provisions for intervention in schools not thought to be operating adequately, the election of trustees, the constitution of boards of trustees that include parent and student representation, teacher registration and disciplinary measures.

1.39 By contrast, private or independent schools simply register with the Secretary for Education when they meet eight criteria[48] and must provide premises that "are suitable for a school of its description, and for the number of students at the school".[49] The private school must provide for tuition that is no lower in standard than that given at a similar state school and follow the national curriculum.

1.40 Review of the private school by the Education Review Office (ERO) requires consideration of the mode of curriculum delivery and regularity of instruction, and the manager must "have regard" to the Statement of National Education and Learning priorities and ensure the principal and teachers have the same regard. Much of the review is simply a self-assessment and declaration by the school and its board. ERO confirmed it is "substantially reliant on the veracity and integrity of the information that is attested or received from leaders, managers and key informants".[50]

48 Education Act 1989, section 35C.

49 Education Act 1989, section 35D.

50 Letter dated 5 July 2023 from ERO to the Inquiry.

1.41 The Education Act 1964 provided for the inspection of private schools to be based around the concept of 'efficiency'.[51] The Education Act 1989 made minimal changes to how private schools were reviewed. In 1997, however, the Act was amended to require private schools to appoint only registered teachers to teaching positions. This change also meant managers of private schools had an obligation to report to the Teacher Registration Board. At the same time, a discretionary obligation on private schools was introduced to notify the Teacher Registration Board when a school thought any former employee's behaviour was relevant to the performance of their duties.

1.42 In 2009, the Law Commission produced a report on the law relating to private schools, identifying substantial gaps, including the absence of criteria against which private schools are assessed and any provision protecting the welfare of students.[52] The commission noted this might be a breach of New Zealand's international obligations.

1.43 The Law Commission considered that provisions governing private schools were far less than those for state or integrated schools and concluded they were inadequate. It recommended that ERO should have the power to review a private school on the same basis as a state school and that the definition of serious criminal activity in the Education Act 1989 should include sexual offences and harm to children.

1.44 The legislative amendments that were enacted as a result remained minimal, however, and did not incorporate the comprehensive review provisions to which state and integrated schools are subject. In 2010, the legislation was amended to require private schools to be assessed against a broader range of criteria than that of simple efficiency. Dilworth and other private schools were required to have a curriculum available to parents, the "mode of delivery" was to be considered when assessing the standard of tuition, and the school's registration could be suspended if the welfare of students was considered to be at risk. Welfare was not contained in the definition of efficiency.

1.45 Independent schools rely on the integrity and professionalism of their academic staff and governing boards to maintain standards. Many private schools have used external educational consultants to conduct robust, ongoing reviews similar to those ERO would conduct in a state or state integrated school.

1.46 In chapter 8, we return to the regulatory framework in assessing its role alongside other factors that contributed to abuse occurring in the school.

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51 The Education Act 1964 contained the following definition of "efficient" in relation to any private school. It means "the premises, staffing, equipment, and curriculum of the school are suitable; the instruction afforded therein is as efficient as in a state primary school, secondary school, or special school as the case may be of the same class; And that suitable provision is made for the inculcation in the minds of the pupils of sentiments of patriotism and loyalty". In 1987, the definition was amended to include that the standard was to be measured as not lower than that afforded to students in state schools.

52 New Zealand Law Commission, Private Schools and the Law (report 108), Wellington, 2009.

The Inquiry was asked to determine the nature and extent of sexual and serious physical abuse at Dilworth School from 1 January 1950 until the end date of the Inquiry and the school's response to complaints of abuse.

Chapter Two
The Inquiry's approach

Introduction

2.1 The Inquiry was asked to determine the nature and extent of sexual and serious physical abuse at Dilworth School from 1 January 1950 until the end date of the Inquiry[53] and the school's response to complaints of abuse. The Inquiry reports on this chronologically in chapters 3 to 6, under the periods when respective headmasters were employed. Chapter 9 considers the school's response from 2019 through to today.

2.2 In each chapter, we consider the issues the headmaster and school board of the time faced, the student voices recounting the nature of the abuse they suffered, and how the school responded. We review school policies for making complaints, discipline, and student health and wellbeing in each era, contemporary standards (where available), and the extent of abuse in that period. Where relevant, we recount what staff or parents said.

2.3 The concept of looking to the past to orient the present and future, which is captured in the whakataukī "hoki whakamuri kia anga whakamua", forms the basis of this report in all aspects.

2.4 To understand the extent of the abuse, at the beginning of each headmaster chapter, we set out the numbers of students who reported abuse during that era in the context of the total school roll for the same period. The Inquiry is not qualified to determine the statistical significance of the numbers of students reporting abuse compared with the whole school roll or with other boys' boarding schools.

53 31 July 2023.

2.5 The number of former students who reported sexual and serious physical abuse while boarding at Dilworth, however, is deeply concerning as it would be at any school where there are more than isolated incidents of abuse reported over the same period. We are not aware of any other school in New Zealand that has conducted as thorough an investigation into the incidence of historical abuse at its school as the Dilworth Trust Board has commissioned in this Inquiry.

Registrations and interviews

2.6 The Inquiry began on 1 July 2022. 175 former students and 30 family members of former students provided information to the Inquiry.[54] Some family members spoke on behalf of former students, some of whom have died.

2.7 The Inquiry also obtained information from over 100 people who were employed by Dilworth or closely associated with it, in the period under review. These people included all living headmasters, namely: Dr Murray Wilton, 1979 to 1997; Mr Donald MacLean, 1997 to 2018; and Mr Dan Reddiex, 2019 to today. The Inquiry spoke to 10 of the 13 living trustees.[55] Others interviewed included deputy or acting deputy headmasters, matrons, tutors, housemasters and teachers. On two occasions, we interviewed the widows of housemasters who had lived on site with them and were aware of some of the matters under review. Interviewees included members of the Anglican Church. Some convicted former staff members also engaged with the Inquiry.

2.8 All statements made and information provided have assisted us to understand the matters we report on.

Terms of reference

2.9 The Inquiry's terms of reference are in appendix 1 to this report and define 'abuse' as sexual abuse and serious physical abuse (including conduct such as harassment, grooming, bullying and the like, leading up to the abuse) that was committed, allowed or encouraged by a Board member, staff member, student, school visitor or anyone else able to interact with students when they were in the care and control of the school.

2.10 We are required to carry out this inquiry with reference to those terms. The definitions we adopted are provided below.

54 Some individuals were students as well as having another role in the school (for example, as a student and a staff member). Where information was provided by that individual in both capacities, they are included in each category.

55 All current and six former trustees were interviewed.

Sexual abuse

2.11 'Sexual abuse' is not defined in legislation; it is a term that encompasses more than the offences covered by the Crimes Act 1961. A plethora of definitions of sexual abuse are available. The Inquiry found the World Health Organization's definition of child sexual abuse to be of the most assistance. It provides:

> Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violate[s] the laws or social taboos of society. Child sexual abuse is evidenced by this activity between a child and an adult or another child who by age or development is in a relationship of responsibility, trust or power, the activity being intended to gratify or satisfy the needs of the other person.[56]

2.12 For the purposes of this Inquiry, the term 'child sexual abuse' is interpreted to include acts of physical contact and non-contact behaviour. Physical contact includes touching, fondling, kissing, and penetrative and non-penetrative contact with the anus or genitals.[57] Non-contact behaviour includes exposure of a student to sexual imagery and producing sexual imagery of a student by taking photographs or making artwork depicting the student in a state of undress.

Serious physical abuse

2.13 The Inquiry interprets 'serious physical abuse' as physical acts that created a serious physical or emotional injury or impact, such as more than momentary pain, discomfort, hurt, shock or upset. Examples are given in each chapter.

2.14 Most instances of serious physical abuse were perpetrated by older or larger students against younger ones. Other serious physical assaults on students were perpetrated by house tutors, house masters and teachers. Most of these arose from caning. We discuss when caning crossed the threshold into serious physical abuse from para 2.30.

56 WHO, Report of the Consultation on Child Abuse Prevention, World Health Organization, Switzerland, 1999.

57 Oranga Tamariki | Ministry for Children, Practice Centre: Sexual abuse (webpage), last updated 1 July 2019. This closely mirrors the sexual abuse definition in appendix 4 to Dilworth's current Student Protection Policy.

Bullying and harassment

2.15 The Ministry of Education's definition of 'bullying', in a guide to parents, says it has four components: there is a deliberate intention to harm someone; the bully is misusing power based on physical size, age, gender, social status, digital capability or access; the behaviour is usually repeated; and the behaviour is harmful to the recipient and not a normal part of growing up. Examples given include persistent name calling, physical abuse and sending abusive messages online.[58]

2.16 The guide describes bullying as a serious and distressing experience, and that many children and young people carry the effects of bullying into their adult lives.

2.17 Many former students who registered with the Inquiry described significant physical bullying at the school. Examples are given in the following chapters. Most bullying had an element of serious physical abuse.

2.18 The Inquiry views harassment as similar to bullying but the behaviour is more in the nature of psychological and emotional bullying than physical. A harasser acts in an emotionally harmful or intimidating way to another person.

Grooming

2.19 While grooming has recently become criminalised under New Zealand legislation, it has yet to be legally defined.[59] Academics working in this area note the difficulties of definition, "Grooming is a transient process that is difficult to capture and virtually impossible to pinpoint when it begins and ends".[60]

2.20 At its simplest, grooming includes an offender's preparatory actions that are designed to gain the victim's trust and enable sexual abuse. Our analysis of grooming is informed by former students' descriptions of the behaviour they experienced, which was clearly designed to engender closeness with an offender and a sense of loyalty to him. For some, the grooming experienced led to physical contact; for others, the conduct did not go beyond the grooming stage because, in almost all cases, the student took steps to avoid further contact.

2.21 Many former students described the absence of a father figure or male role model in their lives when they entered Dilworth and how this made them particularly vulnerable to grooming.

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58 Ministry of Education, For parents and whānau: Secondary school 13–19 years old (website), 2023.

59 A new offence of "grooming for sexual conduct with young person" was inserted into the Crimes Act 1961 on 13 April 2023 (section 131AB). Before this, the only related offence criminalised the meeting with or attempting to meet a young person following sexual grooming (Crimes Act 1961, section 131B).

60 A Gillespie, 'Grooming': Definitions and the law, New Law Journal, vol 154, 2004, pp 586–587, cited in A Mcalinden, 'Setting 'em up': Personal, familial and institutional grooming in the sexual abuse of children, Social and Legal Studies, vol 15(3), 2006, pp 339–362, p 341

2.22 One former student who was abused by a tutor said:

> I have previously spoken about the grooming that went on between staff and students. Tutors were about 8–10 years older than us. They deliberately cultivated a big brother relationship with students, which was how the grooming occurred. You were living in a vacuum with no older male relationships, and they were filling that vacuum. We were like moths to the flame.[61]

2.23 In practical terms, we were told grooming took many different forms but involved creating a close relationship with a student that was different in nature to those with other students and often included the student being given special treatment, gifts or the opportunity to spend time away from the school. Staff members would invite students to their home to participate in hobbies. Others recall the lure of flying lessons or the chance to ride in a sportscar. The final aspect of grooming involved introducing intimate physical contact such as having the student sit on the adult's lap, tickling, wrestling or hugging.

2.24 There is a growing understanding that grooming often goes beyond an individual child to include their families and the wider community;[62] in this case, school staff and management. Some students described their offender establishing a relationship with their mother and coming to visit or have dinner with them at home.[63] This contact would be used to build trust before the staff member took the student on outings in the weekend or on overnight trips away from the school.

2.25 The clearest example of a multi-dimensional approach to grooming is that employed by Mr Ross Browne, who was the school chaplain from 1980 to 2006 and was convicted of sexual offending against Dilworth students. Chapters 5 and 6 set out the various ways he groomed not only individual students and their families, but also the staff and leadership of the school so he could undertake activities or roles within the school that provided him with opportunities to sexually abuse students.

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61 Student CW statement to the Inquiry.

62 A Mcalinden, 'Setting 'em up': Personal, familial and institutional grooming in the sexual abuse of children, *Social and Legal Studies,* vol 15(3), 2006, pp 339–362, p 341.

63 Student GT talks of Mr Ian Wilson visiting him at home, having tea and wine with his mother, and getting approval to take the student on camps. His mother thought Wilson was a good role model for her son. Student HR had Mr Peter Taylor befriend his grandparents and stay with them before he took HR flying and abused him. Student CX recalled a teacher "really got his hooks into our family" and invited them all to join him on holiday. Richard Galloway was also said to have created friendly relationships with family members of boys who then entrusted him with their son and brother allowing him to spend unsupervised time with them.

Approach taken by the Inquiry

Policies

2.26 The Inquiry's terms of reference require us to look at policies in two areas. First, when considering factors that may have caused or contributed to abuse, we are required to examine what policies and procedures the school had in place to raise complaints of abuse.[64] Second, we are required to look at the school's current policies and procedures and make findings on whether they are adequate to prevent any current and future abuse.[65]

2.27 In addition to meeting those two aspects of our terms of reference, consideration of the school's development of policies and procedures is an important window into how the school's leadership considered issues of child protection and welfare, abuse, punishment and other matters relating to the school environment. We reviewed policy documents the school provided to the Abuse in Care Royal Commission as well as additional policy documents we sourced from Dilworth's archives.

Legislative change, guidelines and circulars

2.28 Since 1950 there have been several legislative changes to the education framework. In addition, the then Department of Education sent out circulars with important information relevant to schools.

2.29 Where contemporaneous standards and practices are available, we compared them with Dilworth policies. We have focused on legislative change and guidelines in periodic circulars issued by the Department of Education or other departmental documents.

Caning – when it becomes serious physical abuse

2.30 Caning was abolished by legislation in 1990.[66] Before 1990, every schoolmaster or person in place of a parent was justified "in using force by way of correction towards a pupil as long as the force used was reasonable in the circumstances".[67]

64 Inquiry into Abuse at Dilworth School, *Terms of Reference*, 2022, clause 4(c).

65 Inquiry into Abuse at Dilworth School, *Terms of Reference*, 2022, clause 3(d).

66 Education Act 1989, section 139A (effective from 23 July 1990).

67 Crimes Act 1961, section 59. Earlier iterations of the legislation authorised the use of corporal punishment in a similar way.

2.31 National and regional guidelines and bylaws governed the use of corporal punishment in state schools. As a fully private school, Dilworth was not subject to these and was bound only by the criminal law, which required that the force used was "reasonable in the circumstances". Whilst the guidelines and bylaws are not binding, the Inquiry has taken account of them in determining what caning could be considered to fall outside 'reasonable force' in the circumstances. We took this approach on the basis that Dilworth students should not have been subject to any more severe punishment than students at other schools at that time.

Regional Education Board bylaws

2.32 Before the enactment of the Education Act 1989, state schools were required to comply with bylaws made by the relevant regional Education Board. Each bylaw from 1930 to 1980 for the Auckland area (which is the area Dilworth falls within) noted that corporal punishment should:

- not be used for trivial breaches, failure or inability to learn, or neglect in preparing home lessons
- be reserved for deliberate breaches and wilful faults
- restrict the use of instruments to only a strap (of particular dimensions)
- be administered across the hand only
- be recorded, and those records kept for a period of at least six months.

2.33 From 1968, the bylaw was amended to allow secondary schools to establish an alternative policy within the spirit of the corporal punishment bylaw for inflicting corporal punishment by means other than the strap on the palm of the hand.

Department of Education guidance on corporal punishment

2.34 From as early as 1960, the Department of Education's official position was to discourage corporal punishment. It maintained that in almost every case of discipline, a more appropriate form of punishment could be found.[68] The 1971 Department of Education handbook for teachers urged schools to consider alternatives to corporal punishment and noted that dependency on corporal punishment in teaching was a serious professional weakness. It encouraged schools to create an environment that gave students the opportunity to control themselves, rather than be controlled.[69]

68 Department of Education submission to the 1960 Commission on Education in New Zealand.

69 Department of Education, *School Administration Handbook for Head Teachers,* 1971.

2.35 We make two comments on the bylaws and Department of Education guidance. First, although caning was not permitted until 1968 under the Auckland bylaws, we have taken notice that many boys' secondary schools used the cane for discipline before then. Secondly, the bylaws consistently distinguished between "trivial breaches" of school discipline and more serious breaches. The cane was not to be used for the former.

Inquiry view of when caning becomes serious physical abuse

2.36 The Inquiry considers that punishment administered in excess of a bylaw or guidelines would fall outside the bounds of what could be considered reasonable force in the circumstances as provided for by the Crimes Act 1961 or its predecessors and would constitute serious physical abuse under the Inquiry's terms of reference. In each chapter, we examine the incidents of caning against this standard.

Privacy, confidentiality and anonymity

Privacy policies

2.37 Privacy policies were developed and finalised before any interviews were conducted. The handling of very sensitive material required careful thought to comply with the Privacy Act 1993 and to reinforce the importance of the undertaking the Board had given that the Inquiry would be completely independent of it. Before potential interviewees would engage with the Inquiry, many sought guarantees that the Inquiry was fully independent and that the Board would not have access to its documents and statements.

2.38 The Inquiry retained a privacy consultant to develop privacy policies and procedures in relation to the obtaining, retention and use of information and to provide assistance on specific issues involving more complex privacy considerations throughout the Inquiry.

Confidentiality

2.39 Confidentiality is a fundamental principle underpinning the Inquiry's work. We were made aware that without confidentiality, fear of a breach of privacy and its consequences would prevent many from engaging with the Inquiry. From the outset, therefore, an undertaking that former students' identities would be protected was included in the Inquiry privacy statement.[70] For other witnesses, confidentiality was considered on a case-by-case basis.

70 Refer to Appendix 2 for the Inquiry's privacy statement.

Anonymity

2.40 The Inquiry allocated anonymous identifiers to former students, family members, and former and current staff members whose statements are cited in the report. A two-letter code was randomly assigned to each individual and does not reflect a person's initials. We have named those who were or are in senior leadership positions when events took place such as headmasters and deputy headmasters, Board chairs and members, and Anglican Church bishops.

2.41 Convicted staff, alive or dead, have also been named – except where there are name suppression orders in place. Staff members who are alive have been named only in respect of accounts of abuse for which they have been convicted.[71] In almost all cases, we received more accounts of abuse by a named (or anonymised) offender than have been outlined. Former staff who were charged, but not convicted before death, have been named and examples of their abuse also outlined. Former staff and students who were named by Inquiry participants as sexual offenders or engaged in serious physical abuse but have not been charged are not named. Deceased uncharged people are named only if there is more than one complaint against them.

Obtaining and handling of information – information systems

2.42 Information systems were contracted to ensure the safe retention, management, analysis and protection of information held by the Inquiry. The information technology system called ClaimsView was used to track progress and engagement with individuals registered with the Inquiry, and a system called Relativity was used to assist in the analysis of information.

2.43 Requests were made throughout the Inquiry as it became clear what information was needed to answer the terms of reference. The Inquiry issued 10 information requests to the Board seeking a variety of documentation, such as headmaster reports to the Board, Board minutes and boarding house record books.

2.44 The Inquiry also sought information from the New Zealand courts, lawyers for former students and former staff, the Anglican Church, Scouts Aotearoa, the New Zealand Police, Oranga Tamariki, the Ministry of Social Development, the Ministry of Health, the Ministry of Justice, the Teaching Council, the Education Review Office, Archives New Zealand, the National Library, the New Zealand Defence Force and the Ministry of Education.

71 We are aware of some instances where the police investigated but did not prosecute, including where particular offending was time-barred. Some limited examples of abuse that fall into this category have also been included.

2.45 Former students who gave information to the Inquiry consented to their school files, statements to police and the Abuse in Care Royal Commission to be provided to the Inquiry.

Participation in the Inquiry

2.46 Those who indicated an interest in talking with the Inquiry could do so through its online website or by posting a hard copy form to the Inquiry. Internally, these forms were divided into two groups: those from former students and those from other witnesses. Former students were the first to be engaged. Of the other witnesses the priority order was family members of students, school staff, Anglican Church personnel, former board members and, finally, current Board members.

2.47 In a small number of cases, the Inquiry contacted former students it had reason to believe had relevant information about other former students' experiences. For example, some former students told the Inquiry they had disclosed their abuse to a school friend. There were also families of deceased former students who were concerned that their relative may have experienced abuse and believed the son's school friends might have relevant information. The Inquiry contacted former students in these cases to see whether they had corroborative evidence.

Provision of support during Inquiry process

2.48 The Inquiry sought to be trauma-informed and survivor-focused in all its procedures. It was well understood that many former students who had been historically abused would be experiencing the trauma of reliving memories. Others who had known something of what was happening or who had other traumatic memories from their school life may also have been dealing with unsettled feelings and strong emotions.

Wellness navigators and registration

2.49 The role of wellness navigators was critical to enabling Inquirers and others to work sensitively and efficiently with the survivors and other witnesses in the knowledge that the interviewees' wellbeing needs were being met. All three wellness navigators were trained and widely experienced registered nurses and all specialised in mental health. Two of the three had recent experience in providing wellness support to survivors through similar inquiry processes.

2.50 Wellness navigators contacted by phone each person who had filled out a form. In the process of registering the person for the Inquiry, the navigator had a holistic wellness check in with them. The purpose of this was to understand whether they had wellness needs and, if they so identified, to formulate a plan of support while they went through the Inquiry process. The conversation included the navigator understanding what supports the person already had in place, reinforcing and developing wellbeing strategies with them, and facilitating referrals to other agencies as required.

Wellness supports provided

2.51 All registrants were offered contact with the Dilworth Listening Service, which provided access to an independent psychologist free of charge. Many accepted and found this service helpful. Others, however, advised that talking would not assist them. As appropriate, they were then supported in a variety of ways though the Inquiry process by activities they identified would assist them. This support included gym memberships, swimming passes, various types of massage, equine therapy, yoga and gardening. Other witnesses under considerable stress as a result of the Inquiry were also offered individualised wellness support, which some accepted.

Provision of accounts to the Inquiry

2.52 The Inquiry was aware many former students, and some former staff, had already been interviewed by police and the Abuse in Care Royal Commission before registering with this Inquiry.[72] Guided by a survivor-focused approach, we were flexible about how former students could share their experiences with the Inquiry.[73] Often their accounts of sexual and physical abuse were placed before the Inquiry by the participant providing an earlier statement made with the police or the Royal Commission, and their Inquiry interview focused on other relevant aspects of their school experiences. Some former students wanted the Inquiry to take into account their earlier statements, but did not wish to be further interviewed.

2.53 It was a cornerstone of the Inquiry's approach that this decision was made by each former student individually and with the support of a wellness navigator if they so wished.

72 Such a statement is referred to in this report as a 'statement to external agency'.

73 Inquiry into Abuse at Dilworth School, *Terms of Reference*, 2022, clause 7(b) and (c).

Interview process

2.54 After registration, and for most of the former students who wanted to be interviewed, appointments were made for interviews with an investigator or Inquiry lawyer. Initially, those who had made an earlier statement went straight to an interview with the Inquirers. Later, given the large number registering and the concern to avoid time delays in the provision of the report, prospective interviewees were assessed, with some being interviewed by an investigator or lawyer and others by the Inquirers. Those who had expressed a wish to meet the Inquirers and those considered to have specific relevant information were interviewed by the Inquirers.

2.55 Typically, wellness navigators contacted the participant before a scheduled face-to-face meeting to ensure emotional support was in place for them for their interview and to help them make practical travel and other arrangements. When the participant arrived at the Inquiry office, they were met downstairs, brought up to the office, and taken into the dedicated wellbeing room where they had access to food, hot drinks and a quiet space before the interview. If they expressed a wish to have the navigator present at the interview, then the navigator sat in with them. They could also bring their own support people, and many did. After the interview, they could unwind and debrief in the same wellbeing room and again had access to hot drinks and food. Wellness navigators followed up with them by phone after the interview to respond to any queries or concerns they had.

2.56 Some interviews with former students in Europe and Australia were conducted online, but where at all possible at least one face-to-face interview was arranged with all former students wanting to speak with the Inquiry.

Interviews with convicted former staff

2.57 All those former staff charged by police were invited to meet with the Inquiry. As a result, the Inquirers visited two convicted former staff in prison and an Inquiry staff member met with a third convicted staff member before his sentencing. Two more communicated with the Inquiry in writing.

Preparation of witness statements

2.58 The interviewer prepared a statement for each participant, and it was signed off once the participant was satisfied with the statement. A small group of participants did not complete an Inquiry statement. They had either provided their earlier statements, made to the police or the Abuse in Care Royal Commission of Inquiry, or were interviewed directly by the Inquirers, who prepared notes. Wellness staff would contact participants during this process to check their wellbeing, emotional state and strategies.

2.59 While for most this was the extent of the wellness support needed, for about 10 percent of the group regular contact was maintained. Some were particularly fragile as a result of the memories that had arisen, and two required referral to secondary services.

Prior to publication of the report

2.60 The wellness team developed a focus group from among the former students to assist the Inquiry on matters such as the best way to disseminate the report to former students, the report cover design, and methods of support to former students and families on reading the report. Before publication, the wellness navigators contacted each former student to check their current wellbeing status and needs. As time for publication of the report drew near, some expressed the need for more support.

Information and document analysis

2.61 As the Inquiry report makes clear, in many incidents of reported sexual abuse of Dilworth students, the only witnesses were the offender and the victim. For reasons we have discussed in the report, many victims did not complain at the time or even discuss what had happened to them.

2.62 The Inquiry sought and obtained a large amount of information and took other steps that assisted in the corroboration of former students' accounts. Steps taken included:

- contacting former staff members the Inquiry believed had relevant knowledge of abuse accounts provided by former students
- contacting past and present police officers who conducted investigations into abuse of former students to discuss their investigations
- cross-checking statements of former students and staff members registered with the Inquiry for corroborative accounts
- obtaining statements from relatives of former students who complained to the school about the abuse of their relative or otherwise knew about it
- reviewing headmaster reports to the Board and minutes of Board meetings for any complaints of abuse or concerns raised about students or staff behaviour
- reviewing headmaster and Dilworth Friendship Club newsletters to the Dilworth community for any complaints of abuse or concerns raised about students or staff behaviour

- reviewing, with the student's authority, student files for letters of complaints of abuse or deterioration in a student's emotional well-being or academic performance that might indicate the aftermath of abuse; parents sometimes referred to these noticeable changes in behaviour in letters to the school or staff did in memoranda or school reports
- reviewing the personnel files of named Dilworth offenders for any records of complaints or concerns about their behaviour
- listening to interviews conducted by Dr Wilton during the research for his history of Dilworth, *The Dilworth Legacy*[74]
- reviewing newspaper articles dating back to the 1960s
- reviewing past editions of the school magazine *The Dilworthian* for information on departure dates of named offenders and dates of camps or trips on which the Inquiry was told abuse had occurred
- reviewing boarding house diaries for records of complaints or former students being signed out by offenders who went on to abuse them
- reviewing Dilworth punishment books for evidence of canings some former students said they received
- seeking evidence of offending and records of complaints made about named Dilworth offenders to the external agencies listed above
- obtaining sentencing notes and court-held information such as affidavits in support of suppression orders and decisions
- reviewing Department of Education circulars and files relating to teacher registration and disciplinary cases.

2.63 On an ongoing basis, documents were analysed by the Inquiry's investigation and legal teams, legal research was undertaken and issues identified for the report. As information gaps were identified further information was sought. Two additional lawyers were appointed to assist with data analysis and coding all statements received by the Inquiry within the data management system, Relativity, to assist with report preparation.

74 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007. This is a two-volume history of the school from its foundation in 1906 to 2006. Its author, Dr Wilton was headmaster of the school from 1979 to 1997.

Assessing credibility

2.64 The Inquiry was asked to consider the scale and extent of abuse and how the school responded to complaints over the 73-year period from 1950.

2.65 We spoke with and received statements from former students aged from their 20s to their 80s. A similar age range applies to other witnesses spoken to such as former staff members from each era and family members of the students (siblings, parents, aunties).

2.66 We are mindful that memories are not always reliable, even when events are reasonably recent, and that several of those who spoke to us and had to respond to the complaints about their governance or management of the school are in their older years, so, for them, many of the events are a distant memory.

2.67 While we have not been asked to determine criminal or civil liability of any person or entity, assessment of credibility and reliability of statements made has, nonetheless, been a necessary and important aspect of our inquiries.

2.68 We know that where a person, even one of advanced years, has been a victim of a particularly traumatic event, the event will be imprinted on their memory more vividly than if it had been an everyday event. We also understand that some details surrounding the event may have been forgotten, are now not completely accurate or are only partially recalled. We have been acutely conscious that many to whom we have spoken, although of an age to recall important events, were very young when the abuse occurred, often sexually ignorant and sometimes unaware of the ramifications of the abuse. Their adult recall is shaped by their greater maturity and knowledge and the trauma that has ensued. Sometimes they discussed their abuse with friends or family or in a therapeutic setting. These discussions will also have had an impact on their memories of the abuse. Many, however, had not discussed the abuse until interviewed by the Inquiry. Our approach has been in line with recent research from Australia on the effects of child sexual abuse on memory and complainants' evidence.[75]

75 Empirical Guidance on the Effects of Child Sexual Abuse on Memory and Complainants' Evidence, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, www.childabuseroyalcommission.gov.au/research (in the list of reports under "Government responses").

2.69 Although those who work in the area of childhood abuse, particularly sexual abuse, are trained to accept at face value what a child is telling them for therapeutic reasons, we have had a different focus. It remained our responsibility to assess the reliability of the now adult memory and to filter it through the information gathered from other sources. We have had the advantage of speaking with many students from each decade (often scores of students), and through this process we have received independent confirmation of many aspects of the surrounding events and incidents referred to. Staff and Board members' responses have also been helpful as have statements of family members and school documentation kept by them.

2.70 We have also had the opportunity to review documentary material from school archives, including registered students' files. While we note that many important documents and records of events are missing, nevertheless, we reviewed a large amount of documentary material that has been of considerable assistance. House diaries (which in some cases provided circumstantial evidence of abuse that occurred) together with correspondence with the school kept by mothers and other family members have provided compelling corroboration of important aspects of former students' accounts. Headmaster reports to the Board and Board minutes have been helpful in assessing the school's response and confirming the school environment in some eras. *The Dilworth Legacy* has been valuable in understanding the issues of the time and confirming names.[76] The school's annual magazine, The Dilworthian, has also been useful in placing recalled incidents in a period.[77]

2.71 In relation to missing documentation, former staff told the Inquiry there had been documented investigations into sexual abuse allegations against Mr Peter Taylor (1978), Mr Rex McIntosh (1979), Staff Member UE (1981), Mr Howard Wynyard (1983) and Mr Leonard Cave (1984). The Inquiry could locate documents related to only one of these investigations – of Mr Wynyard in 1983. Notably, in this instance, the documents had not been kept by the school but by the staff member who conducted the investigation. The Inquiry was also told that the Taylor staff file was accidentally destroyed in a cleanout around 1992 or 1993. It appears other records, such as complaints students made at the time, that should have been created were not.

76 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007.

77 *The Dilworthian* was first issued in 1927 and covers activities at the school for the entire period under review.

2.72 In response to the not uncommon reaction of disbelief when details of allegations of abuse have been at issue, we have regularly reminded ourselves that those who sexually abuse, do not do so in front of others who can see the abuse. They work to gain the trust of the victim and often of those who surround him. Several of the students we interviewed did not know of others being abused by the same person and thought they alone had been singled out. We note that several students who were themselves abused had not known that another staff member who they liked or admired was abusing students and had found it deeply shocking to learn this.

2.73 We are also aware that allegations against trusted and well-liked adults are often met with incredulity, while recollections of children may not be believed. We have received robust argument to this effect from a former student who heard that one of his teachers had been reported as a sexual offender. He wrote saying:

> My recollection is that [name of teacher] is just not the sort of person to molest anyone. I know, as will you, that even the most unlikely people offend. Even so, one has a reasonable instinct for these things as a student … I feel compelled to describe this allegation as an outright lie and am certain it would be perceived to be so by every other student at the time … [the Inquiry should] treat this allegation as a red flag of blatant dishonesty.[78]

2.74 The strength of shock and emotional commitment to the person concerned mirrors that shown by school leadership in relation to other trusted and liked figures including Mr Ian Wilson and Mr Ross Browne, and demonstrates that assessment of credibility requires an objective and disinterested consideration of the facts. That has been our responsibility and we reject the approach that places loyalty and respect for any person above the detailed and credible information we have received.

2.75 Finally, we have used our combined experience to assess the likelihood and reliability of the statements made to the Inquiry. We were assisted by an investigation team of experienced investigators, two of whom have specifically trained in interviewing victims of sexual abuse, and a legal team including two members who have acted in prosecutions of those accused of sexual abuse.

78 In a later statement, the former student said he would unhesitatingly retract his statement if there were more than one complaint against the teacher he had so admired.

Terminology

Former students

2.76 We have often used the term 'former students' rather than 'survivors' or 'old boys'. This is to respect the wishes of those former students who did not like being referred to as survivors and those former students who do not want to be referred to by reference to an ongoing relationship with the school.

No narking, pimping or snitching culture

2.77 The expressions no narking, no pimping and no snitching were used in different eras to describe the same culture. Most former students described a code of silence as being part of the culture of the school until well into this century. Students were unable to report any other student to a staff member, despite what they had done or were doing. If the student broke the code, they were relentlessly bullied and punished for it by other students. Some said the code extended to not reporting on a staff member.

Operation Beverly

2.78 Operation Beverly is a police operation that began in April 2020 to investigate historical sexual abuse of boys by multiple former staff at Dilworth.[79]

Predation

2.79 The Inquiry uses the term 'predation' to refer to the seeking out of sexual contact in a predatory or abusive manner. It includes grooming and attempted or actual sexual abuse.

79 A preliminary Police investigation of complaints initially against Ross Browne only commenced in December 2019. The investigation became Operation Beverly when it became clear there were multiple offenders operating at the school.

Paedophile or sexual abuser

2.80 The Inquiry uses the term 'sexual abuser' rather than 'paedophile' to describe a staff member or volunteer who sexually abused a boy. The reasons are twofold. First, it is a person acting on their paedophilia rather than the paedophilia per se that has caused the damage. Second, most definitions of paedophile include a sexual attraction or sexual obsession with prepubescent children. Both pre-pubescent and post-pubescent students were sexually offended against.

Description of abuse

2.81 The penetration of a person's anus is covered by the offence of sexual violation by unlawful sexual connection.[80] However, the Inquiry has deliberately used the term 'rape' to describe the act as it is widely understood (that is, to include penetration of another's anus) noting that many former students described the assault using that term.

80 Crimes Act 1961, section 128. Before May 2005, the offence was captured by section 142 of the Crimes Act 1961 (anal intercourse).

All former students reported a school environment characterised by fear and intimidation, severe bullying, persistent caning and a militaristic culture.

Chapter Three
1950–1966

Headmasters Basil Wakelin (1950) and John Conolly (1951–1966) and Board chair Rowland Towle (1948–1966)

Introduction

3.1 From 1950 to 1966, 566 students attended Dilworth School.[81] Seventeen former students who attended school during the era of Mr John Conolly, 1951–1966, provided an account of their experiences to the Inquiry. Of these, two registered in other capacities, subsequent headmaster Dr Murray Wilton and the Dilworth Trust Board chair, Mr Derek Firth, but attended in this era and spoke to us of their time as students. A further individual spoke to the Inquiry in another capacity and gave information about his time as a student during this era but did not register. Three staff members were spoken to from this era.

3.2 All former students reported a school environment characterised by fear and intimidation, severe bullying, persistent caning and a militaristic culture. Four reported being sexually abused while students at the school. All of these reported abuse by other older students and one reported, in addition, abuse by a teacher and husband of a school visitor. Nine reported serious physical abuse and three reported both sexual abuse and serious physical abuse.

Basil Wakelin, 1950

3.3 No former students who gave statements to the Inquiry were at Dilworth in 1950. The headmaster for that year was Mr Basil Wakelin, who had held the position since 1946. This was his last year in the role. The lack of registration is unsurprising given the youngest student would now be 78 and the oldest in his mid-80s. Therefore, we cannot conclude whether sexual abuse or serious physical abuse occurred in this year.

81 Dilworth provided the Inquiry with school roll data. The Inquiry has not independently verified this data.

3.4 Nonetheless, we note that *The Dilworth Legacy* records Mr Wakelin as maintaining "rigid disciplinary control" and being a "powerful flagellator".[82] He "did not shrink from using the cane for most offences, from talking during prep or 'clearaway' to gross insolence or dishonesty".[83] It says instances of caning were recorded conscientiously by staff who administered it.[84] It also records that it was normal for caning to be done with the student's pants on but a few instances were recorded of the cane being applied to bare buttocks.[85]

3.5 ***The Dilworth Legacy*** gives an example of Mr Wakelin's caning in 1950.[86] All 22 boys from MacMurray House, where students aged 9 to 12 were typically housed, were summoned to the headmaster's office and each received two strokes of the cane. They were given no explanation as to why this happened, before or after. That there was no fair reason for caning remained a grievance in the early 2000s when one of those caned spoke with the author of ***The Dilworth Legacy*** about the incident.[87]

John Conolly, 1951–1966

3.6 Mr Conolly was appointed at age 43 with a degree in mathematics and a postgraduate degree from the University of Oxford. He had been headmaster of John McGlashan College in Dunedin (1945–1951). He had an extensive military background, serving in the army during the Second World War, rising to the rank of lieutenant colonel, and was responsible for strategic planning in battle. He received the Distinguished Service Order.

3.7 While Mr Conolly was headmaster of John McGlashan College, he continued his post-war military career on a part-time basis in the army reserve force (the 'Territorials'). After he took up his position at Dilworth, he rose to the senior rank of brigadier in Auckland and for a brief period was the senior military officer in the country. Hence, he remained actively engaged in the military while heading Dilworth.

3.8 It is evident the students at Dilworth were well used to rigid disciplinary control under Mr Wakelin and this continued unabated under Mr Conolly. In addition, Mr Conolly introduced a military flavour to the school's management.

3.9 The school roll for most of Mr Conolly's time was around 180. In terms of his leadership of staff, he was described as a "one man band".[88]

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82 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 349.

83 Wilton, *The Dilworth Legacy*, p 348.

84 Wilton, *The Dilworth Legacy,* p 348.

85 Wilton, *The Dilworth Legacy,* p 349.

86 Wilton, *The Dilworth Legacy,* p 350.

87 Wilton, *The Dilworth Legacy*, p 350.

88 Wilton, *The Dilworth Legacy,* p 540.

In the former students' words

3.10 Fourteen men who began school in Mr Conolly's era provided information to the Inquiry as former students,[89] three others, who held other roles subsequently and were students in this era, also spoke with the Inquiry about their student experiences. The 14 former students accounts had common themes, which were largely corroborated by Mr Firth and Dr Wilton:

- a school atmosphere of fear, terror and militarism
- extreme bullying, violence, and no narking or pimping rules
- the inability to stop bullying and punishment for complaining of it.

3.11 Nine reported being seriously physically abused. Four reported sexual abuse and three reported both serious physical abuse and sexual abuse.

School environment

3.12 The former students described Mr Conolly running the school as though it were a military unit. It was a terrifying and intimidating place. The culture was aggressive and bound by a rigid structure. The students marched everywhere and lined up for everything: food, church and work parades. Whistleblowing and standing to attention were a constant. From age 10, students were given a seniority ranking and their numbers called out in order of seniority, starting with the head prefect who was number 1. Student CT described his number as being attached to his school life like a tattoo.

3.13 The punishments for new entrants (aged 8–9) included being made to miss meals, not being allowed to go home in the weekend, and being hit with a strap or ruler. From age 10, the cane was the predominant method of punishment. Corporal punishment was administered for minor issues such as losing a sock, having dirty shoes, being late to a meal, talking during the first half of mealtimes, not making a bed properly, breaking something accidentally or talking after lights out.[90]

89 A further two individuals registered but did not provide information to the Inquiry.

90 For example, Student IR, Student HQ, Student EZ, Student CT and Student HA statements to the Inquiry; Student IB statement to external agency.

3.14 Student BU, who was not aware he was going to boarding school, was caned on his first day by a teacher because he was crying due to feeling homesick. Student HA was "strapped" when he was sick on his bed. Students also described being caned for failing to pass a test or not doing their schoolwork to a required standard.[91] There were many rules, and students often did not know why they had been caned other than being told they had "misbehaved",[92] so it was almost impossible for the students to protect themselves from the cane. The staff, including the matrons, were said to be uncaring.[93]

3.15 Student AD described his entire school years as a "hellhole" of violence and bullying. On his first day, he was told a skunk is a snitch and you are never allowed to snitch (that is, tell on anyone). Hence, you could not do anything about the bullying or violence inflicted on you. Student CT described the school as a "prison orphanage" and the prefects, who more or less ran the dormitories, keeping order and handing out punishments, as the "military police". Student EZ described a senior teacher walking past students at an outdoor school assembly and hearing a comment made about him. He asked the student who said it to come forward. No one did, so he caned the 75 students standing in the area from where the comment came. Student HA described one of the first things he and other students were told by the housemaster was not to go crying to him if you got into a fight and lost, as you would be punished too, and not to tell tales. HA said he felt this just gave the bullies free rein.

3.16 The dismissive attitude towards the students and the way they were treated are well summed up in an incident described by one former student. On leaving day, the headmaster came up to Student AD and his mother, who were standing together, and said to her, "Mrs [name omitted] you've just produced the school's greatest failure … he will not succeed in anything in life".[94] AD has remembered this comment with shame, anger and resentment ever since.

Leadership by John Conolly

3.17 Student AD described the headmaster as a vicious, sadistic, brutish bully who had no empathy. He was "diabolical, unapproachable and uncaring". As an example of the latter, AD said that when he was in isolation in the sick bay with chicken pox, Mr Conolly came in and told him his father had died. Mr Conolly turned around and left immediately, offering no support or sympathy.

91 For example, Student IT and Student HA statements to the Inquiry.

92 For example, Student AD statement to external agency and Inquiry interview.

93 For example, Student EZ and Student AD statements to the Inquiry.

94 Student AD Inquiry interview.

3.18 Mr Conolly caned students for no apparent reason, sometimes until their backsides bled and carefully administered each blow directly underneath the previous blow so there was a square of the buttocks without skin.[95] As injuries were not accidental, the matron would not treat them. Student IB believed Mr Conolly wanted to inflict the maximum pain possible when he caned and regularly practised his caning technique on leather padding strapped to a chair in his office.

Serious physical abuse

3.19 Student AD said he was bullied more than most students, he was subjected to "sadistic relentless bullying". He was a year younger than the other new entrants, puny and not a physical fighter. Recognising this, two students one year ahead of him began to bully him relentlessly, continuing until he left school in 1958, six years later. He was punched, deliberately tripped up, had things thrown at him, had his glasses smashed, clothes rumpled and shoes scuffed up, all of which led to him being caned. He was badly beaten up on many occasions. Once a mouse was put in his food. He recalls being thrown into a waterhole while one of the students kept a foot on his head so he could not surface, and he nearly drowned. He was humiliated in front of other students and stories were fabricated so he would be ordered out of the dining room and miss his meal.

3.20 Another former Student, IV, referred to receiving constant physical and verbal abuse. One time he was hit on the back of the head and knocked out. He also described students coming into the dormitory at night and trying to suffocate him. To him, the staff encouraged bullying of him because he was "thick". He described reporting bullying to housemasters but nothing was done.

3.21 Student EZ said he was not bullied by other students, but he was exceptionally talented in sports and very fit. When he was a senior student, Mr Peter Parr, the headmaster after Mr Conolly, asked him to beat up particular students the headmaster considered needed a beating and were not responding to the cane.

Sexual abuse

3.22 The next paragraphs contain examples of sexual abuse from the many the Inquiry heard. **These accounts are graphic and may be distressing.**

95 Student IB statement to external agency.

3.23 Four of the 14 former students who spoke to us were sexually abused while Mr Conolly was headmaster. The sexual abuse involved:

- Sexual predation by a staff member
- Sexual predation by the husband of a school visitor
- Coercion into group sexual activity with other boys
- Sexual predation by an older student.

3.24 Given their ages, none had any experience or knowledge of sex when they arrived at the school. Student CT was abused by the husband of a school visitor, a school teacher, and then a prefect. Student AD was abused by the same prefect and coerced into group masturbation with other students. The remaining two were abused by older students. What they suffered, how they tried to deal with it and the impact on them is described next.

3.25 **Sexual abuse by husband of school visitor:** When Student CT was eight years old, the housemistress of the junior school held mahjong sessions for women friends in the sitting room of the boarding house. One woman took a particular interest in him. She got permission from the housemistress to take him to her home on Sundays. She and her husband were kind to him and took him on outings. However, several times she went out alone and the student stayed behind with her husband. On these occasions, the husband undressed the student and asked him to masturbate him, telling him it was their little love secret. The sexual abuse led twice to rape. Seventy years later, the student says he still vividly remembers the excruciating pain and fear.

3.26 **Sexual abuse by senior teacher:** Student CT was a talented student, and a senior teacher started taking a personal interest in him, taking him out on Sundays to meals, places such as the Parnell Baths, movies in the city, the beach and, even once, Motuihe Island. The senior teacher gave him money. To the young student, who craved affection and attention, this was a very happy time. After a few months, the teacher started taking him to places where he was on his own with the teacher, who would tell him how much he loved him and wanted to be with him. In retrospect, the student thinks the places he was taken were some sort of rented accommodation or motel-type places. The teacher kissed and hugged the student and held his hand. At first, the student was flattered and believed he and the teacher had a special relationship. However, soon the sexual abuse started. The student was required to masturbate the teacher, suck the teacher's penis until he ejaculated and was raped. The student started having anxiety and panic attacks, and his schoolwork and behaviour deteriorated dramatically.

3.27 **Sexual abuse by prefect:** In an effort to stop two older students bullying him and after futilely seeking help from a housemaster, Student AD spoke to a senior student, the older brother of one of the bullies, who seemed approachable. He promised to protect the student from his brother's bullying, but never did.

3.28 A few nights later, the senior student came to Student AD's dorm after lights out and shook him awake. Saying he needed to see him and to come quietly, he led the student to the prefect's cottage and told him to take his pyjamas off. The student was shivering with cold and fear. The senior student fondled his genitals and showed AD his genitals. He then sent him back to bed and indicated he would be in contact again. For the next two years, the young student was conditioned by the older student and required to watch every night to see if the prefects' cottage lights flicked on and off. If they did, then that was a signal to get out of bed quietly and go to the cottage to be sexually abused by the senior student. This abuse happened to AD at least twice a week when he was aged 11 to 13. The sex acts included being forced to suck the older student's penis, attempted anal rape, and attempted insertion of objects into his anus on multiple occasions, including a broom-handle. After two years, the older student suddenly left the student alone.[96]

3.29 Student CT described the same senior student as a sexual predator who abused a lot of students. When he was aged 12 to 15, mainly in the evenings, the older student would corner him and drag him into places such as the wood pile, prefects' room or the place where rugby boots were kept. There, he would force the younger student to masturbate him and perform oral sex on him. The student was in a state of sheer terror over a long period because of this predation. He was continually on alert not knowing when it would happen and trying to avoid the prefect.

3.30 **Being forced into group masturbation:** Sometimes Student AD's job involved chopping wood next to the woodshed. While doing that, when he was aged 14 to 15, he was sometimes pressured to participate in masturbating other students in the woodshed.

3.31 **Sexual abuse by older students:** The same two students who relentlessly bullied Student AD would also sometimes put their fingers into his anus after they had grabbed him by the testicles and squeezed them. Student AX was also abused by an older student who made him engage in sexual activity in the dormitory.

96 It is understood he moved his attention to another student.

3.32 Student BF was nine years old when an older student, aged 15 or 16, befriended him. One night, the older student asked the younger student to come with him to the drying room where he got BF to touch the older student's penis. The older student asked BF to come to the drying room twice more. The second occasion involved more touching, but on the third, when the younger student started strongly resisting the touching, the older student tried to rape him.

School response to complaints made

3.33 **Complaining to housemaster of severe bullying:** When he was 11, after two years of bullying, Student AD told his housemaster he was being bullied and that all the harassment was interfering with his learning. This was his attempt to get around the 'no snitching' rule. The housemaster did nothing other than reply, "Well you are supposed to grow a backbone here". As described above, AD's next attempt to stop the bullying, by approaching the older brother of one of the bullies, resulted in his sustained sexual abuse by the older brother.

3.34 **Complaining to housemistress of sexual abuse by husband of her friend:** When Student CT became concerned about the bleeding from his bottom after he had been raped by the husband of the friend of the housemistress, he told the housemistress what was happening to him. She became angry and told him he was a liar, troublemaker and bad influence on the other students and the school, and told him to stop playing with himself. She then reported what he had told her to Mr Conolly.

3.35 **Punishment by John Conolly for complaint to housemistress of sexual abuse:** Student CT was called to Mr Conolly's office. Mr Conolly also refused to believe his story and said he was making things up, trying to create attention for himself and causing problems for everyone. Throughout the conversation, the student was crying and "feeling wretched". Mr Conolly said he could not and would not allow the student to cause such problems. He caned him with "6 of the best" causing large red welts. Eventually, they were treated by the matron with cream, though nothing was done about his bleeding anus. The woman never reappeared in the mahjong group, and the student never went to her home again.

3.36 **Talking to housemaster about sex with senior teacher:** As his schoolwork and behaviour progressively deteriorated following being sexually abused by a teacher, Student CT, in desperation, approached his housemaster, explaining the trouble he was having with friendships, study, sleeping and getting out of bed. He told the housemaster the senior teacher and he "were having sex". The housemaster became distant and said words along the lines that this sort of thing didn't happen at this school, and they had never had any incidents like it before. The housemaster reported the matter to Mr Conolly.

3.37 **Punishment by headmaster for reporting being sexually abused by senior teacher:** Conolly told Student CT he did not believe him, that the teacher was a well-respected member of the staff and that there had never been complaints about him. He called the student a coward and liar and accused him of trying to ruin the school's name.

3.38 This time, rather than caning him, Mr Conolly sent Student CT to coventry for an entire term. He was not allowed to talk to anyone, play sports or do chores. The student had to stay in the classroom until dinner time and only then allowed to go to the toilet or bed. He was not allowed to leave the school or return home on Sundays. He felt so alone, and there was no one he could talk to.

3.39 **Complaining to parents about being abused:** Student CT constantly complained to his parents without giving specific details. He told them he was having a really bad time and being assaulted. They kept insisting he had a wonderful opportunity with his Dilworth scholarship and it was a gift from God that he had a place there. He recalls that he complained so much that eventually they did complain to either the Board or the headmaster. They never told him what happened, and nothing changed for him. He believes his parents were simply overwhelmed by the school.

3.40 **Complaining to the housemaster:** Student BF said he tried to stop sexual abuse on him by an older student. Unable to sleep, and still in pain from abuse carried out that day, he went to the housemaster to report what had happened to him. The housemaster closed him down, telling him he was lying and to go back to his bed and that if he mentioned it again, he would be caned to within an inch of his life.

3.41 **Complaint to a tutor:** A complaint about a tutor's behaviour towards younger students was raised by a senior student with another house tutor, Staff Member TC. TC consulted the deputy headmaster and together they went to see Mr Conolly.

3.42 During their conversation, Mr Conolly confirmed he had previously stood down the tutor complained about for sexual misconduct when he was a school prefect, and he had been asked to leave the school. As a result of the complaint to TC, Mr Conolly then dismissed the tutor. The dismissed tutor was discussed at a staff meeting later that day and Staff Member TC recalled the staff being angry that Mr Conolly had employed this tutor knowing about his prior behaviour. There is no school record of this incident or any evidence that the tutor was referred to the police. The Board is advised in Mr Conolly's annual headmaster's report that the tutor had been replaced.

3.43 **Complaint records:** No records of any of the complaints the students said they made are on their files. Nor is there any record of the Board being told about the complaints made by students.

Policies and procedures, 1950–1966

3.44 Having set out the nature and scope of the abuse during this period, we now consider the policies available at the school at the time, and the extent to which they shed light on the culture and environment at the school that allowed for such abuse to occur.

Few policies and procedures identified and none covering abuse complaints

3.45 Documented policies and procedures from 1950 to 1966 identified by the school are minimal. This was confirmed by the school in its response to the Abuse in Care Royal Commission notice to produce information under the Inquiries Act 2019.[97]

3.46 In the documents we reviewed for this period, no specific policy related to the handling of complaints of abuse. However, other policy documents provide an insight into aspects of the school relevant to our Inquiry. We summarise them below.

General policies

3.47 Two of the earliest, but undated, written policies are said, by the school, to have been produced between 1960 and 1965. They are entitled:

- Visitors to the School[98]
- Dilworth School: Some Information for Staff.[99]

97 Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

98 According to the school, this policy was written in about 1960.

99 According to the school, this policy was written in about 1965.

3.48 In addition, we reviewed a document from 1962, Prep House Notes on Masters' Duties and Routine, which sheds light on the heavily regimented school environment in place for the 8- and 9-year-olds it applied to. For example, there is an instruction that tasks such as bed making should be carried out in silence.[100]

3.49 Another reference relates to showering requirements. It directs that the house master is to watch showering as much as possible, but that the matron is to be present to attend to cleanliness. Further, it directs that the house master is never to touch a student in the bathroom – if a student needed scrubbing, he was to be handed to the matron.[101]

3.50 In a list of "do's" and "don'ts" house masters are directed to set a good standard in their mode of speech by avoiding slang and over-familiar language.[102] Importantly, house masters are directed never to let a student into their own room and to interview students only in the duty room or a place other than their own quarters.[103] This is of particular relevance in the light of abuse carried out by Mr Peter Taylor, Mr Ian Wilson and Mr Rex McIntosh in later years.

3.51 The following excerpts from the document entitled Dilworth School: Some Information for Staff are relevant:

> It is taken for granted that all members of staff at all times are to consider themselves guardians of discipline and the good name of the school …
>
> No master must ever allow himself to be closeted for any length of time with any one boy in any room or place where the master could be compromised in any way. Trumped up charges may occur and in fact have occurred. "and very recently 1970's!"[104] …
>
> Staff should endeavour to be mindful of the prestige of prefects …
>
> It is pointed out that the parents of boys at Dilworth are at greater disadvantage (e.g. complaints) than the parents of boys at any other school in New Zealand. It is therefore a matter of honour that all staff members remember this at all times and be particularly careful not to take advantage of the position or to do anything which may appear to take advantage of the position.

100 Dilworth School, Prep house notes on masters' duties and routine, September 1962.

101 Dilworth School, Prep house notes.

102 Dilworth School, Prep house notes.

103 Dilworth School, Prep house notes.

104 According to Mr Bruce Owen, the words "and very recently 1970's!" were handwritten on the document in the 1980s.

3.52 Whilst the policy documentation for this period was minimal, aspects illustrate an awareness by the school that students were potentially at more risk due to the lower possibility of parental involvement than in other schools. The strict guidance on showering and the warning to avoid a student being in a one-on-one situation alone with a staff member, indicate an awareness of the risk of sexual impropriety.

Inquiry assessment of the nature and extent of abuse and school response to complaints

Former students' statements

3.53 We find the statements of the former students compelling and credible. These men did not know each other, registered with the Inquiry independently and had not been in contact with each other. They confirmed each other's evidence concerning the school environment. The three who complained to someone at the school of sexual abuse from this era said the same, namely, that they were not believed when they reported sexual abuse and were either punished or threatened with punishment.

3.54 Those men who had been physically and sexually abused from this era, remain deeply hurt, angry and alienated from the school. The impact on all aspects of their lives has been severe, life changing and lifelong. One described how the dam finally burst in his late 70s when he read in the media about Operation Beverly. He made a statement to police and spoke for the first time about the abuse he had endured. One disclosed his full story only once before coming to the Inquiry, to his counsellor in 1972. His wife still does not know the full horror of what happened to him.

3.55 The reported school environment of widespread severe violence was corroborated by accounts in *The Dilworth Legacy*[105] and in the statements of Dr Wilton,[106] who attended the school from 1944 to 1954 (and was headmaster from 1979 to 1997). Dr Wilton confirmed that the environment was one of "endemic" bullying. He said at first he hated the school for the same reasons.[107] Dr Wilton said he had not seen any hint of sexual abuse when he was a student, although he had seen consensual sexual activity between students.

105 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007.

106 See the list of Dr Wilton's statements in Chapter 5.

107 M Wilton statement for the faith-based institutions response, Abuse in Care Royal Commission of Inquiry.

3.56 Dr Wilton's failure to observe any hint of sexual abuse is consistent with the evidence of the four former students who each thought they were the only ones who were being sexually abused. They never witnessed it or heard of it outside their own experience. Mr Firth, who was a student in Mr Conolly's era, also said he had never been aware of sexual abuse.

Serious physical abuse

3.57 We find that the school environment was characterised by widespread, extreme violence, including caning, and reported instances of bullying by senior students and caning by staff constituted serious physical abuse.

3.58 We have no doubt the environment was inappropriate and unacceptable, even in the 1950s, particularly in relation to the imposition of the harsh military culture on primary school aged students as young as 8 and 9.

Caning

3.59 In chapter 2, we outlined the approach the Inquiry took to assessing whether the accounts of caning it received from each era were justified examples of reasonable force for correction.

3.60 Former students described the caning policy as allowing caning for anything and everything. Caning for trivial misdemeanours, or for no apparent reason, was outside the bylaws and guidelines and difficult to justify as a reasonable use of force for correction as discussed in paragraphs 2.30 to 2.36. While not specifically covered in the bylaws and guidelines, we consider that caning 75 students because one student who had made an objectionable comment was not identified, also constitutes serious physical abuse.

Bullying

3.61 We find that widespread bullying was encouraged by the harsh environment, with its emphasis on physical punishment, weakening students' ability to resist bullying or complain of it and allowing brutal assaults to occur. Similarly, it undermined students' ability to resist sexual abuse effectively and seek protection from it.

Nature and extent of sexual abuse

3.62 We find the incidents of reported sexual abuse in this period likely to be indicative of a wider school problem of sexual abuse. Notably four of the 17 men spoken to from this era reported having been sexually abused. The numbers who spoke with the Inquiry from this era are comparatively lower than from other eras but we do not think this is indicative of less physical or sexual abuse than in other eras. Former students who started under Mr Conolly would now be in their late 70s or 80s. We can safely assume many will have died or been too frail to participate in the police investigation or this Inquiry.

3.63 The brazen way in which sexual incidents occurred and the ready dismissal of complaints show the environment enabled sexual abuse to flourish.

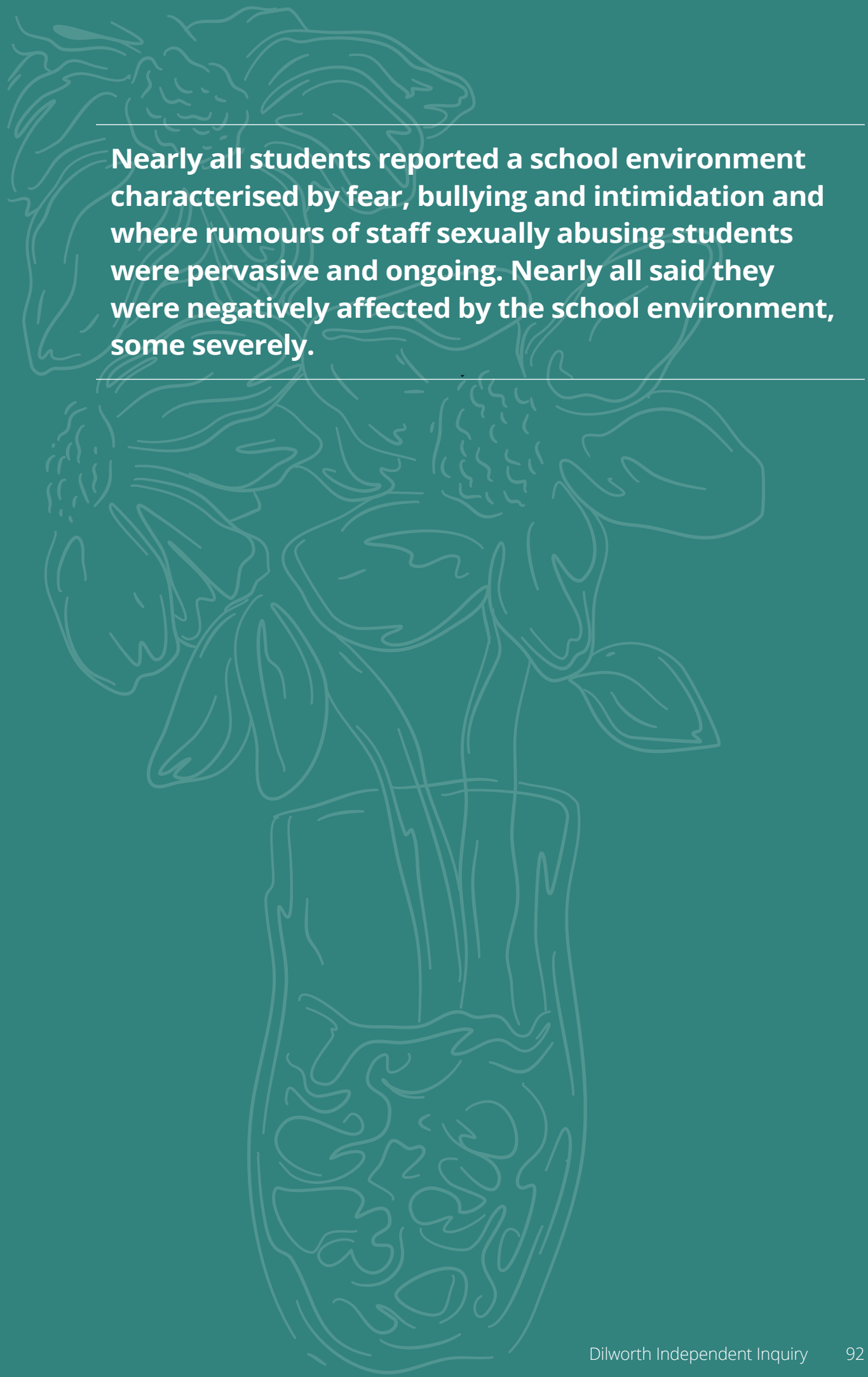
School response to complaints of abuse

3.64 The school's handling of complaints was uniformly ineffective and indifferent to the welfare of their charges. Boys who were being bullied to the point of serious physical abuse had no comeback and no one to whom they could turn for support.

3.65 While there may have been a widespread misbelief at the time that children were prone to lie, the school response to complaints of sexual abuse was unacceptable. It was known that adults did sexually abuse children and that it was a criminal offence. To some extent the school policies demonstrate an understanding of this risk.

3.66 To his credit, Mr Conolly may have taken action on some complaints. For example, the wife of Student CT's abuser stopped going to mahjong classes and no longer took CT to her home. CT was nonetheless called a liar, instead of being told he would be protected from his abuser, and he was not supported in any other way. Mr Conolly also excluded the senior student known to sexually abuse younger students, but inexplicably reintroduced him to the school as a tutor.

3.67 Whether the headmaster told the Board of the complaints is unknown. None are recorded in Board records.



Nearly all students reported a school environment characterised by fear, bullying and intimidation and where rumours of staff sexually abusing students were pervasive and ongoing. Nearly all said they were negatively affected by the school environment, some severely.

Chapter Four
1967–1979

Headmaster Peter Parr and Board chairs Sir David Beattie (1967–1969) and Donald (Bill) Cotter (1969–1979)

Introduction

4.1 Between 1967 and 1979, 781 students attended Dilworth School.[108] Seventy former students who attended school during this period provided an account of their experiences to the Inquiry.

4.2 Fifty reported they were sexually abused while at the school, and the Inquiry is aware of a further 19 sexual abuse survivors from this era. Eight of these cases related to sexual abuse by a student, some were also abused by staff. Thirty-seven reported both sexual abuse and serious physical abuse. Fifty-three reported serious physical abuse.[109] Nearly all reported a school environment characterised by fear, bullying and intimidation and where rumours of staff sexually abusing students were pervasive and ongoing. Nearly all said they were negatively affected by the school environment, some severely.

4.3 The Inquiry interviewed 32 former staff from this era: tutors, housemasters, matrons, teachers, Dilworth personnel and family members who lived on site. One trustee, Mr Derek Firth, was also interviewed in relation to this era. We could not interview Mr Peter Parr as he died in 2020.

108 Dilworth provided the Inquiry with school roll data. The Inquiry has not independently verified this data.

109 That number may not reflect the total number of students who experienced physical abuse as a small number of students gave the Inquiry an earlier statement they had made to the police or Abuse in Care Royal Commission and did not want a further interview with the Inquiry. In their earlier interviews, they were not necessarily asked about this type of abuse: see chapter 2.

Peter Parr as headmaster

4.4 Mr Parr was 38 when appointed headmaster. He lived on site with his family. He had a background teaching at state co-educational schools.[110] As required by the trust deed, he was a practising Anglican. In an interview for *The Dilworth Legacy* at the end of his career,[111] Mr Parr recalled his immediate observations on taking up his new job. Compared with the control exercised by the board at his previous co-educational state school, the control the Dilworth Trust Board exercised was "very visible and real", and there was "minimal parental involvement" and a "very involved old boys association".[112]

4.5 Because Mr Parr is dead, the Inquiry primarily relied on documentation, contemporary staff accounts as well what Mr Firth, who was a board member in the Parr era, said, to understand the issues Mr Parr and the Board faced at this time. One staff member who worked with Mr Parr throughout Mr Parr's tenure described him as "energetic, a good organiser and accomplished maths teacher". He found him to be "a breath of fresh air".[113] He said that compared with Mr Parr's predecessor, Mr Parr was "softer" in his approach to students and staff, involved staff in decision making and was instrumental in establishing a friendship club for parents that enabled them to become more involved in school activities.[114] Dr Murray Wilton, who succeeded Mr Parr as headmaster and wrote *The Dilworth Legacy*, said that compared with his predecessor, Mr Parr was "forward looking, liberal and more inclusive".[115] Another housemaster described Mr Parr as a "religious man".[116] Mr Parr was also described as a less effective disciplinarian and more resistant to expelling students.

Peter Parr's challenges on taking up the role of headmaster

4.6 Information in this section is taken primarily from Mr Parr's reports to the Board and Board minutes. It is supplemented by commentary from *The Dilworth Legacy* and information from Mr Firth and staff accounts.

110 His secondary education was at Wanganui Collegiate. He graduated with a Bachelor of Science in mathematics and physics in 1950. After attending teachers training college, he taught at Takapuna Grammar, Waimate High School and then Aranui High School, where he was head of mathematics and sometimes acting deputy principal.

111 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006,* Dilworth Trust Board, 2007.

112 Wilton, *The Dilworth Legacy*, pp 538–539, from an interview in 2005. Mr Parr also described the curriculum as "conservative and coercive" and the management "structured, formal and hierarchical" (p 538) compared with previous schools where it had been democratic and inclusive.

113 Staff Member UJ statement to the Inquiry.

114 The inaugural meeting of the club was held in February 1972: *The Dilworthian*, 1972. Mr Parr also invited parents to contact him with any questions about their boy's health in his newsletter to parents, July 1969.

115 Murray Wilton submission to the Inquiry.

116 Staff Member QR statement to the Inquiry.

4.7 Mr Parr faced significant problems when he first arrived at the school: finances were extremely tight and there was a shortage of potential student applicants.[117] He had a conservative and ageing staff at a time when it was difficult to recruit qualified secondary school teachers. The boarding houses were experiencing ongoing staff shortages and high turnover of matron and kitchen staff. Pay was poor and recruitment of these staff difficult.

4.8 When finances improved in his early years, a long-deferred building programme that would enable a large increase in the school roll got under way.

School roll growth

4.9 During Mr Parr's tenure, the school underwent a huge growth in numbers. When he started, the school roll was 194 students aged 8 to 18 with most of primary school age (8 to 12).[118]

4.10 In 1969, two years into Mr Parr's term, the roll had increased to 225,[119] the largest in the school's history, and there was a dramatic increase in junior school numbers in a very short time. As that large junior cohort moved through the school, the proportion of older to younger students increased from 1.0 to 3.6 to 1.0 to 1.5. By 1974, the roll was 266.[120] To address overcrowding, a preparatory, 'prep', house for 20 of the most junior students (standards 3 and 4[121]) was established in 1977.[122] By the end of 1979, the roll was 290.[123] Ninety percent of students were from Pākehā families or other ethnicities and 10 percent from Māori families.

Student selection

4.11 In anticipation of the need for further enrolments to fill the expanding school buildings, and with Board approval, Mr Parr went on a recruitment drive in his early years. He spoke to service clubs, church groups and primary headmasters' groups.[124]

4.12 He and the school secretary short-listed student applicants into three groups: those considered most likely to succeed, substitutes for the first group, and those considered definitely not suitable. Mr Parr and two trustees interviewed applicants and made recommendations to the Board.

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117 The consequence of these factors were described as being a "lowering of the quality of candidates admitted to the school with the obvious and worrying deleterious consequences of a less manageable and achieving student body": M Wilton, *The Dilworth Legacy*: *The first one hundred years of Dilworth School 1966–2006,* Dilworth Trust Board, 2007, p 539.

118 Dilworth Trust Board, Annual report for the year ended 31 March, 1967.

119 Headmaster's report to the Dilworth Trust Board, September 1974.

120 Headmaster's report to the Dilworth Trust Board, September 1974.

121 Now, years 5 and 6.

122 *The Dilworthian*, 1977.

123 Headmaster's report to the Dilworth Trust Board, 19 November 1979.

124 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 545.

Family status of students attending the school

4.13 In 1974, Mr Parr reported to the Board on the changing family status of students from 1959 to 1974. Whereas previously 68 percent of the students had widowed parents, that figure fell to 49 percent in 1974; 5 percent had divorced or separated parents in 1959, rising to 39 percent in 1974; and 23 percent had two parents at home, falling to just 4 percent in 1974. The proportion of orphans increased from 4 percent to 8 percent.[125]

Large numbers of significantly disturbed students

4.14 In September 1970, Mr Parr suggested to the Board that Dilworth consider appointing a counsellor to visit the students.[126] This proposal was not progressed, an unfortunate decision in light of the later problems the school would face. In May 1971, Mr Parr was reported as having presented to the Board a list of 41 students, one-sixth of the total roll, who staff considered to be emotionally unstable and required handling with extreme care.[127]

4.15 In April 1972, Mr Parr reported to the Board that 13 named students were significantly disturbed and having difficulty with social relationships and adjusting to life at the school. They were referred to the chaplain for further investigation.[128]

4.16 In March 1974, Mr Parr introduced a "social education programme" aimed at addressing the antisocial behaviour the school was experiencing from some students. The programme included a "full scale programme on drugs, sex education and education on the use of alcohol" combined with a "tightening up of discipline in relation to smoking, vandalism and general misbehaviour".[129]

4.17 A recurrent theme in school reports to the Board was the attribution of the poor behaviour of many of the students to the single-parent households from which the students came. These were not, in the school leadership's opinion, traditional Dilworth families where students were orphans or from two-parent households in straitened circumstances. The assistant principal, Mr Murray Atkinson, noted, however, that even when students were chosen carefully for the good character of themselves or any parent, a large number of them suffered from feelings of insecurity verging on the pathological in some cases.[130]

125 Headmaster's report to the Dilworth Trust Board, 1974.

126 Study tour of Australia: conclusions and applications for Dilworth School, an appendix to the headmaster's report to the Dilworth Trust Board, September 1970. The purpose of a counsellor was to serve as a supplement to the Chaplain's services and to provide general support to students.

127 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006,* Dilworth Trust Board, 2007, p 597.

128 Headmaster's report to the Dilworth Trust Board, April 1972.

129 Dilworth Trust Board minutes, March 1974.

130 Murray Atkinson Accommodation for and supervision of boys at Dilworth, 1973.

Inadequate supervision of boarding houses

4.18 In the same report outlining the difficulties dealing with students from solo parent families as he and Mr Parr perceived it, Mr Atkinson drew attention to the fact that while current supervision methods of the boarding houses were operating "tolerably well", they were "still inadequate if we are to come anywhere near care for the boys as individuals". He noted that extra staff were required, especially for peak periods.[131]

Student protest sentiment of the 1970s

4.19 The 1970s was a decade of student protests across the globe, including in New Zealand. The protest sentiment also infiltrated the school.[132]

Dilworth Trust Board

4.20 Of the 11 Board members who served during Mr Parr's time (there were six members at any one time),[133] most were in a profession or business, all were male and European/Pākehā, and none had children at the school. Of the two with an educational background, one was headmaster of a day school and was present for only the first three years of Mr Parr's time and the other was in educational administration.[134] Four were old boys of the school, including both chairs (Sir David Beattie and Mr Donald (Bill) Cotter).[135] The tendency was for long service with six serving more than 14 years.[136]

131 Murray Atkinson Accommodation for and supervision of boys at Dilworth, 1973.

132 In 1970, a "strike" occurred after Mr Parr rescinded the freedom to allow senior students to develop their own hairstyles, because some were reported as sporting "outrageous creations": M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 585. Because of this, many students went on a two-meal hunger strike, chanting protests at the decision and calling the media, who reported it on national news. There were also two food riots, one in 1972 and another in 1975, where, at a given sign, students threw food at the walls and paintings. Senior students built their own makeshift cubicles in an attempt to create more private space when the Board would not fund this.

133 The trustees were Mr Robert King, retired insurance manager (1956–1968); Sir David Beattie, QC (1962–1969); Mr Laurie Willis, public accountant, company director (1966–1994); Mr Laurence Southwick, barrister and solicitor (1967–1972); Mr Donald (Bill) Fredrick Cotter, chartered accountant (1960–1996; chair 1969–1996); Mr Peter Miller, solicitor (1972–1987); Mr Derek Firth, solicitor (1975–2015; chair 1996–2000 and 2009–2015); Mr John Maltby, chief executive of his quantity surveyor business (1970–1990); Mr Jack Prebble, former secretary to the Board (1968–1972); Mr George Drake, principal of Otahuhu College (1963–1970); and Mr Ronald Taylor, chair of the Auckland Education Board (1969–1985).

134 Mr Ronald Taylor was assistant general manager of South Auckland Education Board and chair of Auckland Education Board: M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p566. He received an QSO for public services.

135 Old boys were Sir David, Mr Cotter, Mr Taylor and Mr Firth.

136 The six had 15, 16, 20, 27, 28 and 40 years of service.

In the former students' words – school environment

4.21 A few students registered in this era were relatively uncritical of the school environment, apart from the abuse they suffered. Notably, however, they were usually successful in sports or were house prefects or prefects. Most had a striking commonality in their reported experiences. It was said to be a brutal, isolated, authoritarian, loveless place where students lived in continual fear of older students, tutors, housemasters, teachers and the whole school system. Fear often escalated to the level of terror. Boys were subject to random, violent, unprovoked attacks, bullied mercilessly and starved of affection. Rumours circulated continually that adult staff were sexually abusing students.

4.22 A no narking culture was pervasive and forcibly inculcated in the students' first weeks. Student AJ had a knife put to his throat by an older student on his first day at the school and told "no pimping, do what you are told, deny if you get caught".[137] The reported aim of nearly all former students was to make themselves as invisible as possible in the boarding houses. The environment was extremely homophobic and macho, and the worst possible thing was to be considered effeminate. The bullying of anyone suspected of being gay was persistent and vicious.

4.23 Some students spoke to us about their experiences of Mr Parr as a headmaster. A few students said he was strict, but said what contact they did have was positive.[138] Others said they had little to do with him other than seeing him at assemblies.[139] Some students said Mr Parr was cold, uncaring, not approachable, and someone students feared.[140]

Serious physical abuse

4.24 The Inquiry heard complaints about physical abuse by staff members of students that included being hit with paddy tennis bats,[141] being hit with coat-hangers,[142] or being slapped, punched or hit.[143] Some of the accounts came from staff members who witnessed the event.[144]

137 Student AJ Inquiry interview.

138 For example, Student HL statement to the Inquiry; Student HH Inquiry interview.

139 Student DW and Student HR statements to the Inquiry.

140 For example, Student FR, Student CW, Student ES, Student EB and Student EA statements to the Inquiry.

141 For example, Student IA statement to the Inquiry.

142 For example, Student GH statement to the Inquiry.

143 For example, Student EA statement to the Inquiry.

144 For example, Staff Member YA Inquiry interview; Staff Member PY statement to the Inquiry.

4.25 While caning was the most common form of corporal punishment, students also described being hit with other objects – often for minor or trivial breaches of rules. One 8-year-old student was punished by a matron who hit him with a tennis shoe for coughing at night.[145] Ten-year-old Student AQ was hit across the face with a strap for talking too loudly.

4.26 Another 10-year-old student was struck across the face (later causing a black eye) by Mr Keith Dixon in front of his peers for having dirty fingernails.[146]

Extreme caning by staff

4.27 Students reported that staff administered caning indiscriminately, inconsistently and for minor offences. One student was caned on his first night for talking after lights out.[147] Others said they were caned for using the toilet at night, talking in the showers, speaking when not allowed in the dining hall.[148] One student got six strikes of the cane on his bare backside for taking a second helping at dinner.[149]

4.28 The Inquiry was told of house tutors and housemasters caning students to the point where they had black and blue bruising for days and weeks after. Welt marks and bruising on backsides, legs and backs were a common sight in the showers.[150]

4.29 Examples of extreme caning from the dozens given to the Inquiry follow.

4.30 **Caning until legs and backside bled:** We often heard of students who were caned until they bled. Student HJ told us that as an 11-year-old he got out of bed in the night and went to the toilet. The house tutor, who was an elite athlete and very strong, had come back from drinking in the pub and saw the student out of bed. He ignored the student's explanation and caned him violently four times, causing his backside and legs to bleed and later turn black and blue. The student was in so much pain he said he could not sit down for a week. Student AZ was caned by the same tutor so hard his skin split open and bled for a week. A teacher saw the wound and sent the student to the matron, who told him "she should say something about it but wouldn't because if she did, she would lose her job".

145 Student HF statement to the Inquiry.

146 Student EA statement to the Inquiry.

147 Student FX statement to the Inquiry.

148 Student HJ, Student CL, Student CO statements to the Inquiry

149 Student AC statements to the Inquiry.

150 For example, Student HL, Student GE and Student AZ statements to the Inquiry.

4.31 **Being forced to put hands on hot towel rails while being caned:** A tutor would punish students by making them put their heads between the heated tubes where towels were hung to dry, and then hold the tubes so their hands burned while he caned them. When the students jumped from the severity of the caning, they banged their heads into the rails and then put their burning hands onto their head. The tutor would gather a group of other students to watch and encourage them to laugh at the students being caned.[151]

4.32 **Being forced to remove pants and underpants before caning:** Student IR was caught smoking at the age of 12 by Staff Member TM and made to remove his pants and underpants for caning. TM caned him several times, with big gaps between each stroke, prolonging the stinging and pain from each stroke. That night IR had blood in his underpants. IR was also made to remove his shorts and underpants before he was caned by TM, and said he sensed from his expression that TM derived sadistic, sexual pleasure from this method of caning.

4.33 **Dinner guests watching bare bottom caning:** Student EG told the Inquiry a group of students were caught by a house tutor throwing socks around the dorm after lights out. They were taken in their pyjamas to Mr Rex McIntosh's home, the housemaster of MacMurray House, where he had four or five guests for dinner. Mr McIntosh made the students stand where the guests could see them and take their pyjama bottoms down before he caned each of them four times.

4.34 **Caning that turned into severe beating:** Student HK was given two cane strokes by Staff Member TM for not having his socks pulled up. The next day, TM saw the student with his shirt untucked. He told him he would be getting six strokes this time. The student padded his pants. After the first stroke, TM discovered the padding and made the student take off his pants and put his head under the chalk board. TM caned him so hard the student could feel blood running down his legs. On the sixth stroke the student urinated and fell over. TM became enraged and began striking him repeatedly on the back as he lay bleeding on the ground. HK said he was screaming and begging TM to stop but he kept beating him for what felt like a long time. HK believes his screams would have been heard outside the office, but no one could come in because TM had locked the door. When HK was allowed to leave, the matron patched up his injuries.

4.35 **Mass caning of all students in MacMurray House:** A food fight in the dining room was planned for an evening in 1975. Not all 65 students (aged 9 to 11) in the house participated. The housemaster on duty immediately reported this incident. There was a meeting of all housemasters with deputy headmaster John Burnett and headmaster Parr, and it was determined there was to be no caning but the withdrawal of privileges for the students involved as punishment.[152]

151 Student AZ statement to the Inquiry.

152 Staff Member UJ further statement to the Inquiry.

4.36 In contravention of this instruction, Mr McIntosh spent the next hours caning all students, regardless of whether they had taken part in the fight. Staff Member UJ told us Mr Parr was made aware of the caning when it occurred. He said, "In hindsight, Rex should have been reprimanded for what he did. This was the worst misuse of the cane I can think of occurring at Dilworth".

Staff recollections of corporal punishment

4.37 On being asked to characterise the disciplinary attitude in Dilworth during the 1970s, staff described it as "a culture of physical punishment", "medieval" and "brutal".[153]

4.38 KH, the wife of Staff Member ST (now deceased), said from her observations:

> McIntosh (Housemaster of MacMurray House) was unspeakably brutal to those boys. Fancy taking a group of 9 and 10-year-old boys who had been removed from their homes, most of them without fathers, and then lining them up to be caned before bed. The boys would be in tears when they went to sleep. I understand he did this most nights. Apparently, McIntosh told the boys this ritualistic caning gave them a feeling of all being together, of companionship.

4.39 Mr Howard Wynyard (1977–1983), who eventually followed Mr McIntosh as housemaster of MacMurray House, said he learned Mr McIntosh had used the cane "a lot" in MacMurray House.[154] Staff Member TB remembered that mass canings also occurred in Watling House if students were caught talking after lights out, "the whole dorm would be caned with all 12 boys receiving 2 strokes of the cane … punishing the whole dorm when one student talked during the night was a pointless exercise and it punished innocent kids".

153 Staff Member QW, Staff Member QY, Staff Member TO, and Staff Member RN statements to the Inquiry.

154 Howard Wynyard statement to the Inquiry.

4.40 Tutors we spoke to recalled some of their colleagues taking "an unhealthy delight" in caning students.[155] Staff Member RC, a tutor, said he was revolted by another tutor who liked "putting the kids heads through the stair railings, so that when they got caned on the arse they also hit their head on the railing". RC said he challenged the tutor about what he was doing but was ignored. Staff Member RN, a tutor, remembered often seeing tutors "belting" students, while former tutor Staff Member QV said some tutors would "compete for the number of boys caned". An unidentified boarding house staff member commented in a house diary his relish at using the cane, "My caning season seems to have started with a swish! Could we have a new model or two?".

4.41 Staff Member UJ accepted that the school's practice of sometimes leaving one 18- or 19-year-old tutor in charge of 70 students could have bad outcomes, "This could be a stressful and tiring experience if boys started acting up. These inadequate staffing levels could have resulted in a tutor resorting to the cane unjustifiably".

4.42 Staff Member UJ also recalled that in the 1960s, staff were permitted to hit students with a sand shoe.

4.43 Consistent with student recollections, staff members who spoke to the Inquiry told us of injuries they saw on the students. Staff Member TM said he saw students with welts and bruising caused by caning. He denied injuring any students but acknowledged he had a reputation at the time as "the hardest caner".[156] Staff Member TB said it was a "terrible sight" to see the injuries on students, particularly visible when they showered. As an indication of the force some staff used when caning, in July 1975, a staff member requested a replacement cane because "our new one snapped in action".[157]

4.44 Some staff described caning being inconsistently and unreasonably applied. One said, "I developed an antipathy to it. I remember thinking that the caning was for minor stuff and the issues appeared quite trite. I ended up just distancing myself from it".[158]

155 Tutors, who were young men, often not fully mature themselves, were also given the authority to cane.

156 Staff Member TM, Inquiry interview.

157 Hobson House diary, 10 July 1975.

158 Staff Member RC statement to the Inquiry. Staff Member QY said, "the currency for punishments was inconsistently applied by staff. They varied from house to house, who the housemaster was and what misdemeanours were considered punishable by the cane". Staff Member QV commented in a similar vein that caning was not reasonably and consistently administered by staff.

Violent bullying

4.45 One prefect from this time expressed surprise that bullying had continued in Mr Parr's era, believing they had got on top of it. However, the statements of former students have markedly common themes around bullying by other, usually older, students particularly during the period when they were the youngest students in the boarding house, having moved into one of the 'top houses' at around the age of 13.

4.46 Former students reported random, extreme, unchecked violent bullying, for which accountability was rare. A younger student had no protection from it, other than trying to be invisible. Boys said they would hide for hours after school in the library, in isolated parts of the school grounds or up on Mount St John (Titikopuke) just to be safe. However, as bullying happened in the dormitories at night and at compulsory preparation, 'prep', time, students could never be completely safe. If a student tried to protect someone being bullied, the violence would be turned on him.

4.47 Several men who had been bullied as younger students, expressed guilt and remorse about the bullying they inflicted when seniors. Others expressed pride that they had determined never to do what happened to them to anyone else.

4.48 **Being hit in the face by older students for no reason:** An older student randomly hit Student IR in the face so hard he was left with a bloody and blocked nose and lost his vision for several minutes. IR later required an operation to fix his broken nose. The hospital eye specialist indicated he had damage to the nerves of his eye resulting in temporary partial blindness. Student HC said he was pushed over by a known bully so hard, he hit the ground and knocked a front tooth out. The incident is confirmed by a note in the student's file.

4.49 **Being beaten at night by older students and hung out a window in a sleeping bag:** Student HK was attacked and beaten in his bed by a group of older students in the middle of the night, put into a sleeping bag that was tied at the top and hung out a second story window. He was cut down in the morning. There were no repercussions. He reported that the same thing happened on another night to another student but the tie broke and the student inside the sleeping bag fell two stories, breaking his arm.

4.50 **Prefect throwing dustpan at student:** Student HK had a dustpan thrown at him by a prefect so hard it lodged in his foot and the cut required six stitches.

4.51 **Throwing darts at younger students:** This activity was described by a number of former students, some of whom were the victims, some bystanders, and others the perpetrators. Former Student AJ (who expressed shame at the bullying he had participated in) described throwing darts that had razor blades in them at younger students' backs. Student ES recalls a student being made to take his shirt off, and older students drew a target on his back and blew darts at it through a blow pipe.

4.52 **Being sprayed with acid:** Student AC told the Inquiry that during a detention supervised by senior students, he and the other students on detention had to run around the field, then take off their shirts and do push-ups. The senior students stood on AC's hands while he was doing push-ups, and another senior student sprayed his back with a bottle containing sulphuric acid, which burnt the skin on his back.

4.53 **"Death mat" bullying:** Plastic mats in the houses were held on the floor by spikes. A popular punishment given by seniors was to turn the mats spikes upwards and make younger students crawl over these "death mats" on bare knees, from one end to the other, causing their knees to bleed.[159]

Staff attempts to stop bullying

4.54 Most students described an almost complete lack of intervention by adult staff in boarding houses when severe bullying was happening. The students said behaviour went unchecked with little or no follow up.

4.55 However, there is some evidence that at least two housemasters expressed concern in their house diaries and counselled staff in their houses to do something if they saw bullying occurring. One housemaster told his staff and prefects to watch out for bullying and remind students that it would not be tolerated.[160] Staff Member UJ wrote to his staff, "Bullying – apparently a spate of it (not so much within the house) follow up any report and act severely – refer to me if necessary".

4.56 Several former staff members from the Parr years told the Inquiry that they did see or were directly aware of bullying.[161] A few said they intervened when they observed students being bullied,[162] and some said they raised the bullying with senior staff members but felt there was not much they could do.[163] Others said that, although they didn't see it happening, they were aware it was.[164]

159 For example, Student GT, Student ES, Student EG and Student FK statements to the Inquiry.

160 Erin House diary, 21 November 1972. See also Erin House diary, 2 February 1971, where staff were reminded that "bullying, name calling – to be avoided".

161 For example, Staff Member QR and Staff Member QT statements to the Inquiry.

162 Staff member QR and Staff member RA statements to the Inquiry.

163 Staff Member RC and Staff Member QB statements to the Inquiry.

164 For example, Staff Member SK statement to the Inquiry.

4.57 Staff Member UJ said the worst bullying incident he could recall occurred in the 1970s when he discovered seniors were making junior students crawl over the spiky surface of an upturned mat. He thought he had put an end to it by removing the spiky mats from his boarding house and telling the other housemasters about the practice. We have concluded he may have put an immediate end to a specific incident, but "death mat" bullying continued into the next decade.

4.58 The punishment books from the 1970s also indicate that bullies were caned. They showed 173 students were caned for bullying and 217 students were caned for fighting during Mr Parr's time as headmaster.[165]

4.59 One of the school initiatives to address bullying was the formation of a student school council in 1972. This council met every Monday during lunch hour and consisted of students from forms 3 to 7.[166] It was designed to enable a "free channel of communication with the Headmaster and his colleagues".[167] While Mr Parr reported in 1972 that it was gratifying to see the council wrestle with the problem of bullying, it was unclear to the Inquiry whether the council's work resulted in a meaningful reduction in bullying.

Sexual abuse

4.60 This section contains examples of sexual abuse from the many the Inquiry heard. **These accounts are graphic and may be distressing.**

Four common themes

4.61 The accounts of former students about sexual abuse in this era have four common themes:

- sexual predation by staff, including housemasters, chaplains, tutors, and teachers on students, particularly younger students
- sexual predation by older students on younger students
- an inability to have sexual predation stopped despite attempts to do so
- punishment for complaining about sexual abuse.

165 The Inquiry found five punishment books from the Parr era. Together they covered the period from 1967 to 1979.

166 Now, years 9–13.

167 *The Dilworthian*, 1972, p 21.

Examples from former students

Teacher abuse

4.62 **Staff sharing sexual abuse of student between them:** Student EZ reported two staff who had a close working relationship, as acting in concert. The more senior staff member sexually abused EZ, then sent him to the other staff member, who also sexually abused him. EZ also complained of a separate assault by Mr Leonard Cave, a music teacher at the time.

Housemaster and tutor abuse in boarding houses

4.63 At least 10 staff members during the Parr era abused students in the boarding houses. Examples of the sexual offending follow.

4.64 **Abuse by tutor of student in his bed in open dormitory:** Student AZ, aged 9 or 10, was invited into Mr Ian Wilson's bedroom one weekend evening, when most students had gone home, with the offer of being taught the guitar. After about 20 minutes, Mr Wilson stopped the lesson, pushed the student back onto a bed, started fondling his genitals and then performed oral sex on him. The student froze, not fully comprehending what was happening. A few days later, in the pitch black of his dormitory, he woke to feel Mr Wilson performing oral sex on him again. This continued two or three nights a week for over two years. AZ quickly developed anxiety and started stuttering. He was on edge all the time, describing himself as "nerve wracked" and hating going to sleep for fear of what would happen. He could not concentrate, and his grades fell at school. He was also terrified other students in the dorm would find out and call him a "ho".[168] When Mr Wilson was promoted, although AZ was younger than some of the others in his dormitory, he made him "head of dorm" with his own cubicle, giving Mr Wilson easier access to the student. AZ also described the same abuse occurring on trips to Dargaville with Mr Wilson.

4.65 **Sexual assault by tutor while student sick in bed:** Student HL was sick in bed in the dormitory during the day when house tutor Johnathan Stephens, walked straight over to his bed, sat down beside him and with his forearm and elbow over the bedclothes started rubbing the student's penis. The student froze. Another student came in, interrupting the tutor, who walked off.

168 The Inquiry was told "ho" was short for "homosexual".

4.66 **Sexual assault after student complied with request to make tutor's bed for a packet of biscuits:** A friend asked Student HH if he wanted to make a house tutor's bed for a packet of biscuits. He agreed, and a few nights later the house tutor woke the student in the middle of the night so he could come to his room. After HH made the bed, the tutor made him lie on it and take his underpants off. He then played with the student's genitals, showing the student his own erection and ejaculation. He sent the student back to bed without biscuits, saying he had forgotten them, on both this and a later occasion. On the third occasion when the tutor came to his bed the student refused to go.

4.67 **Sexual humiliation by house tutor at shower time:** Student EA, aged 9 or 10, disliked having to walk naked to the showers. He started changing in the shower cubicle for more privacy. One night, Mr Dixon discovered this and stood outside the cubicle, shouting angrily at him to open the door. Mr Dixon ordered the student to remove his clothes piece by piece while he stood watching with a group of other students looking on. He then ordered the student to remove his hand from his penis. Mr Dixon stared at him naked for some time before walking away without a word.

4.68 **Sexual assault in staff members' private rooms:** Student AX was sexually abused as a 12 year old by housemaster McIntosh. The abuse started with an invitation to see Mr McIntosh in his office to chat. Over time, the housemaster progressed to touching and fondling the student and having the student perform oral sex. In a separate incident, AX was called into another staff member's room on the pretext of a disciplinary issue and forced to perform oral sex on the tutor. On another occasion he was woken up by the feeling of the tutor's hands on his genitalia under his bedclothes. Student HF was abused by a different tutor. After being given alcohol by the tutor the student fell asleep and woke to the tutor trying to touch him under his clothing. Student GE was dragged by a tutor into an office also for a disciplinary reason. Once in the private room, the tutor made GE take off his clothes. The student recalls the tutor touching his buttocks and trying to force his penis into the student's mouth.

4.69 **Mr McIntosh encouraging students to masturbate:** On a school trip to an army camp in 1972, Camp Participant KI recalled Mr McIntosh coming into the dorm room where the students were sleeping and "encouraged some students to go and stand in the middle of the room and show their penises and masturbate. Mr McIntosh stood at the back near the doorway and just watched".[169] Staff Member QW said that in 1972 or 1973 a colleague told him Mr McIntosh was involved in "wanking sessions" with the students and Mr McIntosh was "right into it".[170] QW told us, "I couldn't imagine such a thing, nor did I know what to do, so regrettably, I did nothing".[171]

169 Camp Participant KI statement to the Inquiry.

170 Staff Member QW statement to the Inquiry.

171 Staff Member QW statement to the Inquiry.

4.70 **Sitting on house tutor's lap during movie night and being masturbated or raped in a broom cupboard:** Student AQ was chosen to sit on Mr Dixon's lap during movie night. This was considered a huge privilege. Mr Dixon put his hands inside AQ's pyjamas and started masturbating him. When the student tried to get away, Mr Dixon held him down while he continued. Later, Mr Dixon put AQ in detention, and while the other students were out of the house on the weekend, he took him to the broom cupboard and raped him.

4.71 **Being housemaster's special student and sleeping with him for a year:** Housemaster Mr McIntosh took a homesick 10-year-old student, Student EC, into his bed one night where he cuddled and caressed him. Over the course of a year, it became a regular occurrence and progressed to sexual activity. The student thought he was in love with Mr McIntosh and that they were in a relationship. The next year EC was moved to another house. When he heard rumours that another student was "being sexual" with Mr McIntosh, he became obsessively jealous and threatened the other student with a knife. He was immediately expelled.

Housemaster and tutor abuse outside boarding houses

4.72 Significant abuse of students by housemasters and tutors occurred outside the school grounds. This abuse would take place in the tutor's home, the home of the tutor's family member, or when tutors took students away for weekend events such as tramping and camping. Examples of this abuse from those given to the Inquiry are provided next.

4.73 **Being made to sleep in bed and engage in sexual activity with a housemaster and tutor on sleepovers:** Student GT was groomed and made to feel special by Mr Ian Wilson. His mother allowed him to stay at Mr Wilson's flat on weekends, seeing him as a father figure for the student. Mr Wilson insisted GT sleep with him in Mr Wilson's bed, and, on at least a dozen times when they were in bed together, Mr Wilson fondled the student's testicles and tried to masturbate him.

4.74 **Being forced to masturbate tutor on tramping weekend:** Mr Dixon took three form 3[172] students on a scout tramping activity with Mr Parr's approval. He persuaded Student CW to walk behind the other two, and when a distance existed between the two groups, he took off his shorts and forced CW to masturbate him under the cover of the bush. On the drive home from the weekend, Mr Dixon drove without pants and with an erect penis. During that same weekend, on a second occasion, he made the former student hold his testicles while he masturbated.

172 Now, year 9.

4.75 **Being given 'special attention' by a tutor:** Student CJ was taken by a tutor to a shed near his boarding house where the tutor had the student strip naked and pose for him. This happened on multiple occasions, the tutor would stroke the student's body and kiss him on the lips. Other students found out about the abuse and mercilessly teased CJ.

Sexual abuse by the stand-in for clerical duties

4.76 During the late 1960s the church arranged for a roster of Anglican personnel to undertake chapel services and other duties. One of these was Mr Ken Wilson, brother of Mr Ian Wilson. Although he was usually present at school in black clerical robes and heavily involved in chapel services, it seems he was only a student at St John's Theological College at the time.[173]

4.77 When he was around 12 years old, Student BU was told by his teacher that Mr Ken Wilson, who he understood was the acting vicar, wanted to see him. He saw a large round man wearing black robes. The man told him his grandfather had died, and then asked if the student liked Smurf toys. The next week, BU was told that the acting vicar wanted to see him again. This time, the vicar gave him some Smurf toys, then turned him round and raped him. The student did not understand what was happening to him but was in extreme pain. The next week he was sent to see Mr Ken Wilson and was raped again. The student never saw Mr Ken Wilson at the school after that incident.

Sexual abuse by the chaplain

4.78 Mr Taylor was school chaplain from February 1976 to November 1978, when he resigned at the Board's request following multiple complaints about his sexual abuse of students. Mr Taylor lived onsite at Dilworth with his family.

4.79 **Model train set and slot cars as enticement to visit chaplain:** Several former students said they were enticed to Mr Taylor's home to see his model train set or slot cars. Once in the room, Mr Taylor would touch the student's genitals.[174]

4.80 For some students, Mr Taylor's touching progressed. Student HS recalls being alone with Mr Taylor at his home. Mr Taylor put his hand down the student's pants and the student's hands down Mr Taylor's pants. HS has a later memory of lying naked with Mr Taylor in a "69 position" with Mr Taylor sucking the student's penis and trying to get the student to suck his. HS recoiled and would not do it. He told the Inquiry he was abused by Mr Taylor on many occasions, each

173 Several former students reported Mr Ken Wilson (deceased) being a frequent visitor at the school in the early years of Mr Parr's tenure and usually wearing clerical robes for chapel. He was said to often "hang out" in the senior students areas. The student lists of St John's Theological College record him as a student at the college in 1967 and 1968. He later became a Franciscan friar.

174 For example, Student CL statement to the Inquiry; Student DY statements to external agency; Family Member JM statement to the Inquiry and statements to external agency.

involving Mr Taylor touching his genitals, performing oral sex on him or forcing him to touch Mr Taylor's penis. Student DD visited Mr Taylor's home to see the train set. During the visit, Mr Taylor performed oral sex on him, masturbated him and forced him to masturbate Mr Taylor.[175]

4.81 A deceased student's mother, JM, said her son had disclosed to her abuse by Mr Taylor, including that Mr Taylor had touched his penis.

4.82 **Other house visits:** After Student BC had finished mowing Mr Taylor's lawns, Mr Taylor insisted BC take a shower. Mr Taylor entered the bathroom, "gawped" at BC's naked body and said, "It's good to appreciate God's gift of the body".

4.83 When Student ES was nine years old, he was invited to Mr Taylor's house to talk about his home life. Mr Taylor told ES to loosen his pants and they would pray. Mr Taylor took both of his hands and placed them on Mr Taylor's groin and moved them up and down. Not long after, Mr Taylor invited ES to his house again. This time, Mr Taylor made him undress under the guise of checking him for bruises. Mr Taylor stood behind ES and masturbated. When Mr Taylor was finished, he told ES to get dressed. On a third occasion, ES attended Mr Taylor's home and while he has blocked out some of this event, he recalls very painful abuse and bleeding from his anus. He said the blood got all over his sheets. ES went to see the school doctor who examined him. He recalls the matron and the doctor going into another room, but he couldn't hear what was being said. He recalls then going off to class and having to stand to do his lessons.

4.84 **Flying lessons offered to students:** Mr Taylor used flying lessons to groom and abuse students. Student HR was taken for a flying lesson with Mr Taylor. During the lesson, Mr Taylor told HR to sit on his lap. HR could feel Mr Taylor had an erection. Student EE was taken on a flying lesson, although his was after Mr Taylor's abuse (detailed below) had started.

4.85 Mr Taylor told Student EQ that if he became a close friend, Mr Taylor would take him on flying lessons. Mr Taylor then touched EQ's bare leg during a prayer session. EQ told his mother immediately of the prayer session, and she reported it to Mr Parr. Mr Taylor never had another prayer session with EQ.

4.86 Student DY recalls being taken flying twice before being abused by Mr Taylor in his home, as detailed above.

4.87 **Masturbation while Mr Taylor drying student after swim:** Student HN, a 9-year-old student who was about to start at Dilworth, was at a family gathering with Mr Taylor's family. After a swim, Mr Taylor isolated the student within metres of the family barbeque and dried his hair before removing his togs and masturbating him. HN stood there frozen. Mr Taylor then told him to change quickly and get back to the other children.

175 Student AM also described being forced to participate in oral sex by Taylor.

4.88 **Abuse of students in bed during night-time prayers in prep house:** Student AC said when he was a student at Dilworth, Mr Taylor would visit the prep house late in the evening when the students were already in bed and be either asleep or close to it. He would abuse them under the bed clothes on the pretext of saying late night prayers.

4.89 Student HR recalls seeing Mr Taylor at night-time in the dorm room with his hands under another student's blanket.

4.90 Mr Taylor told Student EP to meet him in the TV room in the middle of the night. Once there, Mr Taylor fondled EP's genitals, forcefully kissed him on the lips and tried to make him touch Mr Taylor's penis. This happened many times.

4.91 **Repeated sexual assault and rape in the context of extreme religiosity:** Student CZ was befriended by the new chaplain in what he described as a "lonely, emotionally deprived" boarding school environment. It was the first personal attention he had from anyone, and he yearned for it. Following a period of grooming, Mr Taylor began sexually assaulting and raping CZ, all the while telling him it was "normal and … Jesus and his disciples did it". The assaults would begin while CZ and the chaplain were cross-legged facing each other in a darkened room "praying together". After Mr Taylor had locked the chapel doors and undertaken a private communion service, rape often happened on the altar. The abuse of this student went on for the duration of the time Mr Taylor was employed at Dilworth and occurred "dozens of times".

4.92 Mr Taylor engaged in prayer sessions with students, during which he would put his hand on the student's thigh and often fondle their genitals and penis.[176] Sometimes these sessions would be at night and the students would be in their pyjamas. Student DZ told us he could see Mr Taylor had an erection and ran from the room in a distressed state. Student EE told us that Mr Taylor exposed himself and made EE touch Mr Taylor's penis. This happened on several occasions.

4.93 Student HF was abused by Mr Taylor during a counselling session after his family member had died. Student BZ was fondled by Mr Taylor when he was getting ready to be baptised. Student HH approached Mr Taylor to report sexual abuse by a tutor. Mr Taylor instead reassured HH and started touching him on the leg. This happened twice.

4.94 **Touching after class:** Student DX said Mr Taylor had him stay behind after class because he had been fidgeting. Mr Taylor asked DX if he had "crabs" and had DX take off his trousers and underpants. Mr Taylor massaged DX's penis. The abuse stopped because someone knocked on the office door.

176 For example, Student EE statement to the Inquiry; Student EE statement to external agency; Student DZ statement to external agency; Student CU statement to the Inquiry; Student CU statement to external agency.

4.95 Student AZ had to see Mr Taylor about a religious badge for Scouts. Mr Taylor locked the door, made AZ kneel in front of him and groped AZ's groin. AZ was able to escape before the abuse went further.

Widescale abuse facilitated by scout leader

4.96 Seven former students described being lured around the age of 13 into a world of alcohol, other drugs, pornography and sexual abuse after Mr Richard Galloway was brought into the scout troupe by tutor, housemaster and scout leader Mr Wilson.[177] Another man, who went to a neighbouring school but lived nearby, spoke to the Inquiry about his similar experiences at Mr Galloway's home when aged 12 and 13 and how he often saw Dilworth students there.

4.97 Mr Galloway was an air traffic controller who worked shifts. He was also a pilot associated with Ardmore aerodrome and a New Zealand representative trampolinist. Mr Galloway was very friendly to the students, and most noted that Mr Galloway and Mr Wilson appeared to be close friends. The men were in their mid-30s and started taking small groups of students camping for the weekends together.

4.98 **Mr Wilson introduces students to Mr Galloway in his house:** One day, Mr Ian Wilson told three students who had been away on camping weekends with him and Mr Galloway that he was taking them to visit Mr Galloway at his flat, a Dilworth rental on the boundary of the school with Mount St John Avenue. Mr Galloway was warm and hospitable and gave the students packets of chocolate biscuits, inviting them to come back anytime for a break from school. If he was not home, he told them they could use the key under the mat to let themselves into the house where they could help themselves to food.[178]

4.99 Dilworth students began visiting Mr Galloway's home frequently, and some brought along their friends. It was said to be a place with good music, where you could have food, a drink, a cigarette, and ready access to drugs and pornography. Mr Galloway would not "dob" you into the school. His car was a purple Triumph Stag, and he sometimes took students for rides. All students said one of the attractions of going to Mr Galloway's home was to get a mental break from the violent, oppressive, prison-like school environment.

177 Some described Mr Galloway as a scout master, others said he was an assistant scout master under Mr Wilson's leadership. Mr Ken Wilson, Mr Ian Wilson's brother, was also an assistant scout master in Mr Ian Wilson's troupe. For a while, Staff Member UB, another house tutor accused of abuse, led another group of scouts.

178 Student HJ statement to the Inquiry.

4.100 The students did not need permission to visit, in part because Mr Galloway was a scout master and because they could just slip unnoticed through a fence. As long as the students were back for roll call in the evenings no one noticed their absence. Sometimes Mr Wilson told one former student, "Richard wants to see you", so the student would go. The Inquiry heard consistent accounts of what happened to the students over time at Mr Galloway's place. Mr Galloway often had another adult friend at his home and another student who was not from Dilworth but was about the same age as the Dilworth students.[179] Sometimes that student's mother would drop him off at the flat. Several other Dilworth students, in addition to those the Inquiry spoke with, were said to have also attended Mr Galloway's flat on occasions. Sometimes groups of men were there. At times Mr Ian Wilson, Mr Ken Wilson (who some knew as Brother Damian), and Mr McIntosh were also visitors to Mr Galloway's home. Mr Galloway always encouraged the students to return.

4.101 Examples of what happened to these former students follow.

4.102 **Being plied with drugs, alcohol and pornography at Mr Galloway's home:** A pattern developed where, when the students arrived, Mr Galloway would offer them alcohol (bourbon was a favourite), marijuana and pornography. There were *Playboy* and *Penthouse* magazines and a lot of male-on-male pornography, some of it featuring naked men and students together. Student HJ recalled Mr Galloway, at his home, showing slides of a holiday he and a friend had taken in Thailand to some men who attended his Sunday parties. Some of the slides were of Thai boys, both clothed and naked, aged between 6 and 11. Others were of local New Zealand boys. The men would make "sick comments" about the boys as the slides were being shown. HJ felt scared watching the men watching the slides. He recalls thinking that he "couldn't do this shit anymore". Mr Galloway took students to other homes,[180] including Mr Ken Wilson's. Ken Wilson would also leave a key out so students could access the house in his absence. Two students who visited Mr Galloway's flat one day when he was out searched his bedroom and found hard core "torture porn", which they viewed. They did the same at Ken Wilson's but found "only x rated porn".[181]

179 That is, in addition to the eight men who spoke to the Inquiry and are referred to in paragraph 4.96.

180 The Inquiry was told of two other homes that Mr Galloway took students to. At times Mr Ian Wilson, Mr Ken Wilson and Staff Member UB would also be present.

181 Student CJ statement to the Inquiry and statement to external agency.

4.103 The students were encouraged to sniff a substance called "rush" that made them very excited and quickly euphoric. They would hallucinate and described feeling "off their heads". Cocaine was also available. Student HJ said that, often, when he was in that state, Mr Galloway would shepherd him and the non-Dilworth student into his bedroom, encourage them to kiss, touch and perform oral sex on Mr Galloway and each other. Sometimes Mr Galloway's friend would join in. Student AZ recalls feeling dizzy and drunk when Mr Galloway's friends started coming in the bedroom one by one and groping him. He yelled at one of the men to piss off, and the man laughed and left the room. Student AJ recalled that while at his home Mr Galloway undid the student's pants and sucked the student's penis. The student never returned after that incident but after so much access to drugs and pornography, he was left with a lifelong addiction. Student BC, a pre-pubescent student, described lying on the floor at Mr Galloway's flat when Mr Ken Wilson, without a word, got down beside him, took the student's pants off and started masturbating him.

4.104 Student CJ believes his drink was spiked by Mr Galloway on a sleep over at Mr Galloway's house. He recalls drinking bourbon, lying on the sofa with double vision, feeling very sick and going to the toilet. Mr Galloway told him to sleep in his bed. During the night, he woke to find Mr Galloway "coming onto him". The student pushed Mr Galloway away each time and spent the rest of the night on the edge of the bed, fully awake. Student EA was sleeping next to Mr Galloway at a scout jamboree when Mr Galloway started trying to put his hand down into EA's sleeping bag. EA managed to remove Mr Galloway's arm and close his sleeping bag, so Mr Galloway "humped and grinded" against the student's body through his sleeping bag.

4.105 **Being raped by Mr Galloway on a weekend away:** One weekend, when Students HJ and AZ were about 15, Mr Ian Wilson arranged for the students to go on a trip in a four-seater plane with Mr Galloway and another man from Mr Galloway's group of friends who attended the Sunday parties. Mr Wilson drove them to the airport. The students thought it was a day trip, but the plane landed on Great Barrier Island and the men took the students to a "motel-type place" where it was obvious they were going to be staying the night. In the evening, the men plied the students with alcohol and other drugs and each took a student into a separate bedroom where they raped "their" boy. HJ described it as very, very painful. AZ felt so wasted from drugs that he recalled very little about the evening. After this weekend, both former students stopped going to Mr Galloway's home.

4.106 The Inquiry heard from students who had been abused during scouting trips and scouting-related events. Student EA described Mr Galloway making repeated attempts to touch his genitals during a scout trip. Student HF told the Inquiry that when he was about nine years old Mr Dixon tried to stick his hands inside the student's pyjamas while the student was sitting on Mr Dixon's knee at a scout camp.

4.107 In addition, another scout leader, Mr Graeme Lindsay has been convicted of offending during this era. The abuse occurred on scout-related events.[182]

Sexual abuse by other students

4.108 The Inquiry heard from seven students who had suffered sexual abuse by other students. Two examples follow.

4.109 **Forced to perform oral sex on larger student:** Student AQ, who was small for his age, was forced on many occasions to perform oral sex on a larger and stronger student in the gym storage room.

4.110 **Sexual assault by dorm prefect:** A student who asked for a pencil during prep time was taken into a small room because he had interrupted prep and physically assaulted with an instrument and then sexually assaulted. Other indignities were also carried out.[183]

Immediate impact on students subject to severe bullying and sexual abuse

4.111 Former students who suffered severe bullying or sexual abuse told the Inquiry that often their school performance deteriorated dramatically and they became anxious and depressed. Some developed a stutter. Some started acting out. Some as young as 11 and 12 started drinking heavily and smoking, which turned into addictions they had to deal with later in life. Several ran away, often repeatedly. Some spent their afternoons up Mount St John returning only for roll call in the evenings.

4.112 Most of the group who spent time with Mr Galloway developed an addiction to alcohol, other drugs and pornography that they spent varying periods of their adult lives trying to control. They also suffered severe mental harm and damage to their ability to form good relationships. Student HJ said he had carried "massive amounts of self-loathing, shame, mistrust in others and hate for Richard Galloway" for over five decades.

4.113 Boys who tried to complain were accused of lying and punished. They deliberately broke school rules and acted up in class and the boarding house in the hope they would be expelled so they could get away from their abusers.[184]

4.114 We discuss other impacts, including long-term impacts in detail in chapter 7.

182 This abuse has been the subject of criminal proceedings.

183 This incident was not disclosed to the Inquiry by the former student but discovered in Board minutes and verified in school investigation documents. A former student who registered with the Inquiry also spoke of having been told about what happened to his friend at the time of the assault.

184 Student CZ, Student BU, Student AQ and Student DX statements to the Inquiry.

Peter Parr's reports to the Board and the Board's responses

Peter Parr's reports

4.115 Student descriptions of the pervasive nature of bullying are echoed in Mr Parr's reports to the Board. At the end of 1972, Mr Parr reported on two main problems at the school: bullying and intimidation, and theft and damage to the school and private property.[185] While these problems happened in all schools, he felt they were possibly "unnecessarily prevalent" at Dilworth, because students were inadequately supervised outside school hours. In several subsequent reports, Mr Parr raised the bullying problem and its alignment with a lack of supervising staff.

4.116 In September 1974, Mr Parr again reported on bullying at Dilworth:

> There is one severe problem that besets all boarding schools but seems to be particularly marked at Dilworth. The constant and widespread bullying, both physical and verbal, is a social ill which is exceedingly difficult to correct … Sadly, some serious wrongs are committed.[186]

4.117 Bruce Owen, a long-serving housemaster during the 1970s, is reported as saying that 1974 was a low year for the school. A lot of physical bullying occurred, and it was hard to deal with because of the "code of silence".[187] A significant number of disturbed students were getting no professional help, and housemasters were struggling to maintain control, sometimes feeling the Board did not support them.

4.118 On many occasions, Mr Parr identified the causes of bullying as constant staff turnover, difficulty recruiting suitable people, overcrowding in the boarding houses, and a herd mentality encouraged by gymnasium-sized common rooms, the lack of adequate supervision in the houses, and the repressive environment of boarding that was endured by most students for eight years.[188]

4.119 Mr Parr noted that the primary way to curb bullying was to have smaller dorms. As this was not possible, he asked the Board for support for more leisure activities to keep the students occupied after school, more and closer staff supervision of students after school, and the removal of known bullies from the school.

185 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 612.

186 P Parr, paper for consideration by the Dilworth Trust Board, September 1974.

187 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 630.

188 For example, headmaster's reports to the Dilworth Trust Board, June 1977 and May 1979; Wilton, *The Dilworth Legacy*, p 629.

4.120 In October 1978, Mr Parr again broached the problems as he saw them at the school and asked the Board to address the "important issues" he had raised with it many times previously. His concerns continued to focus on inadequate facilities, inadequate staffing levels and the need for professional counselling support.[189] On chaplain Taylor's departure, Mr Parr recommended the appointment of a professional counsellor in place of a chaplain.[190]

Board's responses to Peter Parr

4.121 The Board made some changes in recognition of the reported problems of lack of staff supervision such as approving weekly boarding. Boys who could went home on Saturday after sports and returned on Sunday night for chapel. The Board established more clubs, to occupy students after school hours, and created a position for a full-time school nurse. For a period, the school contracted a psychologist to come to the school on a part-time basis and work with specific students who had problems. However, the Board provided no funding to improve the staff–student ratio for afterschool care, which was when most bullying and violence occurred.

4.122 Mr Firth, a lawyer, recalled Mr Parr "hammering" the Board with requests for more help with the students.[191] He recalled the Board could not meet the requests because it was in financial strife. The gross understaffing and unaccountability of boarding staff continued.

4.123 In his statement to the Inquiry, Bruce Owen said of Mr Parr's earlier 1974 paper to the Board asking for more resources:

> This was a passionate plea for help, and the Trust Board ignored it … Instead of investing so much in school buildings in the 1970s, the Trust Board should have ensured the boys had more support. Our repeated pleas for more support were ignored. That is a terrible indictment of the Trust Board of that time, their governance and how they carried out their responsibilities.
>
> I don't think the significance of that decision [the Board decision not to increase resources] can be overstated. That was an absolute travesty and one of the main reasons for the subsequent issues the school experienced with bullying abuse and dysfunction in the following years.

189 Wilton, *The Dilworth Legacy*, p 669, which referenced a letter Mr Parr wrote to the Dilworth Trust Board, 3 October 1978.

190 Headmaster's report to the Dilworth Trust Board, 11 December 1978.

191 Derek Firth Inquiry interview.

School policies and procedures, 1967–1979

4.124 Documented policies and procedures from 1967 to 1979 were minimal as confirmed by the school in its response to the Abuse in Care Royal Commission notice to produce information under the Inquiries Act 2019.[192]

4.125 In his evidence to the Royal Commission, Dr Wilton, who was headmaster at the school from 1979 to 1997, deposed that when he arrived at Dilworth the policies were nothing more than a sketchy handout to staff. He noted that he developed policies with staff and completed a more comprehensive policy in the late 1980s.[193] In his interview with the Inquiry, Dr Wilton corrected this statement somewhat, stating that Mr Parr had put some policies in place that were slightly more than a sketchy handout.[194]

4.126 In the documents we reviewed for this period, no specific policy was in place relating to the handling of complaints of abuse. Staff Member UJ, who was a housemaster during this period, told us that in the early 1970s he introduced a "House Council" with representatives from each student year in his house who met with him to discuss any issues. He did this because there wasn't a formal complaints' process, and this was his attempt to provide students with an outlet. He also told us that it was no surprise that no complaints were made, putting this down to the "no narking/code of silence embedded in the school culture then".[195]

4.127 Other policy documents are of relevance and provide some insight into the working of the school during this period. We summarise aspects of those below.

Conditions of appointment of tutors, 1973

4.128 The Inquiry reviewed a 1973 document entitled "General conditions of appointment for house tutors".[196] That document says tutors had two basic functions: to act as an "elder brother" to the students and to assist in the routine of the house. In the document, tutors are encouraged to establish good relationships with the students by assisting with recreation and study and by being friendly and accessible.

192 Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

193 Murray Wilton witness statement to Abuse in Care Royal Commission of Inquiry.

194 Murray Wilton Inquiry interview.

195 Staff Member UJ statement to the Inquiry.

196 Dilworth School, House tutors: General conditions of appointment, 1973 (sourced from Dilworth's archives).

4.129 Tutors were often young men, some recent school leavers or university students. One tutor we spoke to was employed at 19 as a tutor between 1976 and 1977. He told us he learned about the job through a friend who was a former tutor. There was a single interview, and in terms of vetting and training he said:

> There was no vetting whatsoever that I can remember. I also don't remember being asked about anything that may have been designed to sound alarm bells in terms of my background. Following on from that I was given absolutely no training in anything to do with the care of young boys living away from home in that sort of environment.[197]

Dilworth staff handbooks, 1974 and 1977–78

4.130 The earliest record of a staff handbook appears to be the Dilworth School staff handbook dated February 1974, seven years into Mr Parr's time as headmaster.[198] The handbook's stated purpose was to "set down 'standing orders' and other information which is often required by staff". The 'military' term "standing orders" is consistent with Staff Member RN's assessment of the school environment, "Dilworth was incredibly rules-based, very authoritarian, very autocratic. I remember it as dark, both physically dark as well as the mood being dark".

4.131 The handbook appears to have been amended between 1974 and 1978 with "new policies" inserted into the folder in which the handbook was housed.

How the staff handbook describes Dilworth students

4.132 The 1974 handbook opens with a lengthy commentary about the school and its students. It provides some insight into how the school viewed the students that it took in at that time. The handbook notes:

> Some boys lack a stable, male, influence; some lack independence and confidence; in some, attitudes to women and general manners are faulty; some find it very difficult to make friends; many are aggressive and attention seeking; in the classroom many do not have good work habits, the majority are retarded readers; on the playing fields many have had little experience of team games.

197 Staff Member RN statement to the Inquiry.

198 Dilworth School, Dilworth School Staff handbook, 1974, complete with 1974 staff list (sourced from Dilworth's archives). This document was not disclosed to the Abuse in Care Royal Commission of Inquiry.

4.133 On the other hand, the 1977–78 handbook points out that the absence of a father in the lives of so many students, "prevents the boy from learning by imitation of a son for his father". It concludes that in substituting for the father's role:

> The only guide which can be adopted is this: the School's attitude towards its boys must be that which a Christian father would adopt towards his own son. It must be compassionate and firm, fair and principled, understanding and tolerant. Above all it must constantly remind itself that it is dealing with boys who are developing rapidly in the physical, intellectual and moral senses and whom society will expect to assume adult status within a year or two.

4.134 These statements put in context the way that the vulnerability of abused students was exploited by those to whom they had turned for fatherly guidance.

Student responsibilities and authority

4.135 Under the heading, "Responsibility and authority: Rewards and penalties", both the 1974 and 1977–78 handbooks record the need for the school to maintain authority and hierarchy, described as a "chain of authority". The school was said to be important as a training ground for life, in which students needed to learn to be both under and in authority. Key aspects of this, according to the school, were the "corresponding systems of enforcement and punishment, and privilege and reward."

4.136 The Inquiry heard from former students, corroborated by review of the school's documentary records and policies, that an important and enduring aspect of the school's culture was the emphasis on hierarchy and authority. Not only was staff authority over students complete, but authority was vested in students by the school, in particular through its senior student policy. The 1974 handbook provides one of the early comprehensive statements titled, "Boys in authority". The point is made in the policy that "all senior boys whatever their personal leadership qualities and inclination may be, have a duty and need to take their share of responsibility for younger boys".[199]

199 This sentiment continued in future handbooks. As late as 2018, the staff guidelines provided for prefects to have "authority over students equivalent to that of a staff member in that students are expected to obey reasonable instructions during the course of [their] duties".

4.137 The policy set a tiered nature of senior student leadership with senior students and prefects. Each had specific duties. Senior students took meal parades and assemblies, and were designated heads of tables, supervising in areas such as the dining hall and houses and in prep time. Prefects had additional duties, including being responsible for a particular school activity such as head of school or house, sport, chapel, library or social activities, and assistant to the corresponding master in charge of that activity. The policy also gave senior students and prefects the authority to give out penalties to younger students, excluding corporal punishment.

4.138 Giving senior students additional responsibility has been commonplace in New Zealand schooling for years. But, as our analysis in this and following chapters shows, this hierarchical structure as it operated at Dilworth, resulted in increasing the vulnerability of the younger students to abuse and lessening their ability to complain or prevent it.

Caning

4.139 In addition to the available national and regional guidelines on corporal punishment (discussed in chapter 2), Mr Parr, in April 1970, outlined his approach to corporal punishment at the Board's request. He told the Board that corporal punishment at Dilworth was "administered for more serious offences such as bullying, premeditated theft, offensive insolence and vandalism".[200] Dilworth then issued written guidance on the use of corporal punishment for the first time in its 1974 staff handbook.

4.140 The staff handbook gave guidelines for the types of offences that might warrant corporal punishment such as bullying and theft. More minor transgressions that did not warrant corporal punishment included being noisy, not following on parade, not doing homework and being late to class. The handbook required punishments to be "properly recorded". The policy aligns with the guidance of the time: corporal punishment was for serious misbehaviour only.

4.141 Upper punishment limits that various staff could set are listed. Non-house prefects, house prefects and senior students could set 50 or 100 lines,[201] give a quarter-hour detention or have the student miss half a meal. For house tutors, the discipline available was caning or strapping and setting detention; for housemasters, it was gating; and for teachers, it was classwork detention, caning or strapping.[202] Matrons were to refer students to the housemaster. All cases of "truancy, smoking, drinking and other gross disobedience or misbehaviour" had to be referred to the housemaster or headmaster for caning.

200 Dilworth Trust Board minutes, April 1970.

201 'Lines' was the practice making students write repeated lines of words as a punishment.

202 Gating was a punishment where the student could not leave the school gates, so was not allowed to go home to their family for the weekend.

4.142 Although it is unclear whether the students knew this, any student had the right of appeal to his housemaster, the first assistant[203] or the headmaster. However, this right of appeal was not to be taken lightly. It was a requirement that punishments were to be properly recorded in books kept for this purpose and regularly checked by housemasters and the headmaster.

4.143 The Inquiry was provided with five punishment books for this era: the deputy headmaster's book for 1971–1987, headmaster's book 1970 to 1979 and Hobson House book for 1969 to 1975, Erin House book for 1961 to 1968 and an unlabelled punishment book for 1960 to 1970. The deputy recorded all canings in the school other than those the headmaster gave. Apart from the Hobson House book, punishment records for the boarding houses, where most of the complaints of severe and extreme caning happened, have not been located.[204] The deputy's book alone shows significant corporal punishment numbers five years on in the Parr era (151 in 1971, 116 in 1972, 178 in 1973, 253 in 1974, 480 in 1975, 377 in 1976, 334 in 1977 and 239 in 1978) with large spikes in 1975 and 1976.[205]

4.144 To put those caning figures in some form of perspective, the Department of Education surveyed the frequency of corporal punishment in all New Zealand state and private schools from January to July 1972.[206] It found most schools used corporal punishment on six occasions in that period with the highest being 10 occasions. The number of students being caned closely matched the occasions in which it was given. In comparison, Dilworth recorded 53 instances of caning in this same six-month period (including five by the headmaster), more than five times the highest average of other schools.[207]

Reasons given by staff for caning

4.145 Staff said they were expected to cane whether they wanted to or not.[208] A housemaster who said he was uncomfortable with corporal punishment as he had never had to do it in previous schools, was told it was a job requirement for each staff member.[209] They had to record canings in a book that was inspected once a week by the headmaster. Several said that, unless they used the cane, staff and the students would see them as "soft".

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203 A form of assistant principal.

204 The books do not distinguish between strapping and caning, but most former students reported being caned rather than strapped.

205 Ironically, acting headmaster Atkinson wrote in a July 1973 report to the Board, "The whole question of discipline comes up for special consideration in a School like this. Boys who feel deprivation do not respond to the stick; it is just a further victimisation as far as they are concerned. They do respond to firm kindness and constant supervision and nothing less than this they must have".

206 Department of Education, *Survey of Corporal Punishment in all NZ State and Private Schools for the Period January 1972 – 1 July 1972*, undated (Department of Education archive record).

207 There are limitations to the comparison in that many other schools surveyed were day schools, so had fewer hours of responsibility for the children in their care. As the Inquiry is unaware of any separate survey of boarding schools by the Department of Education, a strict comparison between Dilworth's use of corporal punishment and that of other New Zealand schools is not possible.

208 Staff Member UJ statement to the Inquiry.

209 Staff Member QR statement to the Inquiry.

4.146 Staff members also expressed their concern for how frequently caning was used and how it was administered. Mr Firth echoed this sentiment, "back in the 70s there was an incredible level of discipline as you've read in the statements which was not appropriate and was discontinued".[210]

4.147 However, despite the apparent acceptance of caning's use based on perceived common practice, at least two staff members noted it was used more frequently at Dilworth than it had been at other schools they had worked at. One of the previous schools was a boys' boarding school.[211]

4.148 Common reasons given for caning in the punishment books that remain were foul language, fighting, talking in prep or after lights out, smoking, bullying, and dodging classes or chapel. Records show at least some staff used or threatened the use of a cane for student conduct that would fit within the permitted use; that is, serious misbehaviour. However, many of the reasons given breach Mr Parr's own advice to the Board as to the circumstances warranting the use of corporal punishment, the guidance provided in the 1974 staff handbook, as well as the national and regional guidelines on corporal punishment.

Staff who tried to stop using the cane

4.149 Staff Member TB said he and other staff eventually ended the mass night canings in Watling House. KH said her husband, Staff Member ST, took it on himself to reduce the reliance on corporal punishment in the 1970s in his house. He didn't believe in caning and expected his tutors to adopt the same approach. As a result, his house was seen as "less militaristic" than other houses. A tutor in this house recalled:

> I felt [Staff Member ST] was up against a culture at Dilworth which was alien to his desire to be kind towards the boys. [ ] was looked upon by staff of other houses as undisciplined, whereas our objective was to treat the boys with dignity, not control for the sake of it.

210 Derek Firth oral evidence before the Abuse in Care Royal Commission of Inquiry, October 2022.

211 Staff Member UJ and Staff Member QR statements to the Inquiry.

4.150 Examples of Staff Member ST's approach to discipline appear in the diaries for the house, where he was housemaster. There are references to him saying specific behaviour would result in caning (for example, students playing with electrical light fittings) but his preference was to use alternative disciplinary methods, which he requested tutors to adopt.[212]

Training in using the cane

4.151 Most staff said no guidance was provided on when to use the cane or how many strokes to give; its use was inconsistent[213]. One staff member said the only training he had came from Mr McIntosh, who lined up pillows to show the tutors where best to hit the students. The staff member described it as a hideous session.[214]

4.152 Staff Member UJ said that in the 26 years he spent at Dilworth, during which corporal punishment was used, he could not recall any meeting or briefing where staff were trained on how to use the cane, "It just happened".

Complaints made and the school's response

4.153 Most former students who reported being sexually abused or seriously physically assaulted said they did not complain at the time because they felt powerless, were sworn to secrecy, or were bound by the 'no-narking/no pimping' rules and believed they would get into more trouble if they did complain. Boys who had been sexually abused also carried a burden of shame as well as distress, and this acted as a barrier to complaining. They were all in great fear that if word got out about what was happening to them, they would be targeted as a homosexual. If labelled homosexual, then they were considered the lowest of the low and would face relentless and merciless taunting and bullying from other students throughout their years at school.[215] Students of the eras of Dr Wilton and Mr MacLean also reported similar fears.

212 On 22 March 1973, a tutor is recorded asking Staff Member ST, "Could you please suggest an effective punishment (if one exists) for a constantly disobedient larakin!!!!!". ST is recorded as replying, "Yes, reporting to me 4 times daily". On 9 April 1973, ST wrote to his staff, suggesting "each of us spend end of term correcting boys in particular constantly (but extremely pleasantly) especially when punishing eg. Pick up those pieces of paper please". A record on 26 October 1973 says, "reminder that staff must discipline the boys 'by constant positive guidance and correction'".

213 Staff Member RN, Staff Member TB, Staff Member QY and Staff Member QV statements to the Inquiry.

214 Staff Member KM statement to the Inquiry.

215 These are the specific reasons for delayed reporting given by Dilworth students. In general, complaints of sexual abuse by children are often delayed, for their own specific reasons, some of which, such as shame and fear, are similar. Better systems, as Dilworth has now established under its Child Wise programme (student safety programme), aim to reduce that delay by, among other matters, enabling students to speak up anonymously, if they prefer, at the time.

4.154 However, a minority of students who were being abused or believed others were being abused did tell friends, their mothers or staff members, including the headmaster. The following paragraphs set out the complaints made and, where available, documentation that demonstrates the school's knowledge of and response to allegations of sexual abuse and serious physical abuse.

Serious physical abuse complaints

Complaints about physical abuse by house matrons, 1972 and 1973

4.155 Student HF described how his house matron would regularly hit him and other students with a paddy bat or a tennis shoe. Sometimes she would organise for one student to hit another student with the bat.

4.156 Once, when Student HF was suffering with a medical condition, the house matron beat him with a tennis shoe. When receiving medical treatment, a doctor observed widespread bruising to his torso. Asked how he had received the bruises, HF informed him of the assault by the matron. HF recalls Mr Parr coming to visit his grandmother outside Auckland, where he was staying. After that, he recalls the matron did not beat him so severely again.[216]

4.157 Student DW said he complained once at Dilworth when his house matron hit him on the head while he was walking past her.[217] A tutor witnessed this and recorded in the house diary that the student was "hit forcefully on the back of the head".[218] Another diary entry records another student being "pushed in a brutal fashion" by the same matron.[219]

4.158 Student DW complained to the acting headmaster, Mr Atkinson, about the matron's actions and was told it would be looked into. Later that day, he was told to "forget about it" as the matron was "just having a bad day".

216 Student HF statement to the Inquiry.

217 Student DW statement to the Inquiry.

218 Erin House diary, 26 July 1973, confirmed by Staff Member QW.

219 Erin House diary, 26 July 1973.

Complaints to Peter Parr about abuse of caning rights by tutors, 1976

4.159 As described in chapter 2, the use of corporal punishment was commonplace until its prohibition in 1990. Certain staff took advantage of its legitimacy as a form of punishment to inflict serious pain and suffering and physical injuries on students.

4.160 Student HF recalled a competition between two tutors in his house to see who could get the loudest yells out of the students they caned. On one occasion, challenged by the other tutor to see if he could get HF to yell, a tutor caned the side of his waist, causing a gash. HF ran straight to Mr Parr's office with the tutor in pursuit. Mr Parr came up to the house and interviewed the other students that night. HF does not recall seeing the tutors again.[220] *The Dilworthian* confirms that the named tutors left the house, but not the school, that year.[221]

Complaint to deputy headmaster about abuse of caning rights, 1976

4.161 Former Student IR was caned by Staff Member TM for smoking, and he was called into deputy headmaster Burnett's office. Mr Burnett told IR that if he had been on duty, he would have given him six strokes. In response, the student told Mr Burnett he was caned on the "bare ass" and recalled Mr Burnett's reaction, "I saw bewilderment on his face. He didn't know what to say".[222]

4.162 The Inquiry found a note in the school's Prep Book, a diary used to record incidents occurring during prep time. The note by Mr Burnett, dated 6 April 1976, corroborates that Student IR had been caned four times after being caught smoking by Staff Member TM.

4.163 In the following two-year period (1977–1978), Student HK reported he was caned on his bare buttocks by both Staff Member TM and Mr Burnett. Five years after this, in 1981 or 1982, Student FB reported that he was caned on his bare buttocks by TM. TM was part of the senior management team by this time.

220 Student HF statement to the Inquiry.

221 *The Dilworthian*, December 1976.

222 Student IR statement to the Inquiry.

Sexual abuse complaints

Complaint about music teacher Leonard Cave, 1971

4.164 Student EZ, who was close to and trusted by Mr Parr, said he told Mr Parr that Mr Cave had indecently assaulted him after choir practice.[223] Mr Parr thanked him for telling him.[224] Mr Cave left around this time.[225] Staff Member UJ, housemaster at Hobson House where Mr Cave was a tutor, said he was not told about the assault.[226] Other than the date of his resignation in 1971,[227] the Inquiry found no written evidence of the complaint or that the Board was advised of the complaint.

4.165 Three years later, in 1974, despite this knowledge, Mr Parr permitted Mr Cave to return to the school. He later appointed him head of music, a position he held until his second resignation 11 years later in 1985.

Complaint about tutor Johnathan Stephens, 1971

4.166 Student GP told the Inquiry he had woken up to find Mr Stephens kneeling beside his bed and then touching his penis. GP told his friend and together they told a housemaster. GP also told his mother when he next saw her, and she visited Mr Parr. In a rare instance, the record of this complaint has been retained. Mr Parr wrote a report outlining his meeting with GP's mother on 30 May 1971, which confirmed she was withdrawing her son immediately from the school because of Mr Stephens' actions. Her son left with her following that meeting.[228] Mr Stephens was later convicted of this offending.

4.167 The Inquiry does not know whether Mr Parr's report was provided to the Board as the Board minutes for 1971 are missing and no reference is made to the matter in the Board's annual report for that year.[229]

4.168 No staff file exists for Mr Stephens, so there is no record of his departure date or the complaint or actions taken in respect of it. According to house diary entries, Mr Stephens likely left Dilworth at the end of July 1971.[230]

223 Mr Cave was convicted of this offending.

224 Student EZ statement to the Inquiry and statement to external agency.

225 Mr Cave had two periods of employment at the school. His first, from June 1968 to April 1971, ended with his resignation to pursue travel and study opportunities overseas.

226 Staff Member UJ statement to the Inquiry.

227 Dilworth Trust Board minutes, 19 April 1971, confirm his resignation at the end of term 1 in 1971.

228 Headmaster's report to the Dilworth Trust Board, 21 June 1971.

229 Dilworth Trust Board, Annual report for the year ended 31 January 1972.

230 In the Erin House diary, 21 July 1971 is the last date the Inquiry found an entry written by Mr Stephens. His replacement started at Dilworth on 29 July 1971 so it is likely Mr Stephens left during this period.

4.169 It is possible his departure followed further complaints being made against him by a group of students, including Students FM and IQ. FM told the Inquiry that while sleeping in his Erin House dorm, he awoke to his blankets being pulled up, with Mr Stephens standing over him.[231]

4.170 Student FM said he discussed the incident with other students who reported similar experiences with Mr Stephens. They decided as a group to inform Mr Parr. According to Students FM and IQ, Mr Parr promptly called in a police officer from Newmarket to interview each of the students, but neither of them believed the police took any further action. IQ recalled that a prefect remained with him while he spoke to the police.

4.171 Student FM said "it was just a couple of days" later that Mr Stephens left Dilworth. Both students recalled Mr Parr told each of the students they were not allowed to tell anyone what had happened.[232]

4.172 A colleague of Mr Stephens at the time recalls Mr Stephens suddenly disappeared without warning.[233] *The Dilworthian* for 1971 refers to him leaving for study reasons.[234] However, another staff member's wife told the Inquiry she understood Mr Parr forced him out as a result of complaints.[235]

Complaints about Keith Dixon, 1973

4.173 Mr Dixon was a tutor in MacMurray House in 1973. Nine former students, aged eight to 10, reported both sexual and physical abuse carried out by him. One, Student EA, said that when he rebuffed Mr Dixon's sexual advances, he became the victim of his bullying, and on one occasion, in front of the other students, he was hit across the face during a daily inspection.

4.174 Student EA told a teacher he trusted what had happened. The teacher supported him when he told Mr McIntosh, his housemaster. EA's mother, who saw his black eye on his weekend visit home, also complained to Mr McIntosh. Mr McIntosh claimed the injury was a result of an altercation involving another student, and the complaint went no further.

231 Student FM statement to the Inquiry.

232 Student FM statement to the Inquiry.

233 Staff Member TB statement to the Inquiry.

234 *The Dilworthian*, December 1971, p 5.

235 Staff Member KM statement to the Inquiry.

4.175 Mr Parr received at least two complaints about Mr Dixon that year. Student CW said the first time he was sexually abused by Mr Dixon was on a trip to the Waitākere Ranges, a forest park near Auckland. During that trip, Mr Dixon exposed his penis to two other students as well. One student told his mother, and she reported it to Mr Parr. CW said shortly after this Mr Dixon approached him and told him to keep quiet. He understood this was after Mr Parr had spoken to Mr Dixon about the matter. Neither Mr Parr nor any other staff member made any attempt to speak to CW about the complaint. The only change for CW was that from then on Mr Parr became even tougher on him as his behaviour deteriorated in response to the abuse.

4.176 Student AQ says he was strapped across the face by Mr Dixon. Supported by another student, he went to see Mr Parr while his face was still badly swollen. Mr Parr told them to return to class. The student recalls that soon after that meeting, Mr McIntosh held a house meeting and informed the students that Mr Dixon had received a promotion and was leaving Dilworth. Once the students were dismissed, Mr McIntosh called AQ and his friend into his office. He told them Mr Dixon had been fired for strapping AQ in the face. He then yelled at them for going over his head to complain about Mr Dixon and that as a result a "perfectly good tutor" was losing his job. During this meeting, AQ told Mr McIntosh that Mr Dixon had also been sexually abusing him. Mr McIntosh told him he was "a lying little toe rag" and that if he spoke about it again, he would be expelled from school.

4.177 Mr McIntosh's response in respect of the two complaints is likely a result of the close relationship students observed between Mr Dixon and Mr McIntosh, as well as Mr McIntosh's own offending. One student described it in the following way:

> I remember other conversations where Dixon bragged to me about what he and Rex McIntosh were doing with the boys down in MacMurray House and how he and Rex were working in cahoots with each other. He mentioned names of boys who he thought were fairly good fun and easy targets.[236]

4.178 No school records exist of Mr Dixon's time at Dilworth or the reason for his departure, although it appears he was dismissed as a result of Student AQ's physical assault complaint. It is likely the Board was not advised. The termination of Mr Dixon's employment is not raised in the headmaster's reports to the Board or in relevant meeting minutes. This is in direct contrast with the manner in which other tutors were formally recorded as leaving at around the same time.[237]

236 Student CW statement to external agency.

237 For example, headmaster's reports to the Dilworth Trust Board, 11 December 1972 and 22 April 1974.

4.179 In 2014, when Mr Dixon's sexual offending was raised again (see chapter 6), the Board advised former Student BV and his lawyer that Mr Dixon had been employed for only about 10 months for the 1973 school year. However, that was not the full picture. Despite the circumstances under which he left, he was allowed to remain a further 19 months as a school scouts cub leader, until July 1975.[238]

4.180 From 1973 to 1975, Mr Dixon attended several Dilworth scout trips, including a jamboree in Tokoroa. He also accompanied a school group Mr McIntosh led to the Commonwealth Games in Christchurch in January 1974.[239] One former student told the Inquiry he was sexually abused by Mr Dixon on a scout trip, and two told of sexual abuse by Mr Dixon on the Commonwealth Games trip.[240]

4.181 The Inquiry sought and received information from Scouts Aotearoa. It confirms Mr Dixon's involvement with Dilworth's scout group continued until his warrant was cancelled in July 1975. The correspondence does not provide a full account of the reasons for his warrant's cancellation but alludes to concerns about his "moral character". A letter from the district commissioner of Scouts to national headquarters advised that because of the "peculiar autonomous nature of the school" he could do little more in terms of investigation. He went on to record, "I have spoken to the Headmaster [Parr] and advised his immediate severance of *any further communication with the Movement.* [emphasis in original]".[241]

Complaint about Rex McIntosh, 1976

4.182 Mr McIntosh's employment began in 1971, and he became housemaster of MacMurray House from 1 July 1972. A complaint was made to Mr Parr about him by a staff member in support of a student in 1976, but it took another three years for the school to take action against him.

4.183 A housemaster's wife (KH) recalls her husband, Staff Member ST, made a complaint against Mr McIntosh in 1976. A form 1[242] student had disclosed to him, as the student's housemaster and class teacher, that Mr McIntosh was abusing him at night. ST himself took the student to see Mr Parr. A short while later, ST walked back past Mr Parr's office to see the student being caned by him. KH told the Inquiry that witnessing this event left her husband distraught, and it was their view that the making of the complaint led to him being pushed out of the school by Mr Parr three months later.

238 *The Dilworthian*, 1975, p 53.

239 *The Dilworthian*, 1974 and 1975; headmaster's report to the Dilworth Trust Board, 18 February 1974.

240 Student CW statement to external agency; Student CD and Student GH statements to the Inquiry.

241 Letter from ID McLean, Cornwall District Commissioner, to Scout Association National Headquarters, 13 October 1975.

242 Now, year 7.

4.184 Nothing further was done in respect of the complaint.

Complaint to Rex McIntosh that senior students were abusing a junior student, 1973

4.185 Former Student IA told the Inquiry that in 1973 he was assaulted by a group of senior students who held him down and used a device to give him electric shocks. He described having it applied to his ears on a number of occasions and to his genitalia once.

4.186 Student IA told his housemaster, Mr McIntosh, and said he also wanted to tell his matron. Mr McIntosh told him not to see the matron, but to come back to see him later instead. When he went, Mr McIntosh asked to see his penis and fondled it. The same thing happened a second time, and on the third occasion, Mr McIntosh pulled down his own pants and made IA feel Mr McIntosh's penis.

4.187 Student IA told his father but does not know what his father did. He does recall that from that point on, the touching stopped and Mr McIntosh tried to cane him instead. When the student refused to be caned, Mr McIntosh would hit him in the face.

Concerns raised about Graeme Lindsay

4.188 Mr Lindsay was employed as a tutor at Dilworth in Hobson House for approximately one year from May 1973. He also was a scout leader with Dilworth's scout group and continued in this role until 1975.

4.189 In 1975, Mr Lindsay organised an overnight camp for a group of Dilworth scouts. During the night, he sexually abused a student for which he was convicted following Operation Beverly.[243]

4.190 Although we heard of an incident where Mr Lindsay was challenged about his behaviour with students, he denied ever being approached about it. The person who mentioned the incident has since died, so the matter can no longer be resolved.[244]

243 In communications with the Inquiry, Mr Lindsay forwarded a letter of remorse that had been filed in the High Court at his sentencing that apologised for his actions, acknowledged the pain they had caused and that sexual abuse was devastating, and it had not been the victim's fault in any way.

244 KH statement to the Inquiry.

Complaint about Richard Galloway, 1977

4.191 Student HJ told the Inquiry that he told Mr Parr about Mr Galloway's abuse. He recalled that this conversation occurred after Mr Galloway had taken him and another student to Great Barrier Island because he remembers telling Mr Parr that he had been abused on this trip. Mr Parr told him to get back to class.

4.192 Immediately afterwards he watched Mr Parr march past his class and have an argument with Mr Ian Wilson. He could hear his name being shouted by Mr Parr and assumed the argument was about what he had disclosed to Mr Parr. After this argument, nothing happened. Mr Galloway remained a scout leader until mid-1979.[245]

Complaint about Staff Member UC, 1979

4.193 Staff Member UC started as a tutor in June 1978. Mr Parr dismissed him in April 1979 in one of his last staff disciplinary measures.

4.194 No complaint record is on Staff Member UC's staff file, although two former students advised the Inquiry they were sexually abused by him. Ironically, given his own imminent departure on the same basis, it appears Mr Taylor raised concerns about UC in September 1978 after he received information informally from an external source. This initiated an enquiry by Staff Member QR, who was asked to investigate the allegation that students were visiting UC at his house and engaging in "homosexual activities". UC assured QR that students were visiting him at home, but nothing untoward was happening.

4.195 The matter appears to have been left for some seven months before Staff Member UJ was asked to investigate Staff Member UC's conduct further. The investigation found examples of UC's misconduct, including having students in his room, putting his arms arounds students, sleeping in the bed of a student who was drunk, giving alcohol to students and showing marked favouritism for a particular student. Another meeting was held with UC, UJ, Mr Parr and other senior staff. Following this meeting, UC was instantly dismissed.

4.196 In his capacity as acting headmaster, Mr Burnett, in his May 1979 report to the Board, stated, "[Staff Member UC's] over-close association with some boys during weekends and doubtful influence led to his dismissal on Anzac Day". If this vaguely expressed statement generated any enquiry by the Board as to the circumstances of UC's transgressions, it was not recorded in the minutes. No evidence exists of any further enquiry being sought or undertaken.

245 *The Dilworthian*, 1979, p 41.

4.197 When Staff Member UJ was asked by the Inquiry about the school's handling of Staff Member UC's misconduct, he said:

> The school's actions in dismissing [UC] show that when we did learn of staff misconduct, it was investigated. Sadly, the outcome shows [UC] received a slap on the wrist and was told to go whereas there was probably enough for the Police to be notified about the incident. Once again, though, the school must have kept the Police away for fear of bad publicity.[246]

Complaints about Peter Taylor, 1975–1978

4.198 One of the first complaints about Mr Taylor was made directly to Mr Parr soon after Mr Taylor started at Dilworth.[247] Days after the death of a family member, Student HF was sent to Mr Taylor for counselling. He told the Inquiry, Mr Taylor almost immediately exposed himself, tried to have HF touch his penis and then tried to fondle HF's penis. The student ran straight to Mr Parr's office and banged on the door. He told Mr Parr that Mr Taylor had molested him. In response, Mr Parr grabbed him and told him he was a "nasty boy" and "nasty horrible child". He then said something like, "Fancy making up a story like that about a man of God no less" and caned him six times.

4.199 The Inquiry heard that two mothers also complained to Mr Parr. One former student said he told his mother that people in the school were talking about how Mr Taylor was sexually abusing students. Around May 1976, his mother approached Mr Parr after the Sunday chapel service. She told her son Mr Parr had asked her what evidence she had and said that as it wasn't first-hand information, the allegations had no credibility.[248]

4.200 Another student said his mother approached Mr Parr after he told her that, during prayer sessions, Mr Taylor had him sit on his knee and Mr Taylor touched his bare legs. He recalled sitting in the family car while his mother went in to see Mr Parr. She didn't tell her son what was said but he remembers his mother being pleased with how the meeting went and Mr Parr's response. The student did not have any further prayer sessions with Mr Taylor after this meeting, and he recalls Mr Taylor left the school not long afterwards.[249]

246 Staff Member UJ statement to the Inquiry.

247 Student HF statement to the Inquiry.

248 Student EA statement to the Inquiry.

249 Student EQ statement to external agency.

4.201 Student DZ recalls being asked to stay behind after class by Mr Taylor to pray. During the prayers, he felt Mr Taylor rubbing his leg and crotch area. DZ swore at him and ran out of the room. A teacher saw him running in a state of distress. The next thing he recalls is being called into deputy headmaster Burnett's office and being caned for his outburst at Mr Taylor.

4.202 About a week later, Student DZ was called to the duty room by Mr McIntosh who told him that the incident with the chaplain that he had told other students about "did not happen" and he was not to mention it again. Mr McIntosh then caned him for his insubordination.

4.203 Student DZ said that later, he told Mr Burnett that the reason that he and others were playing up in Mr Taylor's classes was because of his abuse of students. Nothing came of these disclosures.

4.204 Student DZ's mother wrote to Mr Parr saying something wasn't right with her son. In the letter she asked for Mr Parr's help and said that "something is frightening him" and that she had discussed it with Mr McIntosh. She wrote that he was also frightened by Mr Parr and that "something or someone is having a strong effect on him".[250] Her son's distress and the deterioration of his behaviour continued. By the end of 1979, the Board advised he would likely not be allowed to continue at the school the following year, and so he was withdrawn.

4.205 Court documents in relation to Mr Taylor's 1994 prosecution for offending against a former Dilworth student reveal that when the student complained to a tutor in 1978 about the abuse, he was caned for "trying to cause trouble". In a document prepared for Mr Taylor's sentencing, the former student spoke of the anger he felt when the school punished him, instead of providing help, and the profound damage the school's response caused him, both at the time and subsequently.[251]

4.206 In 1977, Student CZ told Mr Parr he was being abused by Mr Taylor. Mr Parr called him a liar and caned him. He also made him stand outside Mr Parr's office for the whole day without water or a break. Mr Parr called his mother to the school and, without saying he was complaining of abuse, told her CZ was lying and causing trouble. In front of them both his mother asked her son to behave. CZ was then caned by the deputy principal, Mr Burnett, put in 'coventry' for two weeks and put back under the 'guidance' of his abuser, Mr Taylor.[252] The sexual assaults continued.

250 Letter from Student DZ's mother to Peter Parr, 16 February 1978.

251 Student HZ statement to external agency.

252 Coventry was a punishment where no one (that is, a fellow student, teacher, tutor or housemaster) was allowed to talk with or even recognise the student who was in coventry, whether in the dormitory, dining room, school classes or any other activity.

4.207 The student was then approached by other students who were also being abused by Mr Taylor or other staff. He drafted a petition for them to sign, and they went as a group to see the headmaster with the petition asking for Mr Taylor to be removed from the school. Mr Parr made all the students stand outside his office facing the wall and called them in one by one for an interview. Student CZ was called in last, caned and again sent to Coventry for several weeks.

4.208 Feeling trapped and without a way out from the abuse, he rang a Sunday newspaper from the only available phone, in a public area of the school. He said he got as far as saying that abuse was happening in a boys' school in Auckland before a tutor cut off the phone call.[253]

4.209 Mr Parr got wind of this call and confronted Student CZ. He admitted making the call and again told Mr Parr that Mr Taylor was abusing him. In response, Mr Parr told him he was lying and punished him again. After this last complaint, he tried his hardest to get kicked out of school, which he succeeded in doing shortly after his call to the newspaper.

4.210 Student CZ's school file contains a typed report by Mr Peter Taylor confirming that CZ and others made complaints about him to Mr Parr and that Mr Parr had interviewed them and dismissed their complaints.[254] The student's file also records Mr Parr writing that CZ had a "well-thought smear campaign alleging gross impropriety by the chaplain, which caused great harm to him [Mr Taylor] and his work".[255] Nothing further was done in respect of these complaints, and Mr Taylor was able to continue to sexually offend against students in his care for a further year.

4.211 Staff Member SU also made a complaint in 1977 or 1978 to deputy headmaster Burnett. SU's wife, JZ, told the Inquiry she recalled the circumstances of this complaint well as her husband (now deceased) told her about it at the time.[256] SU had been told by some of his students about Mr Taylor's abuse and was most concerned about the risk Mr Taylor continued to pose to students. SU told Mr Burnett and was distressed by the dismissal of his complaint. Another colleague also recalls SU making a complaint before Mr Taylor's resignation.[257]

4.212 **Boarding house diary entries about Mr Taylor:** The Inquiry's review of boarding house diaries from 1976 to 1978 revealed 41 entries where Mr Taylor had students out of their boarding house, sometimes on their own and often late into the night. Mr Taylor's movements were noted in the diaries by boarding house staff and, on occasion, by Mr Taylor himself. Mr Taylor, therefore, did little to hide these activities.

253 Student CZ statement to external agency.

254 Chaplain's report to social worker, 2 March 1978.

255 Letter from Peter Parr to the Department of Social Welfare, 2 March 1978.

256 Family Member JZ statement to the Inquiry.

257 Staff Member QB statement to the Inquiry.

4.213 Staff Member UJ, who was a housemaster at the time, said Mr Taylor was the only staff member who regularly had students out of their houses in the evenings. Mr Taylor's predecessor as chaplain, was asked about Mr Taylor's late-night meetings with students and told the Inquiry, "This was never my practice when I was Chaplain, and I can't think of a legitimate reason for Taylor doing this".[258] Mr Taylor's habits became a source of frustration for boarding house staff. A tutor's Hobson House diary entry from 28 July 1978 records, "[name of student] has returned from Guess who's place at 10.00pm twice now in the last week and I'm getting sick of it (that's only when I'm on duty – who knows about the other times!!!)".

4.214 Staff Member UJ confirmed that the reference to "Guess who" in the diary entry was to Taylor.[259] It is understood that Mr Taylor's 1994 criminal prosecution was in relation to abuse of the student mentioned in this diary record. The summary of facts for that offending described the abuse as happening in 1978 and that the student was a "regular visitor to the home of [Mr Taylor] on the school grounds outside of school hours".[260]

4.215 Other diary entries indicate that the students' visits to Mr Taylor's Dilworth residence were out of the ordinary. An entry from 21 February 1977 records, "Absent without reporting out. He was sighted at Mr Taylors @11.25pm".[261]

4.216 Another entry, on 11 March 1976, indicates Mr Taylor started taking students from the boarding house at night little more than a month after he started working at Dilworth, "Finally rang Mr Taylor at 11.45pm!! There he [a student] was – no report out, no nothing".[262]

4.217 Despite this early indication that Mr Taylor was breaking house rules, he was not stopped. Staff Member UJ told us, "The boys were meant to be in bed by 9:00 pm, so the fact that Peter [Taylor] had a boy out that late should have been unacceptable".[263]

258 Staff Member SK statement to the Inquiry.

259 Staff Member UJ statement to the Inquiry.

260 Police summary of facts.

261 Hobson House diary, 21 February 1977.

262 Hobson House diary, 11 March 1976.

263 Staff Member UJ statement to the Inquiry.

4.218 Staff Member UJ told the Inquiry he challenged Mr Taylor about his late-night meetings with students, but Mr Taylor simply said he was providing students with pastoral care:

> I had to take Peter's word and respect the confidentiality of his conversations with the boys. That was taken advantage of by Peter. It wasn't easy to question him because, as chaplain, he occupied a position of power within the school.[264]

4.219 Staff Member UJ cannot recall raising his concern with Mr Parr but believed it was the type of matter he would have discussed with him. UJ said Mr Parr often defended Mr Taylor and never wanted to hear a bad word said about him, which UJ put down to the fact Mr Parr had appointed Mr Taylor as Dilworth chaplain.[265]

4.220 Staff Member UJ said neither he nor his staff had any inkling Mr Taylor was sexually abusing students at the time. He now says the house diary records have a serious significance staff did not grasp at the time:

> There were warning signs regarding Peter's behaviour that were overlooked or ignored. They were not acted on as thoroughly as they should have been. It is also clear that the housemasters didn't discuss Peter's evening activities with each other. If we had, that might have raised a red flag.[266]

4.221 We agree that Mr Taylor's night visits were clear warning signs that were ignored or overlooked by staff at the time.

4.222 **Mr Taylor's response to a complaint against Mr Ian Wilson, 1976:** In the midst of his own sexual offending against students, Mr Taylor received a complaint from a student about sexual abuse he was suffering at the hands of Mr Ian Wilson. Student AZ said he chose Mr Taylor to tell because he was a priest, so thought he would be safe. AZ recalled telling Mr Taylor that Mr Wilson had been touching him and that he was "doing it all the time". Mr Taylor screamed at AZ, called him a liar and told him he was "a stupid boy who was going to ruin a man's reputation and career". Mr Taylor went on to say he should be caned and if he complained again he would be in trouble. The former student said Mr Taylor was red in the face from yelling at him.

264 Staff Member UJ statement to the Inquiry.

265 Staff Member UJ statement to the Inquiry.

266 Staff Member UJ statement to the Inquiry.

4.223 Shortly after this incident, Student AZ had to see Mr Taylor about another matter. He told the Inquiry Mr Taylor locked the door and tried to sexually assault him. He managed to escape from the room.[267]

4.224 **Events leading to Mr Taylor's resignation, 1978:** Many former students said that by 1978 the school was rife with rumours that Mr Taylor was abusing students. Former staff also recalled hearing rumours of Mr Taylor's "unsavoury tendencies"[268]. No one admitted he was doing it to them, as that could result in being taunted as homosexual. However, abused students said they were actively spreading "rumours" about Mr Taylor being an abuser, and most students believed them. Very few students from this time said they had not heard rumours about Mr Taylor being a sexual abuser. The Inquiry heard publicly expressed antagonism towards Mr Taylor occurred often. One former student recalled being taken by Mr Taylor to his house and passing senior students who shouted out abusive names to Mr Taylor about being a child fiddler.[269] Mr Taylor just walked on. Another student who was abused went with another student into a classroom where Mr Taylor was teaching. They shouted at Mr Taylor in front of the class, pushed the projector he was using off the desk onto the floor and then ran out.[270]

4.225 In the third term of 1978, Student HI, told his teacher, Mr Wynyard, that Mr Taylor, was touching students and he "wanted his help".[271] Mr Wynyard went straight to tell Mr Parr. He describes feeling surprised that Mr Parr did not seem shocked and, in fact, showed little reaction to what he was told; nor did Mr Parr ask any further questions about the alleged abuse.[272] Mr Parr said he would talk to Mr Taylor about the allegations.

4.226 About one month later, the students who had made the initial complaint followed up with Mr Wynyard, indicating that the abuse was much more serious than they had initially conveyed. Mr Wynyard, who had not heard back from Mr Parr, approached him again and sought permission to interview students. The next morning, in the time available before classes began, Mr Wynyard said he conducted interviews. Students gave accounts of multiple instances of serious sexual abuse Mr Taylor carried out in the boarding houses, Mr Taylor's house, the school chapel and offsite in a caravan. Mr Wynyard took individual written statements from at least 10 different students (including from students who had told him of the abuse of another student). He presented a report attaching the students' written statements to Mr Parr.

267 Student AZ statement to the Inquiry.

268 Staff Member QB and Staff Member PY statements to the Inquiry.

269 Student HS statement to the Inquiry.

270 Student ES statement to the Inquiry.

271 Howard Wynyard statement to the Inquiry.

272 Howard Wynyard statement to the Inquiry.

4.227 Mr Wynyard said he gave his report to Mr Parr at 9am, and by 11am Mr Taylor was gone from the school.[273]

4.228 This timing was supported by one of the students who made a statement to Mr Wynyard. He recalls being surprised to be informed by Mr Wynyard, while waiting in the lunch queue the same day, that Mr Taylor was gone.[274]

Board action in respect to complaints against Peter Taylor

4.229 Mr Firth, a Board member, Mr Cotter, the chair, and Mr Parr met Mr Taylor. Mr Firth told the Inquiry that, given his legal experience, particularly with criminal cases, he took the lead in the meeting and confronted Mr Taylor with the allegations. He told him that if he returned with a written admission, he would be able to leave immediately and would not be reported to police. Mr Taylor duly returned after 15 minutes with the written admission and resigned with immediate effect.

Board's knowledge of nature of complaints

4.230 Mr Wynyard said the written material he gave Mr Parr contained detailed accounts of the abuse, including oral and anal penetration. As described, these acts would now be charged as offences of sexual violation by unlawful sexual connection. Mr Firth maintains, however, that the Board understood the complaints to be of only "inappropriate touching". He said he and Mr Cotter did not see the material Mr Wynyard provided and relied on what Mr Parr told them. Mr Firth said he specifically recalls asking Mr Parr whether any allegations were of "penetration or oral sex" and was told there were none.[275] He told the Inquiry that had he and the Board known the full extent of the abuse at the time, they would have referred the matter to police.

273 Howard Wynyard statement to the Inquiry. Board minutes confirm Mr Taylor's resignation was effective from 7 November 1978. Mr Wynyard's 1978 report could not be located.

274 Student AM statement to external agency.

275 Derek Firth Inquiry interview.

Role of school doctor after Peter Taylor's abuse became known

4.231 The Inquiry interviewed the school doctor who said he was not involved in an investigation of Mr Taylor's abuse but learned of it from Mr Cotter and Mr Parr in 1978. The school doctor recalled that the first and only time Mr Parr and Mr Cotter visited his residence was in the weekend after Mr Taylor had left. The school doctor said they were both distressed, told him about Mr Taylor's sexual abuse and gave him a list of the students they believed were victims.[276] The school doctor cannot remember how many students' names were on the list but said:

> That week, following the meeting with Mr Parr and Mr Cotter, I went through the boy's medical cards and put a dot with a red pen in the top left-hand corner of the card for each of the boys on the list Mr Parr and Mr Cotter gave me. The dot was placed on their medical card, so I knew whether any future ailment (physical or psychological) they presented with could be in any way related to Mr Taylor's sexual interference.

4.232 The school doctor told the Inquiry he didn't examine any of the students concerned nor did he arrange any counselling. He said neither Mr Parr nor Mr Cotter asked him to do anything with the students. The school doctor said it was possible they may have referred some students to see a psychologist.

4.233 Following the first interview with the school doctor, the Inquiry located, in Dilworth's archives, the medical cards of seven students marked in the manner the doctor described. When shown the cards by the Inquiry, the doctor confirmed they were the same cards he had marked back in 1978, although he believed there were more than the seven found. The Inquiry has been able to establish from other evidence that at least four of the seven students with marked cards were sexually abused by Mr Taylor.

276 School doctor statement to the Inquiry.

Board reasons for offering Peter Taylor the opportunity to resign and not be reported to police

4.234 Mr Firth told the Inquiry that the Board's priorities in dealing with Mr Taylor were to "get rid of Taylor and provide support to the victims and their families".[277] He told us he and Mr Cotter asked Mr Parr to ensure the victims and their families received professional support.

4.235 This Board request to ensure support to students and their families is not reflected in the Board papers where Mr Taylor's departure was discussed. Board minutes record, "The Reverend P. J. Taylor had resigned from the Chaplaincy of the School on Tuesday 7 November 1978, and left the school immediately".[278]

4.236 Mr Firth told us he would not have expected the matter of providing professional support and counselling to the students to be recorded in the minutes,[279] yet, the issue of Mr Taylor receiving professional treatment was. The minutes go on to record a discussion about whether there should be any financial payment to Mr Taylor's family. The Board decided to make a compassionate ex gratia payment of $2,000 to Mr Taylor's wife, reserving the right to deduct any amount for the cost of treatment for Mr Taylor. As a final note, the Board resolved that the chair would send a letter to the Bishop of Auckland, advising him of Mr Taylor's resignation.[280]

4.237 If the Board dealt firmly with Mr Taylor, that is not evident from the letter he sent to the Board just four weeks after his departure. Mr Taylor told the Board, "I wish to place on record my most grateful thanks to all the support and encouragement I have received from you all in my time at Dilworth".[281]

277 Derek Firth statement to the Inquiry.

278 Dilworth Trust Board minutes, 13 November 1978.

279 Derek Firth Inquiry interview.

280 Dilworth Trust Board minutes, 13 November 1978.

281 Letter from Peter Taylor to Dilworth Trust Board, 10 December 1978.

School's general approach to police reporting

4.238 The school's failure to report to the police was inconsistent with the approach taken three years earlier when there was an allegation of a sexual assault of a student on a younger student. Within one day of a complaint to the school leadership in 1975, an allegation that a student had been assaulted by another student had been internally investigated, the police notified, and the student arrested on a charge of indecent assault. The student appeared before the Children's Court and was admonished and fined. However, no conviction was entered, which led Mr Parr to write to the Board that:

> The effect of this decision is that the boy is not convicted and has suffered only a monetary penalty. The decision concerns me greatly. It raises the question – just how much does a boy have to do before he is punished by the court?[282]

4.239 Another insight into the school's general attitude to making police referrals is demonstrated when a student committed the crime of drug possession.

4.240 In March 1979, a student returned to school following weekend leave with five green leaves of marijuana. Mr Parr took the matter very seriously, including conducting an interrogation with the student's guardians to establish where the marijuana had come from. At the end of a lengthy memorandum provided to the Board chair, Mr Parr stated:

> I then came to the matter of the School's responsibility.
>
> I see that there is a duty to inform the Police – on several grounds.
>
> a. Any citizen has such a duty when he knows of a criminal act
>
> b. It is common knowledge among Staff and boys that the leaves were brought here
>
> c. Although this particular boy is, I am sure, innocent of smoking it, others may not be and he could be seen as a future supplier
>
> d. Other boys must see that some action is taken
>
> e. Parents need to be reassured that the School will take action.[283]

282 Appendix A to the headmaster's report to the Dilworth Trust Board, June 1975.

283 Memorandum from Peter Parr to the Dilworth Trust Board chair, 30 March 1979. There was a similar example the same year when a kitchen staff member was discovered to be supplying students with cannabis. Both the staff member and the students concerned were referred to police: Dilworth Trust Board minutes, August 1979.

4.241 The Inquiry asked Mr Firth about the apparent double standard in approach between student and staff member as perpetrators of abuse, or when the subject matter concerned possession of drugs. He readily accepted that, on reflection, a police referral should have been made, but at the time they thought they were making the right decision.[284] He said that for him a key reason in not referring the matter to the police was a concern as to the impact of a criminal trial on the students involved.

Advising the school community of Peter Taylor's departure

4.242 Several students said that when they were advised in chapel that Mr Taylor had left the school there was an uproar from students who cheered the news. One former student said he turned around and saw staff in the back standing and clapping also. Mr Taylor had been universally disliked. The students were not told why Mr Taylor had left, and no reference was made to the reasons for his departure in that year's *Dilworthian*.

4.243 It appears Dilworth kept the news of Mr Taylor's employment at another school from its own staff. Staff Member UJ told us:

> I am appalled to learn that this was able to happen. If the staff at Dilworth had been informed that Peter was working at another school, there would have been a riot. When Peter's abuse was discovered, there was no doubt he posed a risk to children because we knew he had sexually interfered with multiple students.

4.244 Nearly 30 years later, by which time Mr Taylor had been convicted twice, the history of the first 100 years of the school was published.[285] *The Dilworth Legacy* states, "In November 1978 the Chaplain, P/J. Taylor resigned and left the school immediately after a period when, as Parr reported to the Board, 'he appeared to be getting off-side with most of the boys'".[286]

284 Derek Firth Inquiry interview.

285 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006, Dilworth Trust Board*, 2007, p 667.

286 Wilton, *The Dilworth Legacy*, p 667.

4.245 Understandably, Dr Wilton found it difficult to record that Taylor had committed sexual offences against students while a chaplain at the school. The Inquiry listened to an audio recording of Dr Wilton, made when he was writing *The Dilworth Legacy*, in which he explained how he wrestled with the best way to describe Mr Taylor's departure. Dr Wilton said it was "difficult" to know how to describe the departures of offenders like Mr Taylor. He went on to say:

> It's quite clear to everyone who was there that these people left and the reasons they went. You can't hide that you can only pass over it in silence, say they went I suppose. I have chosen to say a few things about Taylor without spelling out I have sort of implied what happened, and people can work that out for themselves. I suppose the same will have to happen with the others as they come up for departure in the history.[287]

4.246 The school had spent many years hiding the reality of Mr Taylor's offending, so Dr Wilton's inability to include the full and accurate reasons in *The Dilworth Legacy* is a problem that many faced with his dilemma would understand. Now that this report has been published, the true story behind Mr Taylor's departure can be known.

School's follow up with parents of students abused by Peter Taylor

4.247 It is clear that the decision not to refer to the police was made by Mr Firth, Mr Cotter and Mr Parr before any parents were informed about Mr Taylor's abuse. That conclusion is supported by accounts the Inquiry received from parents and, in one case, by a former student about his mother's experience.

4.248 One mother recalled that Mr Parr contacted her and told her Mr Taylor had sexually interfered with children at the school, but he was unable to tell her whether her son was a victim.[288] Another mother describes a confusing visit from a female representative of the Board who asked her to talk generally with her sons without providing any details as to the context for the enquiry.[289] She was then invited to meet with a man from the Board at the school but again not told anything about Taylor. It was over 20 years later that she finally understood what the meetings were about, when her son disclosed to her what Mr Taylor had done to him.[290]

287 Audio recording of Murray Wilton speaking with Ross Browne, undated.

288 Family member JL statement to external agency.

289 Family Member JM statement to the Inquiry.

290 Family Member JM statement to the Inquiry.

4.249 Another son spoke of his mother's meeting with a Board representative, which she told him about years later. She told him the Board member had said her son and his best friend had been involved in abuse, but that it was a trivial matter and the school would deal with it. She was told the school would take care of her son and the perpetrator would be held responsible, education officials would be informed, and the person responsible would not teach again. Further, she was told Dilworth would be instigating a prosecution. The Board member told her that in the school's experience, it would be best not to discuss it with her son as it was so trivial and all over now, and the school would be caring for him and supporting him.[291]

Information sharing with Department of Education

4.250 As early as 1967, the Department of Education offered to warn schools, including independent schools like Dilworth, about teachers that the department knew were "deficient in ability or conduct" and, therefore, should not be employed. The department believed this was necessary to "protect the interests of all children" regardless of where they attended school.[292] The Board appears to have agreed that such information sharing was sensible because it directed Mr Parr, when necessary, to contact the department about teachers applying to work at Dilworth.[293] The Inquiry found records indicating Dilworth continued to receive lists of unsuitable teachers from the department until at least 1981.[294]

4.251 Despite accepting such information from the Department of Education, on two separate occasions when the school was prompted to consider notifying it of Mr Taylor's offending, it elected not to do so.

4.252 In February 1979, Mr Parr and the Board were told Mr Taylor had been employed as a teacher at Papakura High School.[295] According to Mr Taylor, the Department of Education district inspector for schools, Mr Ray Scott, approved his placement at Papakura High School "after checking with Dilworth".[296]

4.253 In May 1979, the year after Mr Taylor left Dilworth, the Department of Education wrote to the school to confirm the nature of Mr Taylor's employment at Dilworth and his teaching hours. Mr Burnett, who had been a senior staff member at the time of Mr Taylor's departure and was then acting headmaster, responded without providing any indication of the reasons for Mr Taylor's departure or even that there were concerns about his suitability for future teaching positions.[297]

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291 Student AM statement to external agency.

292 Letter from the Department of Education to headteachers and controlling authorities of independent schools, 22 March 1967.

293 Dilworth Trust Board minutes, 20 April 1967. Mr Parr wrote to the Department of Education on 6 April 1967 "I want to thank you for your letter of 22 March 1967 and the offer it contains. I am sure this service will be much appreciated by Independent schools."

294 For example, Department of Education circular, 5 February 1981. This circular listed the names of teachers whose registration had been cancelled and who the Department stated were "not to be employed under any circumstances".

295 Headmaster's report to the Dilworth Trust Board, 19 February 1973.

296 Document prepared by Peter Taylor for his 1994 sentencing.

297 Letter from BI Spershott, Department of Education Northern Regional Office, to the principal, Dilworth School, 21 May 1979, and response by John Burnett, 23 May 1979.

Acting headmaster John Burnett, April–August 1979

4.254 Between April 1979 when Mr Parr left the school and August 1979 when Dr Wilton assumed the role, Mr Burnett was acting headmaster.

School's response to students' enquiry about the behaviour of Peter Taylor and Rex McIntosh

4.255 During Mr Burnett's brief period of leadership, two students asked Mr Ian Wilson (who was himself abusing students at that time) whether it was true that Mr Taylor and Mr McIntosh had been having sex with Dilworth students. Mr Wilson told them that they shouldn't be speaking like this and took them to see Mr Burnett.

4.256 Mr Burnett told them that by talking like that they were impugning the reputations of Mr Taylor and Mr McIntosh and the good name of the school. He warned them that the school could take away their scholarship and take legal action against them. They were further told that Mr Burnett would leave it to the incoming headmaster to decide what to do with them for discussing such matters. By that time, Mr Taylor had already been dismissed for sexual abuse. The students were petrified for months after that, waiting to see what consequences there were. There were none as the matter was never raised again with them.[298]

Complaint about Richard Galloway and Ken Wilson, 1979

4.257 Staff Member UJ told the Inquiry that in mid-1979, acting headmaster Burnett received a complaint about Mr Ken Wilson and Mr Galloway. He cannot recall who made the complaint, but it involved Mr Wilson and Mr Galloway having boys over to their private residences and showing boys pornographic films.[299]

4.258 Staff Member UJ said neither Mr Wilson nor Mr Galloway denied the allegation and both were "verbally censured" by him.

4.259 The Inquiry also found June 1979 correspondence from Mr Burnett to Mr Wilson and Mr Galloway raising a concern about students visiting their homes and a request that the visits stop immediately. Mr Burnett told them that if the visits were related to scouting activities, they were to occur at school.[300]

298 Student AW Inquiry interview; Student AW statement to external agency.

299 Staff Member UJ statement to the Inquiry.

300 Letter from John Burnett to Ken Wilson and Richard Galloway, 21 June 1979.

4.260 Staff member UJ said Mr Wilson subsequently discontinued his involvement with Dilworth's scout group after this incident.[301] According to the 1979 *Dilworthian*, Mr Galloway resigned from the scout group at the start of the third term of that year.[302] It seems Mr Galloway's departure was also tied to the complaint about him as it appears he told Mr Burnett he would resign as scout leader.[303] Neither Scouts Aotearoa nor Dilworth retained personnel files for Mr Galloway.

4.261 We also received evidence from a former student that he once sought approval from Staff Member UJ to visit Mr Galloway's residence. The former student told us:

> I recall [UJ] asking me if I was sure I wanted to stay at Mr Galloway's place. I think he said I might get bored or something. I said I wanted to go. In hindsight, I think [UJ] may have suspected there was a possibility that Mr Galloway was acting inappropriately with boys.[304]

4.262 Staff Member UJ did not recall this conversation but said he had no reason to suspect Mr Galloway of impropriety. Any concern he did have may have been related to Mr Galloway having shown boys pornographic movies.[305] This former student was subjected to sexual advances by Mr Galloway.

4.263 Another former student told us that in 1979 Mr Burnett told him he was not allowed to visit Mr Galloway's residence. When the student asked for a reason, Mr Burnett would not provide one.[306] Mr Galloway later also made sexual advances to this former student after he invited him into his bed.

4.264 When asked about Dilworth's response to the complaint about Mr Galloway and Mr Ken Wilson, Staff Member UJ said neither he nor Mr Burnett had any reason to believe Mr Galloway or Mr Wilson had sexually abused students. UJ said had there been such a suspicion, they would have acted on it.[307] He did concede, however, that he and other staff "may have missed warning signs related to Ken and Richard's involvement with the boys".[308]

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301 Staff Member UJ statement to the Inquiry.

302 *The Dilworthian*, 1979, p 42.

303 Mr Galloway's response to John Burnett's letter of 21 June 1979 cannot be found. However, a subsequent letter from John Burnett to Richard Galloway dated 27 June 1979 refers to Mr Galloway as having indicated he would resign from Dilworth's scout group.

304 Student BC statement to the Inquiry.

305 Staff Member UJ statement to the Inquiry.

306 Email from Student CJ to the Inquiry, 24 September 2022.

307 Staff Member UJ statement to the Inquiry.

308 Staff Member UJ statement to the Inquiry.

4.265 We accept that these warning signs were clearly missed. According to the evidence of former students, both Mr Burnett and Staff Member UJ were sufficiently concerned to dissuade or stop students visiting Mr Galloway. Given the school's experiences with similar misconduct by Staff Member UC and Mr Taylor during this period, we are surprised Mr Galloway and Mr Wilson's behaviour did not attract more scrutiny from Dilworth. Even in the 1970s, adults showing students pornography should have been a red flag.

Inquiry assessment of the nature and extent of abuse

Former students' statements

4.266 The Inquiry found the statements of former students, as to the school environment, serious physical abuse and sexual abuse, compelling and credible. Although they were almost uniformly unaware of what others told us, former students provided corroboration for each other's statements. Those who had not been physically or sexually abused confirmed the harsh, violent environment in which they had lived, what rumours they heard of staff persistently sexually abusing students, what they witnessed of bullying and abuse of others, and the isolation, fear and terror that pervaded the school, making complaining about anything extremely difficult. Many told similar stories or recounted the same event from their own memory of it. Many had made a police statement and a statement to the Abuse in Care Royal Commission of Inquiry. Other than this, most indicated they had not discussed what they said with anyone else, even those close to them.

4.267 A review of Mr Parr's reports to the Board, the chapters in *The Dilworth Legacy* that recount the Parr years,[309] and the statements from the staff of this era also confirm the former students' statements as to the nature of the school environment, bullying and brutal caning. The police prosecutions of staff and volunteers employed between 1967 and 1979 further corroborate what the Inquiry heard from former students about sexual abuse at the school in this period.

309 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007.

Serious physical abuse

Caning

4.268 The Inquiry is satisfied, on the evidence collated, that caning was prolific and often brutal during this period. Much of the caning was well outside the guidelines of the time, including that provided by the 1974 staff handbook, and many instances come within the description of serious physical abuse. The following, non-exhaustive, reasons for or method of caning fall outside the guidelines and authority provided by the Crimes Act 1962,[310] so, in the Inquiry's view, constitute serious physical abuse:

- for misdemeanours or minor offences, such as playing chase, not brushing teeth, talking during prep time and talking after lights out
- on bare buttocks or other parts of the torso
- while requiring the student to hold a particular stance, such as holding onto hot rails or having their head under a shelf
- that caused splitting, broken skin or bleeding
- that made bruise marks, welts or indentations that lasted more than 48 hours
- that was inflicted on a group where some members were innocent of any wrongdoing
- that turned into a beating.

Bullying

4.269 The Inquiry finds physical and psychological bullying was widespread and severe from 1967 to 1979. It was inflicted particularly by older or stronger students on younger or weaker students and by some tutors and housemasters. Three contributory factors were:

- the out-of-control, brutal and violent caning of students that normalised unreasonable and unfair physical violence
- a rapid increase in the school roll with no increase in the number of boarding house staff
- a gross lack of supervision of students in after-school hours.

310 Crimes Act 1962, section 59.

Sexual abuse

4.270 We are satisfied that throughout the Parr era, staff preyed sexually on schoolboys in the dormitories, around the boarding areas, on school camping and scouting trips, and on weekends away. Fifty students reported to the Inquiry that they had been sexually abused in the Parr era and the Inquiry is aware of a further 19. Eight men have been charged with sexual offending committed in the same period (seven staff and one volunteer). At any one time, between two and six abusers worked at Dilworth. In many years, there were four or five. Offending by three of the eight men charged occurred while working in MacMurray House, where pre-adolescent students were housed.

4.271 The number of prosecutions of offenders from this era are sufficiently significant to satisfy us that sexual abuse was extensive.

4.272 The Inquiry is also satisfied that students, usually senior students, predated on other students.

4.273 For a school with a relatively small roll, on any assessment, these figures demonstrate a significant proportion of sexual abuse.[311]

The lost generation

4.274 The theme that students from 'bad' families had wrongly been enrolled at Dilworth was used to explain the large number of disturbed students in the Parr era in the 1970s and into the 1980s. It became the official narrative, even repeated to the Inquiry by the current headmaster, who said he had been told this was the reason for the turbulence at the school at that time.[312]

4.275 A pervasive condescension by the Board and school staff led to the conclusion that the reason for the large number of disturbed students was that too many had been taken from welfare homes or from broken and sole parent families. The school had resorted to accepting such students because of the lack of "first class applicants",[313] the "heart had led the head"[314] and there was a need to fill the school because of the increased capacity once the building programme was completed.

311 The school roll started at 194 and increased to 290 in this era.

312 This theme is referenced in several places in M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006,* Dilworth Trust Board, 2007, pp 537–678.

313 Cotter made this observation at the August 1971 Board meeting as recorded in Wilton, The Dilworth, Legacy, p 576.

314 Wilton, *The Dilworth Legacy*, pp 576 and 628.

4.276 *The Dilworth Legacy* described the consequences of this "lost generation" in this way:

> History records that there is indeed a lost generation, literally hundreds of boys for whom the Dilworth experience meant very little. In effect, millions of dollars of the Trust resources were wasted on boys who never had the potential or desire to rise above their station in life. "We will take in good boys and make them better" would have been a very helpful mission statement in those sad days.[315]

4.277 The Inquiry accepts that a large proportion of the students from the Parr era can be described as a lost generation. They have a marked alienation from the school.

4.278 The Inquiry does not, however, accept that this was the result of a faulty selection of students from poor quality homes. The more credible reason for the behavioural problems at this time was the extensive sexual abuse, physical violence and bullying. Many former students told us these factors caused them to become so emotionally disturbed they could not function normally. Often they acted out, with the intention of getting expelled so they could get away from their misery. The wholesale criticism of the students in this era for lacking desire or potential to "rise above their station in life" is without foundation.

315 Wilton, *The Dilworth Legacy*, p 672

Inquiry assessment of school's handling of complaints of serious physical abuse and sexual abuse, 1967–1979

Headmaster Peter Parr and boarding house management

4.279 Staff ignored or were unable to identify the significance of repeated instances of students' absences from their boarding houses late at night with Mr Taylor. The visits to Mr Galloway's house were also clear warning signs that should have triggered further investigation, even by 1970s standards. Senior staff knew, as a minimum, that students were being shown pornography at his home.

4.280 On several occasions, Mr Parr acted to remove tutors or school staff after receiving complaints of physical abuse against students. He reported two students, one for alleged sexual abuse and one for drug possession, to the police. However, he failed to act on credible and repeated complaints against two senior staff, Mr McIntosh and Mr Taylor, and punished the students who reported them. He failed to protect the students, in one case returning a student to the supervision of their abuser.

4.281 While it is accepted that there was a prevailing belief in society in this era that children were prone to make up complaints of sexual abuse, the reports at Dilworth were so pervasive it is simply not credible for the senior staff and Mr Parr to have relied on this myth to do nothing but punish the complainants.

4.282 We are satisfied that, in a gross dereliction of duty to his students, Mr Parr did not routinely report allegations of abuse, including unreasonable caning and bullying to the Board. Only when the number and seriousness of Mr Taylor's abuse forced Mr Parr's hand was his sexual abuse reported. The only complaint of sexual abuse by a staff member that was elevated to the Board related to Mr Taylor.

4.283 Mr Parr's suppression of complaints was a disastrous failure of his duty to ensure the welfare and safety of students attending Dilworth.

The Board and its handling of Peter Taylor complaints

4.284 It is not possible to confirm by way of documentary record what the Board knew of the detail of the complaints against Mr Taylor. Mr Parr's report on Mr Taylor for the November 1978 Board meeting no longer exists, and the Board minutes record only a brief statement of the outcome.

4.285 The Inquiry is satisfied, however, that once learning of Mr Taylor's multiple complaints of sexual abuse, even if it was characterised as inappropriate touching, the Board failed in not reporting the matter to the police or Department of Education. This allowed Mr Taylor to move on to new roles where he had access and opportunity to further offend against children. The Board's failure to report Mr Taylor is in stark contrast to the prompt police referrals made of students, and the difference in approach is difficult to reconcile.

4.286 We do not doubt Mr Firth's personally described motivation that a police investigation might have had a detrimental impact on students. However, we are more inclined to think that the driving force behind the school's overall approach to non-reporting was to maintain the reputation of the school and avoid the possibility of adverse media attention. There are four strands to our conclusion. First, the school did not hesitate to make a complaint to the police when it was a student who carried out the abuse, despite the abused student in that case being potentially subject to interrogation. Second, if the primary reason was concern for the wellbeing of the students, then this would surely have been followed through with further investigation to discover whether any other students had been abused by Mr Taylor and with immediate support being provided to them . Third, almost all former students from this era who spoke to the Inquiry referred to a culture where school reputation was paramount and ingrained into every aspect of school life. Former senior staff endorsed students' statements in relation to the importance of the school reputation.[316] The need for "carefully tending" to the school reputation was also reiterated in Mr Parr's contemporaneous annual surveys.[317] Finally, a reported conversation between the Board chair, Mr Cotter, and Staff Member UJ after Mr Taylor's departure is relevant. UJ told us:

> Shortly after Peter Taylor's departure, I remember a conversation in the staff room involving Bill Cotter about whether the Police should be notified about Peter's offending. Bill said words to the effect that the Police should not be involved because the media attention would give the school a bad name.

316 Staff Member UJ statement to the Inquiry; Staff member PR statement to the Inquiry; Murray Wilton Inquiry interview.

317 "Carefully tending" is taken from the 1978 annual survey, published in *The Dilworthian*, 1979. An earlier reference to the need to maintain the school's reputation is made in the 1976 annual survey, published in *The Dilworthian,* 1977.

4.287 This conversation confirms that adverse publicity by the media in the public domain, for the chair at least, was the driver for the decision reached not to involve the police.

4.288 The Inquiry also finds the Board should have instigated an investigation to ascertain the extent of Mr Taylor's offending. We agree with Dr Wilton's reflection on the influence that robust action might have had:

> The failure of the Trustees and the then Headmaster in not following this matter up more thoroughly could be at the root of the tragedies that followed. Paedophiles, potential offenders already in the School at the time (Wilson, Wynyard, Cave) may well have gained confidence from the actions, or rather inactions, and felt emboldened to carry on what they might have been doing or planned to do.[318]

4.289 The Board and Mr Parr also failed to advise parents (except in one case where a parent was given false reassurances) or involve them in the decision not to report Mr Taylor to the police.

4.290 The Inquiry finds the Board failed to ensure the welfare of students affected by Mr Taylor's abuse. The interviews with affected former students satisfy us there was no immediate or subsequent follow up of them or support offered to them; nor did the Board ensure the headmaster acted on the Board's request to provide support to the abused students.

4.291 The refusal to care for the welfare of the students is consistent with the Board's failure to agree to repeated requests by Mr Parr for support to meet the psychological needs of the students.

4.292 The Inquiry also finds the Board failed to provide necessary pastoral care to Dilworth students when it consistently refused to provide more staff to supervise the boarding houses, in spite of its decision to significantly increase the school roll.

318 Murray Wilton statement to the Abuse in Care Royal Commission of Inquiry.

Inquiry observations of the Anglican Church's handling of Peter Taylor after his departure from Dilworth

4.293 Six Anglican bishops were involved in Mr Taylor's resignation or in responding to subsequent complaints about his conduct. We refer to these bishops throughout this section. They were:

- Mr Eric Gowing, Bishop of Auckland, 1960–1978
- Mr Peter Sutton, Bishop of Nelson, 1965–1990
- Mr Alan Pyatt, Bishop of Christchurch, 1966–1983
- Mr Paul Reeves, Bishop of Auckland, 1979–1985
- Mr Bruce Gilberd, Bishop of Auckland, 1985–1994
- Mr John Paterson, Bishop of Auckland, 1994–2010.

4.294 The Auckland archdeacon, Mr Ted Buckle, was also involved in the Anglican Church's response to Mr Taylor's abuse at Dilworth.

4.295 The Anglican Church's involvement with Mr Taylor is not a matter we were required to report on within our terms of reference. However, when meeting representatives of the Anglican Church, they urged the Inquiry to provide it with as much assistance as possible as it works to improve the ambiguous relationship between Dilworth and the Anglican Church in the appointment and supervision of Dilworth chaplains. There is also value for the school in assessing its relationship with the church and understanding the issues involved.

4.296 The church has already been questioned by the Abuse in Care Royal Commission of Inquiry about its handling of Mr Taylor's abuse at Dilworth. In response, the church acknowledged serious failings, described below, which meant this Inquiry has been able to accept those concessions. The Inquiry was, however, presented with additional evidence, which we have referred to.

4.297 Mr Taylor was appointed Dilworth chaplain in late 1975, having previously worked in the Nelson diocese in several parishes between 1965 and 1975.[319] Mr Firth, a member of the Board that selected Mr Taylor, recalled a key factor in his appointment was a "glowing" character reference he received from the Bishop Pyatt.[320] Mr Firth said that after Mr Taylor's dismissal from Dilworth in 1978, Mr Parr discovered that the church knew Mr Taylor had earlier sexually abused boys in Nelson. Mr Firth did not remember who in the church provided Mr Parr with this information, but he suggested, "It may have been Bishop Pyatt himself as he would have been Peter Parr's first port of call".[321]

4.298 The church told the Inquiry it was not aware of any information that it knew of allegations of abuse by Mr Taylor before he moved to Dilworth.[322]

4.299 There is, however, evidence the church learned of Mr Taylor's earlier offending in Nelson, six months before he was dismissed from Dilworth. In May 1978, Bishop Sutton informed Bishop Gowing in writing of complaints of sexual abuse by Mr Taylor against multiple young people in Nelson.[323] Sutton, referencing the fact Mr Taylor was working at Dilworth wrote, "It is of course possible that the practices have been discontinued, but in view of what the complainant has said to me, it is also possible that many students could still be at risk".[324]

4.300 Sutton said he considered it his "duty" to convey his concern in person to Bishop Gowing.[325] Despite this clear warning of the risk Mr Taylor posed, there is no evidence that anyone in the church contacted Dilworth about these complaints.[326] Mr Taylor would go on to sexually abuse more Dilworth students before he was finally dismissed.

319 Peter Taylor, Curriculum vitae, 20 February 2008.

320 Correspondence from D Firth to the Inquiry, 1 May 2023. Mr Firth could not recall whether the reference was given orally, in writing or both. No copy of the reference can be found.

321 Correspondence from D Firth to the Inquiry, 1 May 2023.

322 Correspondence from the Anglican Church to the Inquiry, 21 June 2023.

323 Mr Taylor is not mentioned by name in Bishop Gowing's letter, but the Anglican Church believes the letter relates to Mr Taylor.

324 Letter from the Bishop of Nelson to the Bishop of Auckland, 22 May 1978.

325 Letter from the Bishop of Nelson to the Bishop of Auckland, 22 May 1978.

326 The Bishop of Nelson would later tell the Bishop of Auckland, in November 1985, that there was "incontrovertible evidence" of Mr Taylor's sexual offending in Nelson.

4.301 From written documentation it is evident Mr Parr verbally advised Bishop Gowing of Mr Taylor's departure from Dilworth in November 1978. This notification was followed up by a letter from Board chair Cotter to the Bishop, which stated:

> Confirming the verbal advice conveyed to you by Dilworth School Headmaster, Mr R. P. G. Parr, on 7th November 1978, the Rev. P. J. Taylor tendered his written resignation from the chaplaincy of Dilworth School, effective immediately from 7th November 1978.
>
> This matter was considered by the full Trust Board at its meeting on Monday 13th November 1978 and it was unanimously agreed to accept Rev. P. J. Taylor's resignation from 7th November 1978.[327]

4.302 Although it was not clear from this letter what Mr Parr had told the Bishop Gowing about the reasons for Mr Taylor's resignation, the church now accepts its Auckland diocese knew Mr Taylor admitted inappropriate conduct with children and had resigned in early November 1978 for that reason.[328] In fact, church records demonstrate that the church learned relatively quickly that Mr Taylor had been dismissed for sexual interference with multiple students.

4.303 An internal memorandum dated 21 November 1978 sent to Bishop Gowing by Auckland Archdeacon Buckle, discussed Mr Taylor's ongoing treatment by Dr Ogg, a psychiatrist. The Archdeacon thought Dr Ogg would also help determine whether Mr Taylor could take on another parish appointment or should choose some other form of employment.[329] Significantly, in describing Mr Taylor's fitness to continue as a minister, the Archdeacon never mentions the abuse complaints made about Mr Taylor to Bishop Gowing in May 1978.

4.304 On 29 November 1979, Archdeacon Buckle advised Bishop Pyatt of Mr Taylor's situation.[330] This letter refers to Mr Taylor having resigned from Dilworth "after the Headmaster was advised [by another form master] of complaints by boys of 'interference'". Again, the Archdeacon omitted reference to the complaints about Mr Taylor arising from the Nelson diocese.

327 Letter from Bill Cotter to Bishop of Auckland Eric Gowing, 15 November 1978.

328 Archbishop Richardson statement to the Abuse in Care Royal Commission of Inquiry.

329 Memorandum from Archdeacon Buckle to Bishop of Auckland Eric Gowing, 21 November 1978.

330 Letter from Archdeacon Buckle to Bishop of Christchurch Alan Pyatt, 29 November 1978.

4.305 In his letter, the Archdeacon commented:

> I personally am of the opinion that Mr Taylor has been harshly judged on matters that do have more rational explanations ... However, we do have a concern for his future and do not believe he has committed any offence that should permanently deny him the right of a living.

4.306 In support of his view, Archdeacon Buckle cited the opinion of Dr Ogg:

> I gather from Dr Ogg he believes Mr Taylor acted foolishly in admitting to any charge and not providing himself with any "protection" by way of a solicitor or representative of the Teachers Federation amongst whom such accusations against teaching staff is quite common.

4.307 Archbishop Philip Richardson, in the Inquiry's view, rightly told the Abuse in Care Royal Commission of Inquiry in 2021 it is "concerning" that Archdeacon Buckle's letter "appears to minimise [Mr Taylor's] conduct"[331] and acknowledged that:

> Having reviewed the material it is clear to me that the way the Anglican Church handled the situation is unacceptable. It should have investigated Mr Taylor as soon as it was made aware of Mr Taylor's offending at Dilworth.
>
> Due to the fact that he admitted inappropriate conduct at Dilworth, he should have immediately been subject to a Title D process and, if the victims agreed, the Police should have been informed. I would have expected Mr Taylor to be deposed as a priest at that point in time.

331 Archbishop Richardson statement to the Abuse in Care Royal Commission of Inquiry.

4.308 This is an important, if not inevitable, concession by the church. We have one point of difference with the Archbishop's perspective. We agree the church should have consulted with the victims, but do not accept the police should have been informed only if the victims agreed to it. Like Dilworth, the church had an overriding responsibility to protect children and the wider public from Mr Taylor. Instead of the church referring Mr Taylor to the police in May 1978 in relation to the complaints of his sexual abuse in Nelson or in November 1978 for his Dilworth offending, the church instead supported him when he accepted a teaching role at Papakura High School in early 1979, less than three months after his dismissal from Dilworth.[332] Mr Taylor was also licensed to preach in Papakura by the incoming Bishop of Auckland, Paul Reeves,[333] whom Mr Taylor said, along with Bishop Gowing, had been given "full disclosure" by him of the events that led to his dismissal from Dilworth.[334]

4.309 The Inquiry acknowledges the church's assessment that its handling of Mr Taylor's dismissal from Dilworth was unacceptable and one the church now admits had very damaging consequences.[335]

4.310 Although the church may have understood from Dilworth that the parents had been told of their sons' abuse, when they were not, we consider the church should have taken its own steps to consult with the parents. It should have advised them that they had the right to lay complaints against Mr Taylor, so the church could proceed with a Title D disciplinary action against him. At the time, complaints had to be made within two years for the church to pursue them, so prompt advice to the parents was necessary.[336]

4.311 The Inquiry has seen no evidence to indicate the church ever advised Dilworth parents of their right to complain. The Inquiry does not believe that it did so.

4.312 After leaving Dilworth, Mr Taylor went on to abuse and act inappropriately with boys in two Auckland parishes in the 1980s, which involved "touching them in various ways, in a way which has upset them".[337] This misconduct was documented in church records and ultimately resulted in Mr Taylor's licence to officiate being cancelled by the Bishop Gilberd in 1987.[338]

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332 Taylor, Chronology of events: Employment.

333 Taylor, Chronology of events: Employment.

334 Report of psychiatrist Dr Ogg on Peter Taylor, 14 July 1994.

335 Archbishop Richardson statement to the Abuse in Care Royal Commission of Inquiry.

336 Archbishop Richardson statement to the Abuse in Care Royal Commission of Inquiry.

337 Letter from Bishop Bruce Gilberd to Parnell Health Collective, 27 August 1987.

338 Notes of Godfrey Wilson, Bishop of the Southern Region, Diocese of Auckland, 16 January 1992; letter from Bishop Bruce Gilberd to Parnell Health Collective, 27 August 1987. Bishop Gilberd's successor as Bishop of Auckland, John Paterson, also told the Inquiry he declined a request from Mr Taylor to obtain a licence to officiate. Bishop Paterson said his decision was based on Mr Taylor's previous history.

4.313 In 1993, a man with knowledge of Mr Taylor's past sexual abuse of boys asked the church to investigate Mr Taylor's conduct at Dilworth. The church informed the man that Mr Taylor had surrendered his licence to officiate five years earlier[339] and it had not discovered any further connection that Mr Taylor had with the church. Mr Taylor had in fact remained involved with the Nelson diocese right up until at least 2011, albeit in a volunteer capacity.[340] The church told the Inquiry it had no records to indicate whether its staff took any steps to inquire into Mr Taylor's conduct at Dilworth in response to the 1993 request.[341]

4.314 In 2021, Archbishop Richardson acknowledged to the Abuse in Care Royal Commission of Inquiry that:

> By allowing Mr Taylor to continue with his ministry it appears that the Anglican Church allowed him the opportunity to re-offend. I apologise to anyone who was subject to abuse by Mr Taylor after his offending at Dilworth was known and I urge them to come forward and contact the Anglican Church.
>
> Based on the records the Anglican Church has, it appears this is one of very few cases where a known offender was allowed to continue with ordained ministry in some way. However, there should not have been any such cases.[342]

4.315 The Inquiry endorses the Archbishop's comments.

339 Letter to the Anglican Church, 28 April 1993 and Anglican Church's response, 30 June 1993.

340 Anglican Church log of contact with Peter Taylor, July 2005 to December 2011. In November 2011, the church trespassed Mr Taylor from any Nelson diocesan property or gathering due to ongoing concerns about his conduct towards minors and vulnerable people.

341 Correspondence from the Anglican Church to the Inquiry, 26 June 2023.

342 Archbishop Richardson statement to the Abuse in Care Royal Commission of Inquiry, 19 March 2021.

Most students continued to describe Dilworth as a cold and harsh environment with little emotional or pastoral support. Many described the school as rigid, punitive and controlling.

Chapter Five
1979–1997

Headmaster Murray Wilton and Board chairs Donald (Bill) Cotter (1979–1996) and Derek Firth (1996–1997)

Introduction

5.1 Between 1979 and 1997, 1,579 students attended Dilworth School.[343] One hundred and eight former students who attended school during this period provided information about their experiences to the Inquiry.

5.2 Sixty-four reported that they were sexually abused while at school, and the Inquiry is aware of a further 25 sexual abuse survivors from this era. Sixteen survivors were sexually abused by other students, and some of this abuse was in addition to abuse by a staff member. Seventy-five reported serious physical abuse. Forty-six reported both sexual abuse and serious physical abuse. Many reported a school environment characterised by fear, bullying, and intimidation and where rumours of staff sexually abusing students in the school were pervasive and ongoing.

5.3 We also interviewed 35 former staff members, including teaching and boarding house staff, administrative staff and headmaster Dr Murray Wilton. The Inquiry interviewed two trustees of this era, Mr Derek Firth and Mr John Potter.

Murray Wilton as headmaster

5.4 Dr Wilton was 43 when he began as Dilworth's headmaster. He had been a student at the school from 1944 to 1954[344] and returned to Dilworth in 1961 as a teacher and housemaster for six years. He then moved to Canada where he taught at independent schools and spent time as a university lecturer and research associate at Simon Fraser University in Vancouver and the University of Victoria in British Columbia. He completed a doctorate in French linguistics at Simon Fraser University.[345]

343 Dilworth provided the Inquiry with school roll data. The Inquiry has not independently verified this data.

344 Dr Wilton's introduction to Dilworth was as a 7-year-old in 1944. He describes the time he was a student as "grim". He recalls regular air raid drills, the windows of the classroom where he did prep blacked out and the main school building sandbagged. Severe rationing was in place, and food was basic and repetitive. He recalls an austere climate with draconian rules and severe punishment (caning) visited on offenders for often very trivial offences: Murray Wilton statement for the faith-based institutions' response, Abuse in Care Royal Commission of Inquiry, July 2022.

345 Murray Wilton submission to the Inquiry.

5.5 In 1978, while teaching in Canada, Dr Wilton was approached by the Dilworth Trust Board through Mr Cotter, and asked if he would be interested in applying for the headmastership of Dilworth. Dr Wilton said:

> There were no other candidates. It transpired that the Chairman, who knew me well, had convinced his fellow Trustees that the school needed me as a trouble-shooter and problem-solver at this very difficult time in its history.[346]

5.6 After retiring, Dr Wilton authored *The Dilworth Legacy,*[347] which recorded a detailed, inevitably subjective, history of the school for its first 100 years. He is fiercely loyal to the school and considers that his close connection with it for nearly six decades means he "knows the school better than any other living person".[348] His relationship with the school has continued beyond his retirement, including an involvement with the Board and the Dilworth Old Boys' Association.[349] At Inquiry interviews, he found it difficult and almost impossible to believe so many former students or teaching and support staff could have been abused or abusers.

5.7 Dr Wilton's statements that directly address the matters within this Inquiry's terms of reference include:

- a draft statement prepared by a lawyer acting on behalf of the Board, undated
- a statement for the Abuse in Care Royal Commission of Inquiry, 18 July 2022
- a joint statement with Mr Firth for the Royal Commission, 10 October 2022
- a submission to this Inquiry, 24 September 2022
- *The Dilworth Legacy, 2007.*

346 Murray Wilton statement for the faith-based institutions response, Abuse in Care Royal Commission of Inquiry.

347 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007.

348 Murray Wilton submission to the Inquiry.

349 Murray Wilton submission to the Inquiry.

5.8 We interviewed Dr Wilton on two occasions, and he gave evidence at the faith-based institutions response hearing for the Royal Commission on 19 October 2022. That evidence was recorded and is publicly available.

5.9 All of the items in paragraphs 5.7 and 5.8 have been useful resources for collating Dr Wilton's recollections and experiences of his time at Dilworth.

Murray Wilton's challenges on taking up the role

5.10 Dr Wilton advised that when he began as headmaster in 1979, the parlous state of the school, was key to his appointment, and the actions he took.[350]

5.11 He considered he was hired to return the school "to its heyday" (the period up to the 1960s) and he was determined to fulfil that commitment. He believes he succeeded and retired in 1997 having "achieved most of what I set out to do". Dr Wilton has much pride in his role and actions in returning the school to its "true status".[351]

5.12 He said when he arrived Dilworth was "out of control", dominated by a hard core of extremely difficult, adolescent boys who seemed intent on destroying the school. The school was in a phase of negativity, poor performance, bad behaviour of boys and misconduct of staff.[352]

5.13 He describes spending the first three to four years weeding out and replacing bad boys with good ones, a process he considered vital to the overall health of the school. In his view, the school in the 1970s was the result of a "perfect storm", the four main ingredients of which were as follows[353] :

- The abrupt change in leadership between Mr John Conolly and Mr Peter Parr. Dr Wilton describes the change of "draconian iron-fist management" to "liberal inclusiveness" as being too abrupt for the times and concluded that "flawed characters" took advantage of the new "free and easy atmosphere".
- The Board's selection policy, resulting in a preponderance of boys from disrupted and often dysfunctional families who had serious behavioural, relationship and or learning problems. The Board failed to put in place the infrastructure necessary to deal with those issues, such as counselling or psychological expertise.

350 Dr Wilton wrote reports to the Board, and our conclusions are drawn from the reports (that we have seen) and from comments he made in *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006,* Dilworth Trust Board, 2007.

351 Murray Wilton statement for the faith based institutions response, Abuse in Care Royal Commission of Inquiry.

352 Murray Wilton submission to the Inquiry.

353 Murray Wilton submission to the Inquiry.

- The Board was dealing with serious liquidity problems.
- The decriminalising of consensual homosexual acts between adults aged over 16. Dr Wilton believed that because homosexual and bisexual men felt a greater level of confidence in forming relationships, even if some were inappropriate, it "does not take much intellectual reckoning to deduce that those with paedophiliac tendencies also felt emboldened to pursue their evil intent in school and places where there were vulnerable children".

5.14 Several months into his tenure, Dr Wilton flagged to the Board concerns about boarding house structure and supervision. After meeting with boarding house staff, he identified that the number of students in each house was "excessive and overcrowding had produced unruly behaviour and vandalism" and that too much reliance was placed on "young and inexperienced house tutors who are responsible for about 70% of total supervision".[354]

5.15 Dr Wilton revisited this issue, as well as others, in his report to the Board in December 1979.[355] Those concerns can be summarised as:

- the boys – and the quality of the selection process
- the staff – the quality of and overburdening of staff leading to burnout and inadequate supervision
- boarding house limitations, including of space.

5.16 The report also included a brief outline of a master plan for the 1980s that would see preparation for a junior school, building modifications and a written policy on:

> the kind of boy who is eligible for entry and the kind of school it is intended that Dilworth should be; coupled with this should be a statement as to the kind of staff required to achieve these aims and the methods to be used in attracting and retaining them.[356]

354 Headmaster's report to the Dilworth Trust Board, 15 October 1979.

355 M Wilton, Analysis of Dilworth School 1979, report to the Dilworth Trust Board, 17 December 1979.

356 Wilton, Analysis of Dilworth School 1979.

5.17 The Board, in its minutes, noted its agreement with Dr Wilton's statement that "the choice, to put it in a nutshell, is between a school which attempts to salvage human shipwrecks (with doubtful success) and a school which provides fertile soil for good boys who would not otherwise have such an opportunity to realise their potential".[357]

5.18 Dr Wilton told the Inquiry he was unaware of the extent of the abuse committed by the former chaplain, Mr Peter Taylor, when taking up the position of headmaster at the school. He was not fully briefed on this, and he made no enquiries concerning it.

5.19 However, Staff Member UJ told the Inquiry that when Mr Ross Browne was appointed as the new chaplain, one of the first things Dr Wilton asked him to do was follow-up counselling with known victims of Mr Taylor. UJ understood that Mr Browne identified around 18 students Mr Taylor had sexually abused.[358]

5.20 Dr Wilton described his leadership as "hands-on" and "inclusive and co-operative", believing himself to be "primus inter pares" (a first among equals) always involving his senior management team in any decision made, in all interviews for staff appointments and in every submission made to the Board. He considered he had an "open door" policy and that anyone could consult him at any time, and did.[359]

5.21 This view was not one always shared by colleagues. He was sometimes described as disinterested in the day-to-day running of the school and difficult to approach.[360] One staff member said he would choose carefully when to raise certain topics with him.[361] Others said Dr Wilton was dedicated to his job and had a clear desire to improve the school.[362] Dr Wilton pointed out it was impossible as a leader to be liked by everyone and as headmaster.

357 Response to Dr Wilton's Analysis of Dilworth School 1979, Dilworth Trust Board minutes, 17 December 1979.

358 Staff Member UJ statement to the Inquiry. Dr Wilton did not recall that number of victims being made known to him. He believes he was aware of one or two victims: Murray Wilton correspondence with the Inquiry, 29 June 2023.

359 Murray Wilton statement for the faith-based institutions response, Abuse in Care Royal Commission of Inquiry, July 2022.

360 For example, Staff Member RE, Staff Member QC, Staff Member QF, Staff Member QA, and Staff Member RF statements to the Inquiry. Dr Wilton strongly refuted this suggestion pointing out he was constantly present at the school and chaired every educational and hostel meeting and, in particular, took a keen interest in the running of the boarding houses. He was also in the dining room for every lunch and sometimes breakfasts and dinner.

361 For example, Staff Member QR statement to the Inquiry.

362 For example, Staff Member RL and Staff Member QD statements to the Inquiry.

School roll growth

5.22 At the beginning of 1979, the school roll was 314, with 52 new students admitted that year and an age range of 8 to 18.[363] The school roll remained steady, at around 300, until 1993 when the new junior school was opened.[364]

Student selection

5.23 Early on, Dr Wilton recommended the Board exercise considerable caution with respect to student background and potential difficulties. He proposed a change in the student selection criteria and the manner in which the Board went about ensuring a careful selection of boys so that the "reasonable balance" of boys was achieved from relatively stable backgrounds.[365] Arguably, his approach cut across Mr James Dilworth's criteria for selection; namely, healthy boys of any race who were orphaned or from families of good character and of straitened circumstances.[366]

5.24 Dr Wilton, like Mr Parr, was concerned at "problem boys" being admitted and the effect of their disturbed behaviour on other boys who "might otherwise have been good and worthy members of the school community".[367] He also wanted to admit boys aged over 12. The Board accepted his advice.

5.25 All applications for admission in 1980 were reviewed, and all students who showed signs of bad behaviour, negative attitudes, potential problems and poor scholastic achievement were removed from the process.[368] In that same year, Board policy was revised and "boys beyond the age of 12 years who have good academic potential and otherwise meet the requirements of the Trust Deed 'criteria for consideration' are being admitted to maintain the roll level of the Upper School".[369]

363 From 1984, the age range of students was 9 to 18 as the school removed the standard 3 (now year 5) year.

364 Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

365 M Wilton, Analysis of Dilworth School 1979, report to the Dilworth Trust Board, 17 December 1979; Dilworth Trust Board minutes, October 1979, November 1979 and December 1979.

366 We note that Dr Wilton does not accept this characterisation of the approach taken. He told the Inquiry that all that was being proposed was that there needed to be a balance in the make-up of the school population. He noted that the trustees are perfectly entitled, in terms of the Trust Deed, to select the best boys from the pool of applicants: Murray Wilton correspondence with the Inquiry, 29 June 2023.

367 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 678.

368 Wilton, *The Dilworth Legacy*, p 679; headmaster's report to the Dilworth Trust Board, November 1979.

369 Dilworth Trust Board annual report, 1980.

5.26 In his first year, as instructed by the Board, Dr Wilton also reviewed the progress, achievement and behaviour of every student in the school with a view to removing any who were considered not to be making the best use of the Board's resources. As a result, the Board accepted the recommendation that 15 students be returned to the care of their families.[370]

5.27 We found no discussion in Board minutes, headmaster's reports or other material, of the detrimental impact that Mr Taylor's offending had on the students of this era. The damage, which played out in their behaviour, was attributed to the poor-quality selection criteria and the over-liberal policies of the Parr era.

5.28 Dr Wilton also lobbied the Board for an expanded interpretation of the term "straitened circumstances" to include boys from families who were not impoverished, but rather had fallen on hard times due to the economic environment as he considered those boys would be a far better "investment" for the Board.[371] In 1985, the Board agreed with Dr Wilton's proposals to adopt a more generous attitude to the admission of boys from "complete families" in order to achieve a "better balance" in roll composition. A wider interpretation of "straitened circumstances" also saw financial position take a back seat and more attention given to social background, ambitions and family expectations.[372]

5.29 It was also Dr Wilton's position that the academic success experienced during his era was the result of the change in selection criteria and process.[373]

5.30 The changes in the selection process coincided with a change in the location of Dilworth families. By 1985, only 35 boys came from outside the Auckland urban area and, of those, 25 were "country boys"[374] and the number of students coming from the Waikato, the Bay of Plenty and Gisborne had fallen dramatically, while the number from Northland had increased.[375]

370 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 679; headmaster's report to the Dilworth Trust Board, November 1979.

371 Wilton, *The Dilworth Legacy,* p 725. Also the memorandum from the secretary-manager to the Dilworth Trust Board chair re applications for entry (advertising campaign), 12 June 1985.

372 Wilton, *The Dilworth Legacy*, p 725.

373 Murray Wilton submission to the Inquiry.

374 "Country boys" lived far enough from Dilworth that they could not commute regularly, so would stay at the school in weekends.

375 Headmaster's report to the Dilworth Trust Board, July 1985.

Development of the concept of 'scholarship' to Dilworth

5.31 At the beginning of his appointment, Dr Wilton communicated his concern to the Board that some parents looked on Dilworth as an extension of the welfare system, and he wanted to reverse this view and impress on students and parents that tenure was not guaranteed but had to be earned.[376] Therefore, boys needed to "win" a scholarship, "for that is how it is now described owing to my own influence, and it is therefore highly valued and jealously guarded. If things go wrong, it is well known that a scholarship can be withdrawn".[377] The concept that a student's career at Dilworth was not guaranteed was developed and emphasised.[378] Students' performance would be reviewed periodically (before moving to the senior school or before entering form 6[379]). Students were often warned that their behaviour meant they were at risk of not having their scholarship renewed. We sighted many letters where parents were informed, variously, that their son was welcome the next year or he was being accepted with the caveat that his behaviour and/or academic achievements must improve. Some letters advised parents their son would not be offered a place the following year.

5.32 In 1988, this process was further refined so that sixth formers had to complete an application and submit to an interview process to determine who would be awarded the scholarship for seventh form study.[380] The withdrawal of a scholarship had the advantage to the school that it did not have to go through the steps required before suspending or expelling a student.

5.33 A consistent complaint to the Inquiry by former students was that the Board's right to withdraw a scholarship was held over students' heads like the "sword of Damocles" and provided a basis for staff to bully students by threatening it.[381] Dr Wilton drew the Inquiry's attention to the fact a decision to withdraw a scholarship could be made only by the Board, not the staff. While that is true, it is clear students were not aware of that distinction, and some staff took advantage of that. Mr Donald MacLean confirmed he needed to address staff threatening the withdrawal of scholarships when he first arrived at the school.[382]

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376 M Wilton, Analysis of Dilworth School 1979, report to the Dilworth Trust Board, 17 December 1979.

377 Murray Wilton submission to the Inquiry. Given the numbers of applicants, and the significantly smaller numbers accepted, Dr Wilton believed that the achievement of securing a scholarship went a long way to dispel the notion that the students were "charity cases", which had previously led to teasing from outsiders. It is noted, however, that the Inquiry did not hear any reports of teasing on this basis.

378 This was not a complete innovation. In Mr James Dilworth's will, trustees had the power to "remove or discharge any boy who is a pupil … to return him to his parents or guardians, or the place from whence he came, if in their opinion it is advisable in the interests of the boy … so to do, and to pay out of the trust funds all costs and expenses necessarily expended in so returning him". This provision was amended in 1999 to allow the trustees, in their discretion, to review at any time any boy's continuing eligibility to be a pupil and to review a boy's eligibility to graduate from the junior to the senior campus.

379 Now, year 12.

380 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 754.

381 For example, Student GO, Student GV and Student BK statements to the Inquiry.

382 Donald MacLean Inquiry interview; supported by Staff Member PX statement to the Inquiry.

Unsuitability and inadequate supervision of boarding houses

5.34 One of Dr Wilton's first duties was to investigate the boarding system. He reported to the Board that it was not functioning efficiently. Only one of the four housemasters was suitable, and the day-to-day operations of the houses "were in the hands of inexperienced young tutors, and this needed to change".[383]

5.35 Dr Wilton also reported that bullying, vandalism and unsatisfactory behaviour were worsening, in his opinion because of the overcrowded facilities. He urged the Board to address the situation. Housemasters had up to 80 boys in their care, 15–20 more than the threshold for comfort.[384] There could be 70–80 students with only two adults on duty at a time. Boys of all age groups were mixed in houses, and the senior houses did not have adequate study facilities. He reported that historically each time there had been overcrowding, outbreaks of antisocial behaviour and episodes of staff burn-out had occurred.[385]

5.36 He proposed a wide-ranging update of the boarding houses, including:[386]

- separating age groups in the school by opening a junior campus
- introducing additional boarding houses to reduce the age span in each house
- improving staff levels for afterschool care.

5.37 While the proposal as a whole was not accepted immediately,[387] Dr Wilton's suggestion that senior students needed to be housed in more individualised accommodation was adopted and a hostel in Mount St John Avenue was converted into a senior hostel known as Gibson House.

5.38 In 1983, the Board decided to drop the standard 3 intake for the following year to alleviate overcrowding but took little other immediate action.[388] It was not until 1986 that the Board agreed to upgrade the existing houses (completed in 1989).[389] When the junior school opened in 1993, it included an additional four boarding houses for students in standard 3 to form 2.[390] A fourth house was not added to the senior school until 1995.

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383 M Wilton, Analysis of Dilworth School 1979, report to the Dilworth Trust Board, 17 December 1979.

384 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 700. See also, for example, headmaster's reports to the Dilworth Trust Board, May 1983 and February 1983.

385 Wilton, *The Dilworth Legacy,* p 726; see also headmaster's report to the Dilworth Trust Board, December 1984.

386 Murray Wilton submission to the Inquiry; M Wilton, Analysis of Dilworth School 1979, report to the Dilworth Trust Board, October 1979; headmaster's report to the Dilworth Trust Board, July 1980.

387 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 680.

388 Dr Wilton noted that the inaction was due to the Board's lack of financial resources: Murray Wilton correspondence with the Inquiry, 29 June 2023.

389 The process of upgrading the houses required them to be completely vacated, resulting in a number students commuting as "day pupils": M Wilton, The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006, Dilworth Trust Board, 2007, p 753.

390 Now, years 5–8.

Corporal punishment

5.39 Dr Wilton stated several times that he was opposed to the use of the cane and when he became headmaster set about abolishing it as a punishment.[391] Our review of the documentary records revealed an inconsistent picture.

5.40 The 1980 issue of the Dilworth House Staff Manual directed that "the cane [is] for more serious or persistent offences. The use of the cane should be respected. It is not acceptable to conduct duty with cane in hand".[392]

5.41 However, in a 1980 exchange that began just 20 days after the issue of that policy on caning, Dr Wilton can be seen explaining a different reality from that policy, when a mother, JP, upset to find caning was still happening at Dilworth writes to him:[393]

> 28 February 1980
>
> Dear Dr Wilton,
>
> I write as a concerned parent regarding your school's policy on corporal punishment. I do not wish to be presumptuous and would hope that my expression of concern would not affect my son's position in your school. We were proud to be chosen as new members of the Dilworth community.
>
> I am of the view that Education is a community concern and I take my responsibilities to that end seriously. We took the opportunity to apply for Dilworth because of the educational opportunities that it had to offer. *At my interview with [named staff member] he assured me that Dilworth was not a Reform School for disturbed boys and that the cane was only used for serious misconduct. My son's talk of the school would suggest the latter to be incorrect.*
>
> I am well aware of the difficulties faced in controlling groups of children having been a teacher myself for some years. Then and now I have failed to find evidence anywhere to suggest that corporal punishment ever benefited any educational system. In my experience it either dampens a healthy spirit or promotes open defiance and bravado. Frankly, the thought of grown men and women beating children with sticks is positively barbaric. [Emphasis added]

391 For example, Murray Wilton submission to the Inquiry.

392 Dilworth School, House Staff Manual, 8 February 1980.

393 Letter from Family Member JP to Murray Wilton, 28 February 1980.

5.42 On 6 March 1980, Wilton replied:

> Dear [JP],
>
> *… While it would be true to say that our current policy tends to limit the use of corporal punishment, it is certainly incorrect for [named staff member] to have told you that the cane is "only used for serious misconduct", it is just one of a variety of punishments administered as circumstances and individual preferences dictate.*
>
> It has, however, come to my notice that one of our new teachers is making rather excessive use of the cane for minor offences and he has been told to reduce this and find suitable alternatives for things like lateness to class.
>
> I do not share any of your views on corporal punishment. Unlike you, my experience proves to me that a short, sharp infliction of pain (observable, moreover, in the animal kingdom) is soon forgotten and generally causes less resentment than a long-lasting punishment. Do you not see any correlation between the general abandonment by most parents and many schools of any form of discipline and the enormous increase in unruly behaviour, violent crime and the total lack of concern by so many people for the rights of individuals?
>
> At this School we refuse to be associated with the permissive society. We believe in firm but kindly control, and if you find this totally contrary to your philosophy of child-rearing and believe that you were misinformed about the School's policy you should perhaps decide whether this is the right place for [Student AF]. [Emphasis added]

5.43 In his statement to the Abuse in Care Royal Commission of Inquiry, Dr Wilton said that after 1982 caning was used rarely and only with senior management approval, and it was abolished by 1987.[394] This was consistent with a response provided by Dr Wilton in 1985 to a University of Auckland research project that required him to advise how often corporal punishment was used at Dilworth. His response was that it was "used extremely rarely (once or twice a year)".[395] However, we reviewed two punishment books, indicating the continuation of caning until 1989 and that it was given at times for seemingly minor misbehaviour.[396]

5.44 It appears to us, on reviewing the letter, school punishment books, and students' and staff statements, that Dr Wilton's assertion that he was opposed to the use of the cane and set about abolishing its use on taking up his position, probably reflects a view formed in hindsight, rather than a reflection of his views and practice at the time. In his interview with the Inquiry, he said he regretted sending the 1980 letter referred to above.

5.45 The limited information in the punishment books does however suggest a reduction in the use of the cane under Dr Wilton compared with when Mr Parr and Mr Conolly were at the helm.

5.46 However, the "short sharp infliction of pain" referred to by Dr Wilton was not the reality for a number of students we spoke to, and it was not soon forgotten, as the accounts below illustrate.

Dilworth Trust Board

5.47 Of the 12 Board members who served during Dr Wilton's time, 11 were in the professions or business,[397] one had experience in educational administration,[398] all were male and Pākehā, and, as in all other eras, none had children at the school. Consequently, all lacked the close interest in day-to-day school life that parent board members in other schools frequently have. Five members were old boys, including the two chairs.[399] Ten served for more than 10 years on the Board.[400]

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394 Murray Wilton submission to the Inquiry.

395 Response contained in the questionnaire sent to Dr Wilton by a postgraduate student at the University of Auckland in July 1985. The letter explains that the student is conducting a pilot study on the use of punishment in schools.

396 Deputy Headmaster's Punishment Book (relevant years) 1979-1987; Dilworth punishment book 1988 to 1989.

397 Mr Donald Cotter, public accountant (1960–1995); Mr Laurie Willis, public accountant (1966–1994); Mr John Maltby, chief executive of his quantity surveyor business (1970–1990); Mr Peter Miller, solicitor (1972–1987); Mr Derek Firth, solicitor (1975–2015); Mr John Potter, chief executive of Nestlé (NZ) Ltd (1985–1989 and 1993–2008); Mr David Chalmers, chief executive of New Zealand Insurance (1987–1995); Mr Jack Bennett, accountant (1989–1993); Mr Brian Maltby, chief executive of a quantity surveyor business (1990–2021); Mr Peter Tapper, executive general manager in petroleum companies (1994–2004); and Sir Wilson Whineray, chief executive of Carter Holt Harvey (1995–2007).

398 Mr Ronald Taylor, chair of the Auckland Education Board, served on the Board 1969–1985 (16 years' service).

399 The old boys were Mr Cotter, Mr Taylor, Mr Firth, Mr Potter and Mr Tapper.

400 They served for 10, 12, 15, 16, 19, 20, 28, 31, 35 and 40 years.

In the former students' words

School environment

5.48 Most of the students who spoke to the Inquiry from this era were critical of the school, although some noted that despite their challenging experiences, Dilworth had provided them with educational and sporting opportunities that might otherwise not have been available to them.[401] They were grateful for this.

5.49 Most students continued to describe Dilworth as a cold and harsh environment with little emotional or pastoral support.[402] Some said that, while excited initially to attend the school, once there, they experienced fear and trepidation as the warmth of the open day did not continue into the day-to-day life at the school.[403] Many described the school as rigid, punitive and controlling. Some expressed feeling humiliated and inferior due to the constant threat of losing their scholarship, and staff continually reinforced this.[404]

5.50 The legislative abolition of corporal punishment happened during Dr Wilton's tenure. Many students complained of the increased reliance on "gatings" as a disciplinary measure and the additional stress placed on them of not being able to go home.[405]

5.51 Students described Board members and Dr Wilton as unapproachable. No student described having any real connection with Dr Wilton. Many students described seeing Dr Wilton only at an assembly or chapel.[406]

401 For example, Student BZ, Student EW and Student GQ statements to the Inquiry.

402 For example, Student BK, Student EF, Student GV and Student GO statements to the Inquiry; Student GJ statement to external agency; Student HU statement to the Inquiry. We note also that students spoke about particular staff members who were kind to them or provided support and they expressed their gratitude towards these staff members for showing care and compassion.

403 For example, Student BK statement to the Inquiry.

404 For example, Student FX, Student GV, Student EW and Student GQ statements to the Inquiry.

405 For example, Student DJ, Student EY, Student DA and Student CC statements to the Inquiry.

406 For example, Student EY, Student FC, Student EW, Student EX and Student EG statements to the Inquiry.

Serious physical abuse

Extreme caning by staff

5.52 Former students reported that harsh discipline and punishments were imposed, often for minor offences or when no offence had occurred at all.[407] While the school's policy on caning was reportedly for the "most serious or persistent offences, and was to be respected" in 1980,[408] was to be "regarded as a last resort" in 1986–1987, and was delivered within the framework of "firm control, yet at the same time sympathetic,"[409] the reported experiences indicate the policy was not observed.

5.53 Student CI said that on one occasion after being caned by his housemaster, TW, he sat in a cold bath in his school uniform and the water turned red from the bleeding caused by caning. Sometimes he would be left with a centimetre deep indentation where he had been caned, "sometimes on your butt-cheeks, sometimes on your lower leg that would turn dark purple". Student FB said he was caned by Staff Member TM and then required to get into a cold bath.

> I remember the water turning pink from the blood. [TM] stood in the bathroom the whole time, tapping the cane on his leg while I was in the bath. I was in the bath for about 10 minutes, then when I got out of the bath, he caned me again … I was still naked and wet.

5.54 Student FB recalled that sometimes the cane would wrap right around and get the student in the groin, other times the caner would misjudge and the cane would get the student on the spine. Student ET, a student in the mid-1980s, said a cane aimed at his backside missed and "it split my leg open and was bleeding really badly. I had to go to the sick bay and the matrons cleaned me up and put butterfly strips on my leg".

5.55 Student CQ (who was caned in 1990) said, "Through my senior years I got caned a couple of times at the top school and a few times in the house. When I was a house prefect, I got 'six of the best' from [Staff Member SV]". Student EO (who attended between 1982 and 1988) said, "Overall, I think I got caned almost 80 times during my time at the school. It was pretty vicious. The caning would leave two blood blisters on our legs or backsides. Some boys would be sitting down begging not to be caned".

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407 For example, Student AF, Student AP, Student HN, Student CI, Student CQ statements to the Inquiry; Student GJ statement to external agency.

408 Dilworth School, House Staff Manual 1980.

409 Dilworth School Staff Manual, 1986-1987.

5.56 Student GJ said:

> During my time … there was lots of canings for unnecessary things. The [deputy headmaster] used to make you place your hands on his desk and he would put a chair over the top of your head so that if you stood up when you were hit, you'd strike your head underneath the chair.[410]

5.57 Student GJ also spoke of standing on the science block fire escape, which was around three storeys high and exposed. While there, another student grabbed him and pushed him over the side of the rail. The housemaster caned both students. Student GJ "felt it was completely unjust but that's just the way the school worked".[411]

5.58 Student CM said caning would be with pants up or down, and Staff Member UE was known for caning with the student's pants down. Students also described being "paddy-whacked", which was when (usually) Staff Member SV placed the student across his knee and hit the student with his hand across the buttocks up to 30 times. The accounts of paddy whacks continued until 1990, and some students said SV would require them to pull down their pants, so he was smacking their bare skin.[412]

5.59 Students told us that caning was sometimes used for minor offending such as not brushing teeth or not folding physical education gear.[413]

5.60 When asked about the incidents of caning outlined above, Dr Wilton told the Inquiry none were brought to his attention, and if they had been he would have taken action against the staff member. He noted that the 1989–1990 punishment book had not been signed off by him and he was unaware of caning happening to this point in time.[414]

410 Student GJ statement to external agency.

411 Student GJ statement to external agency.

412 For example, Student DJ, Student EH and Student DG statements to the Inquiry.

413 For example, Student HN, Student HR, Student IU and Student FG statements to the Inquiry.

414 Murray Wilton Inquiry interview.

5.61 **Staff statements:** Staff confirmed that caning continued into the late 1980s.[415] Staff Member QC, who was employed at the school in 1989, recalled caning still being used. Some staff members described their reluctance to cane but felt that some of the senior members of staff, such as Mr John Burnett, treated it as a job requirement for all staff members.[416]

5.62 Consistent with the former students' recollections, in this era staff members said tutors did not cane; rather caning was done by housemasters, teachers and deputy headmasters.

5.63 Staff recollections as to when and why caning was administered were inconsistent and contradictory. Some said caning was rarely used and only in consultation with the headmaster and only for the most serious of offences. However, several described caning being inconsistently administered for minor offences and recalled lines of boys outside the housemaster's office waiting to be caned. The latter is consistent with the student recollections.

5.64 One staff member says he caned only for bullying or gross disobedience and used the cane sparingly. However, a colleague told of an incident where a whiteboard had been damaged and no student would own up, and that staff member lined up all 24 students and caned them all.

5.65 Only one staff member, PI, reflected on his use of the cane and expressed remorse.

5.66 Staff Member QR noted that once caning was removed, the students' behaviour improved overall.

5.67 **Impact of caning on students:** Caning and other punishment handed out, sometimes without reason, for minor infractions or arbitrarily had a significantly negative impact on students. Student HN stated:

> I learnt to keep a low profile as a result. It was really frightening and very unstable not knowing when things were going to turn negative and who you could trust … I basically lived in fear and did not learn much at all.

415 For example, Staff Member PI, Staff Member PZ and Staff Member QD statements to the Inquiry.

416 Staff Member QR and Staff Member PI statements to the Inquiry.

Other physical abuse by staff members

5.68 While former students reported some kind and caring teachers, tutors and housemasters, we also heard about physical violence from two staff.

5.69 Student AO told the Inquiry that one housemaster was known for hanging students upside down by their ankles from a landing over two flights of stairs.

5.70 Several former students spoke of physical abuse by a particular staff member:

> I was often hit by a flying object such as a whiteboard marker or duster that [was thrown] at me for not writing fast enough.[417]
>
> The smallest infraction of doing what [we were] told would result in triggered outbursts of anger which could mean throwing things, yelling, and banging on desks and walls.[418]

5.71 Several former students described physical attacks and acts of cruelty by the same teacher on different students. In one case, the teacher thrust a pen into the shoulder of a student with enough force to draw blood. In another, the teacher refused a student permission to leave the classroom to use the toilet, resulting in him wetting his pants and having to sit in a puddle of urine for the rest of the afternoon.[419]

Violent bullying

5.72 During this era, the tradition of hierarchy and authority vested in senior students continued. The 1994 school handbook said that "prefects have authority over all boys at all times".[420] Prefects were told that, "your authority is equivalent to that of a staff member in that boys are expected to obey reasonable instructions during the course of your duties".[421] Students were encouraged to exercise only power and authority that was reasonable and not to verbally abuse or hit any other student.

5.73 The role of senior students in bullying and abusing others was often emphasised by those who were at the school during this era. This was not specific to prefects. It was said that staff set the example for bullying and then senior students did it to younger students.

417 Student CH statement to the Inquiry.

418 Student FN statement to the Inquiry. The Inquiry notes this staff member was eventually disciplined and later resigned in 1994.

419 Several students reported these two incidents, for example, Student GK and Student DO statements to the Inquiry.

420 Dilworth School, Dilworth Secondary School Handbook 1994.

421 Dilworth School, Dilworth Secondary School Handbook 1994.

5.74 The Inquiry heard many accounts of sixth formers bullying younger students while supervising them and there being no supervision of the sixth formers. Examples are set out below.

5.75 **Death mat:** Several students and at least two housemasters gave accounts of what was known as the "death mat", a practice started during headmaster Parr's era, which continued in the 1980s. Senior students used this practice in a variety of different ways to torment juniors, including making junior students crawl on the mat spike side up while the older students sat on their backs,[422] or rolling younger students up in the mat so the spikes punctured their skin,[423] or making junior students kneel on top of the spikes with their arms outstretched, which they then loaded with encyclopaedias.[424]

5.76 **Hot pipes and towel rails:** Students also recalled hot pipes and heated towel rails being used to inflict violence usually by the senior students forcing a junior student's hands against the pipes, which were scalding hot[425] or by waking younger students in the middle of the night and forcing them into a bath of cold water before then making the younger student sit on the hot pipe.[426] One student recalls the shattering screams from a another student being jammed in the middle of the hot pipes by a senior student.[427]

5.77 **Night beatings:** Another common theme was that night-time was not a safe time for students, particularly junior students, with senior students inflicting physical violence while junior students tried to sleep, dawn raids where junior students were whacked with school shoes in a pillow case,[428] junior students being hit and then wrapped up in bed clothes and thrown in an elevator,[429] or mattresses loaded with drawing pins.[430] A former student said he continues to sleep in defensive positions because of the night attacks.[431] Another described the abuse suffered at night causing them anxiety, stopping them from using the toilet at night, and resulting in life-long bowel problems.[432]

422 Student IU and Student ET statements to the Inquiry.
423 Student FP and Student EH statements to the Inquiry.
424 Student ES statement to the Inquiry.
425 For example, Student FB statement to the Inquiry and statement to external agency.
426 Student ES statement to the Inquiry.
427 Student CI statement to the Inquiry.
428 Student EY statement to the Inquiry.
429 Student BK statement to the Inquiry.
430 Student CI statement to the Inquiry.
431 Student CI statement to the Inquiry.
432 Student HU statement to the Inquiry.

Serious injuries suffered as a result of bullying and violence

5.78 Students described the injuries they suffered because of bullying or violence from other students. These injuries ranged from relatively minor and temporary injuries (such as cuts or a "dead" arm or leg) to far more serious injuries requiring medical intervention.

5.79 When he was 11 years old, Student BK split a tendon in his arm trying to protect himself from an attack by another student. He is aware that despite the school knowing how the injury occurred and taking him to hospital for treatment, the other student was not punished.

5.80 Student HN had his teeth knocked out when he was kicked from behind by another student in what he believed to be bullying because he was or was perceived to be, homosexual. He landed face down on the concrete and required pins in his front teeth to support implants.

5.81 When Student ET was in form 3,[433] he was beaten up by senior students, who punched him in the face and stomach and kicked him while he was on the ground. They put his head through a door. He was in the sick bay for several days recovering from his injuries and missed the school dance. In another assault, he lost both of his front teeth and as they were never fixed properly, he does not like to smile now.[434]

5.82 Student CS told the Inquiry that when he was around nine years old, he had his head repeatedly bashed against the concrete of the school pavilion by another student. He hid in the changing rooms for three or four hours afterwards until the bleeding stopped and swelling reduced. He has a permanent scar above and within his right eyebrow.

Random violence

5.83 Several students described being on the receiving end of random acts of "casual violence". Each of these accounts was given by more than one student unless otherwise noted:

- being whipped with guitar strings that had washers attached or a wire coat hanger or being burnt with heated metal coat hangers
- being made to stand facing a wall while having pool balls thrown at their backs, having pool balls dropped on their feet or having pool balls thrown at them while in the shower (with the balls ricocheting off the tiles)
- being pushed down flights of stairs

433 Now, year 9.

434 Student ET statement to external agency.

- having cricket balls thrown at them, being hit with cricket or baseball bats, or having darts thrown at them as target practice
- experiencing games of human 'pinball' where students were made to run a corridor lined with senior students who would kick, punch, push and beat the students as they made their way down the corridor
- being held underwater for prolonged periods, so the student would panic and get out of breath or being forced to drink water until the student threw up
- being electrocuted on the nipples or toes using wires and a car battery
- being forced to do push-ups on their knuckles over a sharp crack or kneel on metal mesh stairs
- being hit with pillow cases filled with shoes
- having to do "Chinese squats" (squats while arms were outstretched holding heavy books such as encyclopaedias) for extended periods
- being held over a motorway barrier above moving traffic (a single account)[435] and over outside stair-railings above a concrete pad (a single account).[436]

Psychological bullying

5.84 The Inquiry heard from former students who experienced verbal and psychological bullying. A common theme from students was that any difference would be picked on. Asian students would be referred to as "chink", "nip" or "gook".[437] Other students would be taunted for physical characteristics such as being overweight or having a scar.[438] Students who suffered this bullying said it was relentless and humiliating. Student CR said:

> Most of the bullying was verbal, always verbal and very homophobic and homosexually toned. Any minor indiscretion meant you were gay or a bum-bandit or YAG (gay backwards) but once you were tarred with that brush – it never ended.

435 Student ED statement to the Inquiry.

436 Student FP statement to the Inquiry.

437 Student EX statement to the Inquiry.

438 For example, Student DA, Student BK, Student DA and Student FN statements to the Inquiry.

Impact of bullying on students

5.85 Students described that they never felt safe, as the bullying was not just physical, but also psychological, with students taunted for differences in physique, called racial slurs or taunted for being perceived as homosexual. The boarding environment meant there was no reprieve from the bullying.[439] This had a significant impact on their ability to study and achieve. Student CH stated,

> I was teased about my looks, my poor sports and academic performance, my clothes, my taste in music, my friends. Literally every part of who I was, was torn to bits by bullies.

5.86 Student CJ succinctly described his experience as,

> The bullying was mostly psychological and emotional. It really got into my spirit. I was in hell basically. I was alone.

5.87 Other students took physical steps to protect themselves. Student BC told us:

> I do remember that at one stage – probably in my early teens – I was very scared of being bullied and used to carry a sheath knife around with me (concealed) as a form of protection. I don't recall ever using it.

5.88 While some students determined never to bully when they became responsible for younger students, others said that because of what they had experienced they became bullies when they got older – it was a learned and accepted behaviour and, in a "kill or be killed world", a coping mechanism.[440]

5.89 Some former students also describe how this cycle of bullying – being bullied as a student and then being able to bully as a senior – created a culture of abuse and encouraged the secrecy and false loyalty that prevented many from speaking up about abuse.[441]

439 For example, Student BK, Student CI, Student ES and Student EU statements to the Inquiry.

440 For example, Student IU statement to the Inquiry.

441 For example, Student CJ statement to external agency.

5.90 Some of the former students acknowledge that, towards the late 1980s, the school made some effort to try to prevent bullying, "The change in the bullying culture was not something that was overtly talked about but rather something I just noticed in my later years. It was my observation".[442] Students also mentioned that the formal practice of "fagging"[443] was stamped out from the mid-1980s but noted this did not mean fagging strictly came to an end nor did it completely stop the abuse by senior students of junior students.[444]

Lack of intervention by staff

5.91 Many students recounted situations where staff were aware of bullying and did nothing. Student CH stated:

> I found out in my later years that boys had stolen my music recordings and played them in other dorms making fun of me. I still don't blame the boys but rather the teachers for allowing this to happen. Adults needed to step up and stop the behaviour.

5.92 Student EX described a staff member looking on as he was punched in the side of the head by another student. Student AP said even when he told the housemaster what was happening to him, no steps were taken to curb the offending behaviour; rather, the severity of the abuse was simply dismissed. Student EY told the Inquiry:

> Our tutors who had been to the boarding school themselves and who were 18 or 19 just accepted that bullying was part of the life at Dilworth. They did nothing to prevent it.

5.93 We heard consistently from former students that bullying was not really addressed by the staff, it was underestimated in its seriousness, and viewed as part and parcel of a boarding school. While it may not have been accepted by some staff, it was not rigorously dealt with either.[445]

442 Student IU statement to the Inquiry. See also Student HN statement to the Inquiry.

443 Fagging is a practice whereby younger pupils are required to act as personal servants to older boys.

444 For example, Student FN and Student CG statements to the Inquiry.

445 For example, Student CR statement to the Inquiry.

5.94 Within the Dilworth archives, the Inquiry found a folder of over 30 original written accounts from students, dated June 1984, outlining bullying and sexual abuse they had experienced in the Watling boarding house at the hands of other students. Many of the accounts are in the form of a letter to the student's mother. One of the accounts is signed off "your bashed son". The folder included a typed memo summarising the allegations students had made. Staff member UO said these letters were written in an attempt to flush out bullies and it was thought the students would be more "open" if the letter was addressed to their mother, rather than the staff member.

5.95 Whilst there is no evidence that individual complainants' parents were informed of these disclosures, in a newsletter to parents dated 26 June 1984, Dr Wilton advised that, despite the school's "code of silence", enough boys had come forward to disclose bullying that the school was able to take action. He advised that a sixth form student[446] was asked to the leave the school as a result of bullying, and other students who were involved to a lesser degree were warned and their parents informed. Dr Wilton concluded the message with a statement that "bullying will not be tolerated in the school".[447]

Staff recollections of bullying

5.96 We interviewed 32 boarding or teacher staff members from the Wilton era. A few staff members from this era said they did not notice bullying nor did they recall a student complaining to them about bullying.[448]

5.97 Some staff acknowledged that bullying did occur and had varying recollections of the extent of the bullying and whether it was or was not addressed. Staff member PI described the bullying and harassment as "a closely kept secret". Staff member UX, also a former student, said that while bullying was still happening in the 1980s, he thought it was better than when he was a student. Staff Member UO said he came to realise there was a lot of surreptitious bullying.

5.98 Staff recalled verbal bullying and name-calling as being commonplace.[449] A housemaster attributed this to the students living with each for so long they became well aware of each other's faults.[450] In a house diary entry from June 1984, housemasters were asked to stop students acting in a "quite merciless" way, in relation to their name calling directed at a particular student . The note writer, however, signed off his request with an air of resignation, "have to put up with it?".[451]

446 Now, a year 12.

447 Newsletter to parents and guardians, 26 June 1984.

448 For example, Staff Member RF statement to the Inquiry.

449 For example, Staff Member RE statement to the Inquiry.

450 Staff Member PF statement to the Inquiry.

451 Dilworth house diary, 14 June 1984.

5.99 Several teachers were alert to the possibility the staff were not aware of the full extent of the bullying problem both due to it happening when staff were not around and the "no narking" culture.[452] Tutors from this era who spoke to the Inquiry also advised that while they were aware there was bullying,[453] they suspected the worst bullying was done away from staff due to the "code of silence".[454]

5.100 Staff recalled the school making changes to address some of the bullying issues. Staff member PR observed that when the school changed the mix of younger and older students in class, instead arranging classes along primary and intermediate lines, it also assisted with reducing bullying from more senior students toward junior students. Dr Wilton made an effort to increase staff numbers in the boarding houses. The opening of the junior campus in 1993, so younger students were more separated from seniors, also assisted with reducing senior students bullying of younger students.[455] Staff Member PH said, consistently with the students. "The big issue about bullying at Dilworth is that boys cannot easily escape it because they live onsite".

5.101 The limited records we have seen from the 1980s show some bullies were caned or given other punishments. During this period, records indicated 28 students were caned for bullying while another eight students were caned for fighting.[456]

5.102 Staff member QB, who had come from a state school, noted the stark difference in culture, and said that state school "had a much closer integration between student families and the school, so better and more accessible pathways to mediation and behaviour management".[457]

Bullying or harassment by teachers and staff members

5.103 Some former students describe being bullied or ridiculed by staff members for being fat. These comments were made in front of other students and left them feeling embarrassed, depressed and isolated.[458]

5.104 Students were also taunted for being homesick or showing anything perceived as weakness.[459] Students would also be taunted by staff members during shower time, having comments made about their penis size or physique or if a student had an erection.[460]

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452 For example, Staff Member PH, Staff Member PF and Staff Member PI statements to the Inquiry.

453 For example, Staff Member RE statement to the Inquiry.

454 For example, Staff Member QA statement to the Inquiry.

455 Murray Wilton statement for the faith-based institutions response, Abuse in Care Royal Commission of Inquiry; Staff Member PH statement to the Inquiry.

456 The Inquiry could locate only two punishment books that covered Dr Wilton's tenure as headmaster. The first book was the Deputy Headmaster's punishment book and covered the relevant period August 1979 to 1987 and the second book is titled Dilworth Punishment Book and is for the period 1988 to 1989.

457 Staff Member QB statement to the Inquiry.

458 For example, Student BA, Student CR and Student GF statements to the Inquiry.

459 For example, Student HU and Student CB statements to the Inquiry.

460 For example, Student BK statement to the Inquiry; Student CB statement to external agency.

5.105 Students stated it was obvious certain staff members disliked particular students.[461] Teachers were said to play favourites, manipulate students and cause students to "seek respite" or protection from them.[462]

5.106 Student DO described being verbally abused by a teacher, largely because of a speech impediment he had, recounting, "I can't tell you how many times [I was told] I would amount to nothing". Several former students recalled the same teacher subjecting students to daily verbal attacks and personal insults or mocking for simple mistakes in homework. The Inquiry was told the teacher would pick on students, particularly Māori students, "telling them they were stupid. [The teacher] made up derogatory nicknames for boys and would use them instead of their actual names … and was telling the brown kids they wouldn't last".[463]

5.107 Student GF was repeatedly called stupid by a teacher, a label that was adopted by his peers.

5.108 Student CR said that one night Staff Member TL, who did not like him, required the student to unblock a toilet in the boarding house with his bare hands and a coat hanger as punishment for talking after lights out. It took him two hours, and afterwards he wasn't allowed to shower but had to just wash his hands and go straight to bed.

Sexual abuse

5.109 The next paragraphs contain examples of sexual abuse from the many the Inquiry heard. **These accounts are graphic and may be distressing.**

5.110 The accounts of former students about sexual abuse in this era have the same themes as those under headmaster Parr's era:

- sexual predation by staff (housemasters, chaplain, tutors and teachers) on students, particularly younger students
- sexual predation by older students on younger students
- an inability to have sexual predation stopped despite attempts to do so
- punishment for complaining of sexual abuse.

461 For example, Student AK statement to the Inquiry.

462 Student DG statement to the Inquiry; Student CB statement to external agency.

463 Student FN statement to the Inquiry; also Student GK statement to the Inquiry.

Sexual abuse by housemaster or tutor in boarding houses

5.111 At least three housemasters during Dr Wilton's era abused students in their boarding houses: Mr Howard Wynyard, Mr Alister Harlow and Staff Member SV. Two of the three are now convicted offenders.

5.112 **Howard Wynyard:** Mr Wynyard was appointed housemaster when Mr Rex McIntosh left Dilworth in 1979[464] and remained in that position until his 'resignation' in 1983. When he took over as housemaster, he used his new position to gain access to students at night in dormitories.

5.113 Multiple former students said he was always present when students were naked or showering. The Inquiry heard from four of the six against whom Mr Wynyard offended that resulted in convictions. Mr Wynyard's abuse of students aged 9–12 included:

- creeping into dorms at night to touch a student's penis and masturbate students[465]
- putting his hands up a student's shorts and fondling his testicles when the student went up a ladder at Mr Wynyard's request[466]
- Mr Wynyard standing directly behind the student, reaching around and rubbing his hands all over the front of the student's body, from his chest to just above his groin, stroking the student's body with both hands from the top of the student's chest to the top of his pants.[467]

5.114 Student ET, who had just turned 12, described the impact of Mr Wynyard's abuse on him:

> At the time I had no idea what had happened [when Mr Wynyard masturbated him] I had no knowledge of sex, I had never read a dirty magazine or anything. I hadn't even hit puberty. I was shaking, in shock. I don't think I went to sleep that night. I stayed awake all night. I wanted to run away, but there was nowhere to run to … I felt so embarrassed and humiliated. I couldn't tell any kids at school because I would have been ridiculed and teased … And when an authoritative figure does this to you, it doesn't make you want to go and tell an authoritative figure. So, I told no one. I was in a really dark place.[468]

464 Howard Wynyard statement to the Inquiry.

465 Staff member PR investigation notes for investigation undertaken for Dilworth; Student ET statement to external agency.

466 Student EE statement to external agency.

467 Student HS statement to external agency.

468 Student ET statement to external agency.

5.115 **Alister Harlow:** Mr Harlow climbed into Student HG's bed while he was sleeping.[469] He also massaged student's shoulders and neck without their consent and in a way that student's described as "creepy".[470]

5.116 **Staff Member SV:** Two students described being sexually abused by Staff Member SV in the late 1980s.

5.117 Staff Member SV offered Student DC, who was 11 years old, an opportunity to avoid caning by performing fellatio on him. Student DC gave a detailed account of the event and said the image of SV's penis was now an unpleasant image always in his head. He also recalled being in tears when the ordeal was over, and he went to the bathroom to wash his face, forehead and hairline, trying to remove the semen from his hair.[471]

5.118 Student HU also described sexual abuse involving punishment received when he was 12 years old. He was given the choice of a caning or "spanking". He realised in hindsight he should have chosen the cane as:

> Spanking required me to lay across his knee with bare buttocks. He placed his hands on my buttocks and stroked them. He also casually brushed his hands across my genitals as well. He enjoyed himself and then tried to hug me and tell me we were still special friends. This happened in the MacMurray House Duty Room. There was a separate office with a lockable door where he disciplined boys.

Sexual abuse outside of boarding houses

5.119 As in previous eras, students were abused by housemasters and staff often during an outdoor event such as camping or tramping. Examples are set out below.

5.120 Staff Member UE touched Student GN, who was about 11 years old, on the bare groin while lying in bed sick at camp.[472] On a trip away, Staff Member UE exposed his penis to Student FG, who was 11 years old. On another trip away he tried to shower naked with Student GM, aged about 12.

469 Mr Harlow also abused students, although this abuse largely took place outside of the boarding houses and is described below.

470 For example, Student GO statement to external agency.

471 Student DC statement to the Inquiry.

472 Student GN statement to external agency.

5.121 Staff member TM abused students while on school camp. On one occasion he massaged a 13 year old student who had suffered an injury, that massage led to Staff Member TM masturbating the student. On a separate camp, Staff Member TM sat on the bed of a 14 year old student who had opted out of the camp activity. While alone, Staff Member TM touched the student's body and masturbated the student. Student DO recalled, also when he was about 12, at a school camp during a "group hug", being spooned by TM, who had an erection, "I remember it pressing against my bum as he adjusted himself … As we 'snuggled' into a trusting embrace his [penis] was distinctly erect behind my school shorts".

5.122 From age 13, Student CM recalls often being alone in a room with Staff Member TM often and having conversations that were "creepy", and he was always scared. He described how on many occasions TM held him with his erect penis rubbing against him. Although TM knew the student's primary caregiver had died by suspected suicide, TM threatened to kill himself if CM ever told anyone what was happening.

5.123 **Grooming, spooning and touching of genitals while on weekends away:** The following accounts are all of offending by the Mr Harlow, who was a boarding house staff member and who also had a role in Scouts. Mr Harlow was another staff member who frequently walked into the shower room and looked around, ostensibly to monitor behaviour.

5.124 Mr Harlow would offer students pocket money for doing jobs at his home. There he would encourage students to stay the night where he would cuddle them on the couch. When he was around 11 years old, Student AP, who was from a poor family, needed the money, so went. Mr Harlow also offered shoulder massages to students. Student GK said that when he was around 13 years old, while receiving a shoulder massage, Mr Harlow suggested "he [Harlow] could go further".

5.125 Mr Harlow regularly took students away to Whangārei for camping or other scouting activities. While on these trips he molested or attempted to molest students by massaging them and sleeping next to them in a tent and "spooning" them. Several students described how the grooming went further. Two examples are as follows:

- Mr Harlow put his hands down Student EW's pants and touched the student's penis.[473]
- Student EO described Mr Harlow taking him away for weekends and special trips during which, on several different occasions, he tried to massage him, put his arm around him and spoon him if they were sleeping in a tent. This progressed until eventually Mr Harlow regularly touched EO's genitals and tried to insert a finger in his anus.[474]

473 Student EW statement to the Inquiry and statement to external agency.

474 Student EO statement to the Inquiry and statements to external agency.

Sexual abuse by school contractor associated with Dilworth

5.126 Student ED described an attempted assault by a contractor in the bathrooms when he was form 3.[475] The contractor held him down and tried to force the student to touch him. The student became aware that this happened to a peer, and both students approached Dr Wilton with a complaint.

Sexual abuse by teachers

5.127 Former students gave accounts of abuse by several teachers.

5.128 **Leonard Cave:** The Inquiry received statements from four students describing sexual abuse by Mr Leonard Cave during 1979 to 1985 and from several students describing grooming.

5.129 Student AF described Mr Cave coercing him to be photographed naked after being supplied alcohol when he was around 15 years old. Student EE also told the Inquiry that Mr Cave also coerced him into being photographed naked when he was around 15 years old.

5.130 Three former students described separate instances when Mr Cave invited them each to his bach on Waiheke Island, plied them with alcohol to the point of passing out and sexually abused each student.[476] Each account of sexual abuse included the student's clothes being removed and Mr Cave performing oral sex on the student or forcing the student to perform oral sex on him. One student said, "I felt like I had to do it as, from the relationship that had formed between him and I over time, I felt subservient to him … This was my first sexual experience … I was a naive young 14-year-old boy".[477]

5.131 **Staff Member RZ:** Staff Member RZ worked at the school from the late 1980s. The Inquiry received statements from six former students who said they were abused by RZ and was made aware of four further students who complained of abuse by him at Dilworth.[478] RZ would use his position as a teacher to groom students, providing them with one-on-one tutoring, inviting them to his house and bonding with them through a shared interest. After he groomed a student, he progressively became more daring and would rub the student over his torso and genitalia. Student GK said when he was 12 or 13 years old RZ lifted him into an embrace and pressed his lips against his neck.

475 Now, year 9.

476 Student AF statement to the Inquiry and statement to external agency; Student HR statement to the Inquiry and statement to external agency; Student DP statement to the Inquiry and statement to external agency.

477 Student DP statement to external agency.

478 Dilworth School: Response to Notice to Produce No 2, Schedule A(2)(a), 25 May 2020; and RZ staff file.

5.132 Staff Member RZ would encourage students to sit on his lap so he could rub the student's torso under their clothes, rubbing their nipples. He would push his genitals up against a student's neck or head. During private tutoring, RZ would press up against a student's back so the student could feel RZ's erection. He would put his hand under the student's shirt and rub his chest, nipples and stomach. Sometimes RZ would put his hand in the waistband of the student's underwear and just rest it there.[479]

5.133 Student FH said, when he was around 13 years old, Staff Member RZ would force him to masturbate RZ, while rubbing his back and reassuring him everything would be ok. RZ would masturbate FH, before then going on to masturbate himself. FH recalled, "[RZ] laughed afterwards and wiped some of his sperm across my mouth".[480] Student CG said, when he was around 12 years old, RZ made him sit on RZ's knee during a private lesson. RZ got an erection and then forced CG to perform oral sex on him. This happened on two further occasions, and on the third occasion CG had to wipe up the sperm from the floor and his face.

5.134 The Inquiry was told Staff Member RZ would use opportunities such as pretending to assist a student remove their choir robes or pretending to comfort a student to touch a student's genitals.

5.135 Staff Member RZ would visit students' homes or take them away on holidays where the offending would take place. Student CH said, when he was around 14 years old, he and RZ would often share a bed and RZ would express his love for CH.

5.136 **Ian Wilson:** The abuse Mr Ian Wilson has been convicted of spanned two eras, Parr's and Wilton's. During Dr Wilton's era, former students' accounts of abuse by Mr Wilson arose from his connection with Scouts and his roles as housemaster and teacher.

5.137 Much of the offending took place when Mr Wilson had taken the student away for a weekend or in Mr Wilson's house, which was initially on school grounds and later a flat in Remuera. Examples of some of the abuse the Inquiry was told about follow.

5.138 The Inquiry was told of a scouts-related trip to hot pools one weekend. Mr Wilson, his brother Mr Ken Wilson and Mr Richard Galloway[481] hired a private hot pool, and Student HR said encouraged the students to get into the pool naked. Mr Ian Wilson (and the other adults) then stood behind each of the students to "crack" their backs.[482]

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479 For example, Student HT statement to the Inquiry and statement to external agency; Student CH, Student FH and Student CX statements to the Inquiry.

480 Student FH statement to the Inquiry and statements to external agency.

481 As described in chapter 4, Mr Galloway was a scoutmaster of a Dilworth troupe and lived in a rented house on Dilworth grounds.

482 Student HR statement to the Inquiry.

5.139 Mr Ian Wilson invited students to his house for dinner, which Student HR described as being a "perk" of belonging to Scouts.[483] HR told us he believed he was drugged at the dinner:

> I had a memory lapse of many of the events that occurred that night. What I do remember is that at one stage I was standing in my underwear and then Wilson was standing behind me and put his hand down my chest and down the front of my underwear to the top of my genitals.

5.140 Student HR has no further recollection of the night. This has caused great distress as he often wonders what else Mr Wilson did to him.

5.141 Student DA was around 12 years old when he was invited to Mr Wilson's house for dinner and recalls:

> We hugged and tickled each other, joked around and then he started rubbing my tummy and legs and moved closer to my genitals. He said it was our special time and had to be secret. I felt dirty, like I'd done something wrong, so I ran away and said nothing to anyone as who would believe a child?[484]

5.142 Student DG, when he was around 15 years old, attended a Group Life Laboratory (GLL) camp with Mr Wilson, and at the end of an activity involving personal disclosures, the students were made to hug everyone, including the staff. Mr Wilson sucked on the student's ear and said "oh, it's just a little love bite".[485]

483 Student HR statement to external agency.

484 Student DA statement to the Inquiry.

485 Student DG statement to the Inquiry.

Sexual abuse by chaplain

5.143 Mr Browne was appointed the school chaplain, replacing Mr Taylor, on 1 February 1980, a position he held for 25 years. During his tenure, besides general chaplain duties, Mr Browne was responsible for introducing the GLL camps, establishing informal groups known as "the Crypt" or the "Coffee Club", and running the school's sex education programme.

5.144 Mr Browne was described as a large man. Many interviewees said he possessed a "wonderful voice", was a good storyteller and was charismatic and charming.

5.145 Mr Browne has been convicted of historic sexual offending between 1987 and 2002 against 14 former students. He is facing further charges of offending against four former students between 1986 and 1996 and one former student between 1999 and 2001. The Inquiry heard from a significant number of former students about grooming and abuse by Mr Browne during the Wilton era. Abuse happened in a variety of physical locations, including camps, Browne's office (also known as the "Crypt"), a small anteroom off his office (which contained a massage table), the classroom and his residence. Examples of the abuse are detailed below. The Inquiry has only included detail of abuse that has been investigated by police and is not the subject of current charges before the court.

5.146 **Grooming:** Former students and their whānau described how Mr Browne used the cloak of religion to both enable his abuse and avoid detection. Student HU described it in this way:

> I think the boys found Father Browne friendly, like a jolly green giant. He was trusted because he dressed up in fancy frocks, threw about incense and lectured us about religion, dispensing wafers and dressed in satin finery. He couldn't possibly interfere with boys. Father Browne was like Pope Benedict – he liked all the bells and whistles and the finery of making the Church look like a cathedral. He bathed himself in the trappings of religion.

5.147 Mothers described their discomfort at the way Mr Browne hugged and interacted with the students at the Sunday chapel service but felt there was nothing they could do or no one they could speak to about it, because he was the school chaplain.

5.148 Students told of the many different forms of grooming used by Mr Browne. One method was to invite students to be part of groups where their attendance set them apart from others and membership was contingent on following rules of secrecy. Membership also gave them access to special treats. Coffee Club was one group where participants could stay out late in the evenings, eat chocolate biscuits and drink communion wine. An even more select group went on to Mr Browne's residence afterwards, where they would be encouraged to masturbate while Mr Browne watched and gave instructions.

5.149 Student DA told the Inquiry that, "He [Mr Browne] would tell us when we left that whatever happened there was our secret time, and not to tell others as they would feel left out. He said if they found out, they would want to come and we would lose our spot".

5.150 Normalising the public display of sexual activity was a significant part of Mr Browne's grooming and abuse. The Inquiry heard numerous accounts of how he would encourage students to masturbate in front of each other and Mr Browne, both in more private settings as described above as well as in the sex education classes he ran.

5.151 Mr Browne also used his position of trust in the school to set up and run Relationship Awareness Workshops, or GLL camps as they came to be known, which provided Mr Wilson and Mr Browne with opportunities to identify vulnerabilities of participants and undertake further grooming (see further analysis from 5.155).

5.152 Perhaps the most significant demonstration of Mr Browne's institutional grooming was that, despite not having any qualifications or professional experience, his giving massages to students appears to have been tolerated by the headmaster as an acceptable activity for a chaplain to undertake. Dr Wilton told us:

> There were occasional remarks made to me informally about the degree of intimacy involved in "massage" sessions. I took this up with Ross Browne and was assured that these were always sessions involving several boys and that they never occurred when only one boy was present.[486]

486 Murray Wilton submission to the Inquiry.

5.153 The fact these kinds of remarks did not raise immediate alarm bells and a prohibition of Mr Browne's massage sessions, indicates the effectiveness of his institutional grooming. Not only does it appear Mr Browne was able to justify their continuation, but his assertion as to the way they were carried out was simply taken at face value. The Inquiry was told by many former students that massages were frequently given to students on their own in a closed-door room, and that Mr Browne used these sessions to facilitate his sexual offending against students. It did not occur to the headmaster that for the chaplain to be giving massages to students was an odd and suspicious activity.

5.154 Deputy headmaster Mr Bruce Owen took a different view. In 1989 or 1990, Mr Owen discovered Mr Browne was massaging boys on a table he had in his room. Mr Owen said he told him to get rid of it and stop massaging boys because it was "unprofessional". Months later he found that Mr Browne had ignored his instruction and still had the table. Mr Owen asked Mr Browne again to remove the table but did not ask if he was continuing to massage boys and did not notify Dr Wilton about Mr Browne's massage table.[487]

5.155 **Group Life Laboratory:** Soon after starting at Dilworth, Mr Browne, although an unqualified teacher or therapist, developed a programme that took small groups of students out of school to provide them with a safe space away from school to discuss challenges or issues they were facing. In 1982, the first "retreat", as it was initially called, took place. The events were held in Huia, West Auckland, and thereafter called Relational Awareness Workshops, before being called GLL camps.

5.156 Mr Browne developed the content of the workshops or camps and wrote the manual for them.[488] The manual stated that personal growth and interpersonal growth were the two main goals of the GLL. Browne considered the best part about these camps was that it was "essentially students healing students".[489] He told the Inquiry that the methodology rose out of the human potential movement of the 1960s and referred to the use of the same methodology at Centrepoint.[490]

5.157 Mr Browne facilitated over 55 four-day GLL camps in all.[491] Mr Ian Wilson regularly attended at the camps to help facilitate them. Mr Browne and Mr Wilson are now convicted sexual offenders.

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487 Bruce Owen statement to the Inquiry.

488 Ross Browne Inquiry interview.

489 Ross Browne Inquiry interview.

490 Ross Browne Inquiry interview. Centrepoint was a commune in Albany, founded in 1977 by Mr Herbert (Bert) Thomas Potter and others. In 1990, Mr Potter was convicted on drug charges and in 1992 of multiple charges of indecently assaulting five girls between 1979 and 1984. Six other male leaders were also convicted of other sexual assaults.

491 Ross Browne, curriculum vitae, April 2008, provided in support of Anglican ministry application.

5.158 Ensuring senior leadership saw the value of these camps was key to their lengthy duration. Mr Owen attended once or twice a year. Dr Wilton would regularly attend for one of the days of the camp and was a strong supporter of them. He still maintains their utility and benefit to students today.[492] In 2006, he wrote:

> A novel approach taken by Ross Browne as part of his pastoral care duties was the establishment of the Group Life Laboratories. The strategy of establishing an atmosphere of trust in small groups away from the school campus was highly successful. Boys with serious relationship problems, at home and at school, were able to talk through their difficulties with a sympathetic audience and find ways of handling them. Topics ranged from questions about sexuality, to improving self-worth and dealing with death and grief. The camps armed boys with strategies for responding to matters which hitherto went unresolved. I know there are literally hundreds of boys who turned their lives around as a result of attendance at the camps, and Ross Browne's part in this cannot be underestimated.[493]

5.159 Endorsement of the camps also came by their inclusion in the pastoral care provisions of the Dilworth Secondary School Staff Handbook 1994. In the section on pastoral care, it is emphasised that it was Mr Browne, in his role as chaplain, who effectively co-ordinated all pastoral care. GLL was described as follows:

> Once a term a group of twenty boys from the secondary school, with three or four staff members attend the Group Life Lab. This experience is designed to do a number of things. It helps to build self-esteem and self-confidence. It allows trust to be built up among a small group and from that trust to be able to share any problems and difficulties. It also encourages better awareness of the feelings of others.
>
> The Group Life Lab experience has been one of the school's success stories and over the years has helped and encouraged quite a large number of boys. The Group Life Lab team are always looking for new input and encourage any staff member who feels that they would like to participate to have a talk to the Chaplain.[494]

492 Murray Wilton Inquiry interview.

493 Memorandum from Murray Wilton to the Dilworth Trust Board, undated, provided during Mr Browne's disciplinary process in 2006.

494 Dilworth Secondary School Staff Handbook 1994.

5.160 Some students disclosed sexual abuse that had occurred or was occurring, including by other students and staff. The disclosure was said by Mr Browne to be confidential unless the student took responsibility and made a complaint about it. Hence, known abuse of students at the school, disclosed to the school at the camps, was not investigated. None of the facilitators had the appropriate professional qualifications or training to respond to disclosures of abuse. In addition, the promise of confidentiality, which encouraged the disclosures, was unattainable in the circumstances of student participation. Several students spoke of their disclosures becoming rumours around the school the following week and the basis of harassment and taunting.

5.161 **Opportunities for grooming, physical contact and sex abuse at Group Life Laboratory camps:** The camps involved the participants both staff and students, hugging, giving massages and spooning. Former students told the Inquiry that students regularly sat on Mr Browne's lap during the camps, which Dr Wilton and Mr Owen also observed and accepted.[495] We note however, that Dr Wilton and Mr Owen both told the Inquiry they did not observe spooning or massages while they were present at camps. Mr Browne accepted there was lots of hugging, which he claimed was very much part of 1980s thinking. He conceded that by the 1990s it was clear that the "technology was no longer fit for purpose".[496]

5.162 There were several accounts from students about abuse at such camps. Several students told us that during a hug from Mr Browne while at camp, Mr Browne would move his hands down to their buttocks and grope them. One example is from Student BA, who told the Inquiry that Mr Browne tried to grope him at camp and pushed his finger into BA's anus (BA was wearing underwear) while giving BA a "bear hug". Mr Browne also invited BA to his room, an invitation BA declined.[497]

5.163 Mr Browne also massaged students while on camp. One example was given by Student EU who received several massages at a GLL camp when he was around 13. EU said Browne's hands moved over his body and legs and with each massage Mr Browne would move his hands close to EU's genitals. One night, Mr Browne moved his hand up into EU's shorts and fondled EU's penis. Other students were subjected to abuse by Mr Wilson at GLL camps.

495 Murray Wilton Inquiry Interview. Bruce Owen statement to the Inquiry.

496 Ross Browne Inquiry interview.

497 Student BA statement to the Inquiry and statement to external agency.

5.164 **In the classroom:** The Inquiry received several reports from students who were encouraged by Mr Browne to masturbate during Christian Living classes. These students each gave cogent and similar accounts of pressure and encouragement from Mr Browne to masturbate during these sessions. Examples of such accounts include, Student EY who said that as Mr Browne was a man of god, he felt reassured that it was ok and that normalised the practise of masturbating during the class. Students CR and BK each told the Inquiry how they engaged in masturbation in front of the class due to the pressure they felt from Mr Browne and his assurances that "it was normal for boys to masturbate openly in class".

> During Christian living class we were sitting spaced out in the multi-tiered room on plastic chairs and we're talking about sex … Father Browne professed that it was normal for boys to masturbate openly in his class and that if we felt like doing so then we should. He looked at [my classmate] and myself who was sitting next to each other, and again repeated that if we were comfortable then he had no problem with that. He was such a warm and genuine man, very fatherly and we trusted him.[498]

> During these classes he [Mr Browne] actively encouraged you to masturbate in front of everyone. He would stand in front of the class and just watch. And if you weren't doing it, he would encourage you more, which then created a subgroup of the cool boys who called themselves the renegades and would go to the pool house in the junior school and masturbate in there too.[499]

498 Student CR statement to the Inquiry.

499 Student BK statement to the Inquiry.

5.165 The Inquiry was told that under the guise of sex education, Mr Browne took a small group of students aside into the audio-visual media suite, talked to the students about puberty and sexual urges, told them it was natural to masturbate and instructed the students to masturbate in front of him there and then. Student EY, who was around 11 years old, said the students complied with the direction:

> I remember being unsure of what was going on, but I knew a couple of things. I knew he had the power to get me, so I didn't want that, but he also baptised all students as well and he was the voice of God. I didn't know what God meant but I sure as hell knew that I didn't want to get on God's bad side, so here this man of God was telling me to do something, that I shouldn't question it or think twice about it.

5.166 The Inquiry was told that during class Mr Browne would read aloud students' accounts about masturbating. Student GV recalled during class Mr Browne would put students in the middle of the room and make them answer questions from their classmates that could be sexual in nature. During Christian Living class, Student EY told the Inquiry Mr Browne also invited students to come up to the front of the class to touch his beard hair and pubic hair.

5.167 Several students described situations where, as a result of Mr Browne's encouragement, and following on from sex education class, groups of students would masturbate together.

5.168 **One-on-one abuse:** Some abuse led on from the sex education classes. Students approached Mr Browne to discuss a topic or question arising from the sex education class. This then led to Mr Browne "inspecting" the student's penis or coaching him to masturbate. Mr Browne conducted "penis checks" on students, calling them into his office and "inspecting" their genitals. Mr Browne would touch the student's penis and sometimes would encourage the student to masturbate in front of Mr Browne as part of the "inspection". One example was given by Student HG, who was around 10 years old, "Browne would ask me to pull my pants down, and he asked me is there any problems ... then he grabbed it and played with it for a bit".[500]

500 Student HG statement to external agency.

5.169 Other abuse took place when a student had been sent to Mr Browne for counselling, usually because of actual or perceived misbehaviour in the classroom or because Mr Browne had become aware of some family hardship. Several students told us they were approached for one-on-one counselling. Mr Browne would use these opportunities to talk to students about masturbation and erections with assurances that such discussions were normal and natural. Students said it would lead to Mr Browne giving the student a massage.[501] Several students described sitting on Mr Browne's knee or lap and feeling his penis against them[502] or Mr Browne touching the students' genitals or, sometimes, Mr Browne would place the student's hand on Mr Browne's genitals. Student CQ said he was around 14 years old and was sitting on Mr Browne's knee when Mr Browne started playing a "game" with him:

> I was sitting on his knee, and he put his hand(s) down my shorts. He was walking his hand down and touched me on my genitals. I didn't touch him, but he wanted me to. He tried to get me to walk my hands down him, over his clothes.[503]

5.170 Some would push him away, others didn't know what was happening and let it happen, and others froze in fear. Student BA told us:

> He started to touch and massage my penis through my school shorts trying to give me an erection. At the same time, he would be telling me about how it's okay to masturbate and that boys do these sorts of things and it's okay to help each other.
>
> Every time we met for these sessions; things would go a step further … He would always be trying to touch me, in a sexual way, moving his hands up towards my penis … All I wanted was for someone to be my friend. I wanted to be good at school and go home on the weekends.

501 For example, Student EY statement to the Inquiry.

502 We note that Mr Browne vehemently denied any allegation that a student could feel his erection due to his obesity: R Browne Inquiry interview.

503 Student CQ statement to the Inquiry and statement to external agency.

5.171 Student ED said that after a sex education class in form 2[504] he was in Mr Browne's office for an unrelated matter. Mr Browne put him on his knee, started talking about sex and demonstrated how to masturbate using a banana.

5.172 Student CB said that before being baptised, when he was around nine years old, students were called in one by one to talk with the priest, "When my turn came, he sat me down on his knee. I recall his hand going up my shorts and sort of fondling with my privates while we talked about the baptism".[505]

5.173 Student AV reported how, lacking a father figure and being lonely and homesick, he sought out Mr Browne, who he trusted because he was the chaplain. The student told Mr Browne he had been abused by his father. Mr Browne was the first person to whom he had disclosed the abuse and he recalled receiving cuddles and hugs from Mr Browne. This progressed to sexual abuse by Mr Browne. AV was around 13 years old. As an adult he realises that as a child he saw nothing unusual about the behaviour, as he was used to similar abuse from his father.

5.174 **Abuse during massage:** The Inquiry received several accounts from students about Mr Browne encouraging students to have a massage as a means of "calming down" or releasing stress or to address a sports injury.

5.175 Several students told us that during the massage, Mr Browne's hands would start to stray under their clothing and touch their genitals. Student CC was massaged by Mr Browne after telling Mr Browne he had a sore back. During the massage, Mr Browne moved his hands under CC's underpants and touched his buttocks, anus and genitals. Student CQ told the Inquiry that during a massage, Mr Browne's hand had crept under his underwear and touched CQ's genitals three or four times. Some students recalled being almost naked during the massage. The Inquiry is also aware that, on several occasions, during a massage Mr Browne inserted his finger in a student's anus.

504 Now, year 8.

505 Student CB statement to the Inquiry and statement to external agency.

5.176 Student DV described feeling uncomfortable during the massages but "still happy for the attention Browne gave". Student CG described receiving massages from Mr Browne and it feeling strange and unusual but "it was alright because he was the priest".[506]

5.177 **Crypt:** Browne's office was located on the bottom floor of one of the school buildings. He set up a drop-in centre in a room opposite his office with couches and had tea, coffee and milo readily available to any students who wanted to "hang out" there. This was known as the "Crypt" or "Coffee Club".

5.178 Mr Browne told the Inquiry that the original purpose of the drop-in centre was to provide those who had attended a GLL camp with post-camp support.[507] Former students described it as a safe space for students who were vulnerable or identified as gay.

5.179 The Inquiry heard that Mr Browne would encourage students to sit on his lap or lie on top of him, "Looking back, I think he deliberately chose kids who wouldn't be able to resist him physically if that became necessary. He was held in high esteem and had massive credibility".[508]

5.180 Students told us Mr Browne would be present in the room after school hours and would initiate conversations with the students about sexual topics, including masturbation. Mr Browne would encourage students to discuss and explore their sexuality. Many students said but for Browne encouraging them they would never have participated in the sexual experimentation.[509]

506 For example, Student CG statement to external agency.

507 Ross Browne Inquiry interview.

508 Student BK statement to the Inquiry.

509 For example, Student DG statement to the Inquiry.

Sexual abuse by other students

5.181 Several students recalled being sexually abused or attacked by other students.

- "One time there was an older kid lying behind me and he took his penis out and rubbed it on my back."[510]
- Student FB recalls that to avoid being reported to the housemaster, he opted for punishment by the prefect. "I was taken into the broom cupboard, I didn't know he was going to get so violent with me". He was forced to his knees by the older student and made to perform oral sex on him.[511]
- Other students recalled:

> Boys started picking on me, I recall a time when they took me into the bushes … and proceeded to do sexual things to me. They bent me over and put their penis into my bum … [When the first one] had finished then the other boy took a turn to do the same thing.[512]
>
> One of the worst things that happened to me that I remember was when I first arrived I was taken by a group of older boys to a corner of the field. They made me lie down on the field and they all started putting their hands down my pants, on my buttocks. I was just giggling because it tickled. I was so naive I didn't know what was happening.[513]
>
> 'While I was sleeping [student] would pull back the covers, grab me underneath my pyjamas and start grabbing my penis.... he would masturbate me or force me to masturbate him.... he would force oral sex.... it happened on multiple occasions for months and months... I felt powerless to stop him.[514]

- Student GV described that when he was a junior student, a senior student put his hands down his pants while he was sleeping. GV woke up, which stopped the abuse. This happened on several occasions.

510 Student HR statement to the Inquiry.

511 Student FB statement to the Inquiry and statements to external agency.

512 Student CB statement to external agency.

513 Student EU statement to the Inquiry. Student EU was around 12 years old at the time of this incident.

514 Student CX, statement to the Inquiry.

Immediate impact on students who were subject to severe bullying and sexual abuse

5.182 The Inquiry heard detailed accounts of the long-term and life-changing impacts suffered by students as a result of the bullying and sexual abuse they experienced. Those are detailed in chapter 7.

5.183 Many former students told the Inquiry that because they did not feel able to report abuse and bullying or reported and nothing changed, they tried to get "expelled" (or asked to leave) by engaging in behaviour at school they knew would not be tolerated, usually stealing, drinking alcohol or leaving school premises.

5.184 Student AO said:

> During one incident [named staff member] really badly abused me. He was physical and I was bleeding so bad that I ran away from Dilworth. I was 13 years old. I walked through Newmarket bleeding, at night, into town. Mum made me return back to Dilworth. That was the breaking point for me. I had run away, gone to my mum, she hadn't cared and instead sent me back. I realised then I needed to get out of Dilworth for good. I just became destructive in every way. I stopped doing work. I disrupted the class, all in an effort to get myself expelled. Once you misbehaved at Dilworth for like 3–4 five months it gets to the point where they say you've got to go. All through this, the abuse by [named staff member] was still ongoing … [but] I was asked to leave.

5.185 Student EO told the Inquiry that to escape abuse he decided to flee the country, intent on killing himself. To fund the trip, he took the extreme action of robbing a bank.[515]

515 That he did this is confirmed in school records.

5.186 Several students reported how, as a result of Mr Browne's abuse, they were confused about their sexuality, found it hard to trust people and did not feel safe in relationships, especially as Mr Browne positioned himself as a trusted father figure to students who often lacked this role model in their lives. Student BP said that because the abuse happened at the time he was approaching puberty it had a significant impact. Student CS said:

> I will forever feel the shame, embarrassment, and menacing of that big fat man who emotionally, physically and sexually took advantage of me. Breaching my trust and my innocence and taking away so many of the things that a young boy should be true to himself.

5.187 Some were bullied as a result of their participation in masturbation in the sex education classes, Student CR said, "This started years of torment, bullying, harassment and a campaign of fear from other students proclaiming the other student and myself as gay, homosexual and 'Bum Bandits'."

5.188 Another student was placed in psychiatric care as a result of the bullying he suffered after attending GLL and making a disclosure there.

No one to complain to

5.189 Students repeatedly said they felt there was no one for them to raise any concerns with or complain to.[516]

5.190 Students also said they believed that the school was attempting to cover things up. Former students spoke of knowing other students who were being abused, or suspecting they were being abused. Students reported not wanting to report abuse because they would not be believed or because no action would be taken to stop the abuse even once reported.[517]

516 For example, Student HR statement to the Inquiry; Student CB statement to the Inquiry and statement to external agency; Student CM, Student DD, Student EH, and Student FH statements to the Inquiry. Dr Wilton told us he considered that Mr Owen and Mr Tony Ross were both staff members who were available and receptive to hearing complaints from Students: Murray Wilton correspondence with the Inquiry.

517 For example Students EH, FD and HU statement to the Inquiry

School policies and procedures, 1979–1997

Introduction

5.191 Having set out the nature and scope of the abuse during this period, we highlight the extent of policy development during this period. Where relevant in other sections in this chapter, we have also referred directly to relevant policy under that subject heading.[518]

5.192 Between 1979 and 1994, the school started developing more comprehensive policies than previously. This culminated in the Dilworth Secondary School Handbook 1994.

5.193 Our review of available policy documents during this period showed that the school did not have a formal policy for handling complaints of abuse made by students.

Relevant policy documents during this period

5.194 The policy documentation we reviewed during this period includes:

- Dilworth School Staff Handbook, 1980
- Tutors Handbook, 1980
- Dilworth School Staff Manual: House Routines and Policy, 1986–87
- Dilworth School Resident Staff Handbook, 1992
- Dilworth School Secondary Staff Handbook, 1994.

5.195 By 1992, we note that corporal punishment had been removed as an option from Dilworth policy.[519] Gating became the most serious form of punishment, which required a student to stay in his dormitory for short periods or be refused weekend leave.

5.196 The closest the school came to developing a policy to deal with staff misconduct against students and complaints against staff, was in 1995 as a result of legal advice the school received.

518 See heading Corporal Punishment and School Response to complaints made.

519 Dilworth School Resident Staff Handbook, 1992.

5.197 In the school's response to the Abuse in Care Royal Commission notice to produce information under the Inquiries Act 2019, it categorised this legal advice and subsequent Board minutes as school policy but noted that a copy of the policy document was not able to be located.[520] As a result of our inquiries with parties who were a part of this process, we have learned that no formal policy addressing this issue was developed or communicated to staff, students, or parents and guardians.[521] We discuss this issue in the section below dealing with how the school responded to complaints of abuse.

5.198 The Dilworth Secondary School Staff Handbook 1994 introduced new aspects to school policy. For the first time, in the documentation we saw, a discipline policy that included policies and procedures for the suspension and expulsion of students was included.[522] The 1994 expulsion policy notes that expulsion is the last resort following a previous suspension or as a result of the student committing a serious offence. Examples of a serious offence include one that is illegal, such as possession of drugs, use or possession of alcohol, physical assault on another person, or other criminal activity. Although we have found no instances of this policy being implemented, at least until the early part of the 21st century, a step-by-step process for suspension and expulsion is provided in the policy.[523] The procedure in 1994 was as follows:[524]

- The headmaster will advise the parent of the likelihood of expulsion. In the meantime, the pupil is suspended.
- An opportunity will be available for the parent or guardian to discuss the situation with the headmaster.
- The chair of the Board will be consulted.
- The trustees will review the case and confirm (or otherwise) the expulsion.
- The parent or guardian will have the right to an appeal to the trustees.
- The school will assist with the placement of the boy in another school.
- The Ministry of Education will be notified as required under the Education Act.
- A register of expulsions will be kept by the headmaster.

520 Dilworth School: Response to Notice to Produce No 2, Schedule A(1)(a), (b) and (c), 25 May 2020.

521 Inquiry interviews with Dr Wilton and Mr Firth.

522 Dilworth Secondary School Staff Handbook, 1994.

523 We note also that this policy did not apply where school withdrew the scholarship, particularly during one of the milestone reviews (such as at the end of the student's first year, the end of form 2, and the end of form 6).

524 Dilworth Secondary School Staff Handbook, 1994.

5.199 Another innovation to policy was the recording of a counselling network at the school. This is discussed alongside the GLL, which we outlined above when discussing the offending of Mr Browne. What is clear from this policy is that Mr Browne, as chaplain at the time, was the central figure in the school's counselling arrangements. The policy noted that "the chaplain co-ordinates the counselling network" and "the usual procedure for matters of concern would be to refer social and home problems to the Chaplain" and "matters concerning behaviour and discipline to the housemasters, or deputy headmaster".[525]

School response to complaints made

Serious physical abuse complaints

Staff Member SZ, 1994

5.200 The school received complaints of physical abuse by a teacher, Staff Member SZ, in September and October 1994 from four students (including one student who witnessed the physical assault of another).

5.201 Two students complained that Staff Member SZ had grabbed their hair and slammed or pushed their heads firmly into a desk. A third student told Dr Wilton SZ had kicked him.

5.202 Staff Member SZ was suspended on 12 October 1994 pending investigation and the Board was informed. Boys from this class were interviewed by Mr Browne and a pattern of belittling and threatening students and, in some cases, physical assaults was reported.[526] Mr Browne observed in his report to the headmaster that what was being reported was "consonant with what we have been told of [SZ's] treatment of pupils over many years, and is corroborated and vouched for by so large a group of boys as to be unlikely to be inaccurate except in some of the finer details and interpretations." The findings of this report were corroborated by statements of fellow staff members as to their observations of SZ's interactions with students.[527] Earlier examples in this chapter also include abuse by this teacher.

5.203 Despite stating there was "sufficient evidence to justify dismissal", on 1 November 1994, the Board lifted the suspension due to the length of the teacher's service at Dilworth. A warning was given that any further instance of physical mishandling of a student would lead to instant dismissal and verbal abuse would be treated in the same way.[528] Two days later, on 3 November, Staff Member SZ resigned,[529] signed a confidentiality agreement, and received positive references from Dr Wilton and Staff Member PR.[530]

525 Dilworth Secondary School Staff Handbook, 1994.

526 A memorandum from Ross Browne to the headmaster, 13 October 1994, detailed other physical assaults by Staff Member SZ.

527 Documents on Staff Member SZ's personnel file.

528 Letter from the Dilworth Trust Board secretary manager to Staff Member SZ, 1 November 1994.

529 Dilworth Trust Board minutes, November 1994.

530 References located on Staff Member SZ's personnel file. The one prepared by Dr Wilton is dated 3 November 1994, and the one by Staff

Complaints about student bullying

5.204 Student BK told the Inquiry he faced years of significant physical and psychological bullying at school. In May 1996, he was subjected to a serious incident of physical bullying, which he described as follows:

> I was walking down the hallway. Both sides were lined with kids waiting to go to class. As I walked between the rows of boys, it turned into this massive pinball game with boys beating me all away along, pushing, punching and kicking me. It was a gauntlet, but it was called pinball and you would get annihilated.

5.205 An incident memo was prepared, and the school recorded that the matron had found the student in pain.[531] The school responded by gating one of the students involved in the assault (of the whole fourth form, which was recorded as being involved) and holding a school assembly to talk about bullying. Student BK told his teacher he would face more problems after the assembly, and he did, right up until the end of his schooling. He told the Inquiry he was provided with no support from the school in respect of the bullying and was just expected to deal with it on his own.

Sexual abuse complaints

Rex McIntosh, 1979

5.206 An earlier complaint about Mr McIntosh's sexual abuse had been made to headmaster Parr in 1976. This complaint was dismissed.

5.207 It was not until the final term of 1979 that a complaint against Mr McIntosh was actioned, by Dr Wilton, only months into his new role as headmaster. This occurred while Mr McIntosh was overseas on sabbatical leave.[532]

Member PR is marked "draft" and dated 14 November 1994.

531 Incident memorandum, 8 May 1996. This memorandum was found on the file of the student who was gated in response to the incident. No record of the incident was found on Student BK's student file.

532 Mr McIntosh's sabbatical leave was from September to December 1979.

5.208 Dr Wilton told the Inquiry that Staff Member QU informed him that Mr McIntosh had been showering naked with students. Dr Wilton, with the Board chair, Mr Cotter, and Board member, Mr Firth, confronted Mr McIntosh with that allegation when he returned to New Zealand.[533] Mr McIntosh did not deny or confirm the allegation and was asked to resign. The school did not report the matter to the police. Dr Wilton said the Newmarket police told him the conduct was likely not criminal and he should deal with it internally. He also said he sought counsel from a headmaster at another independent school, who advised him to "get rid of the man as soon as possible".[534]

5.209 Two staff members told the Inquiry they reported concerns about Mr McIntosh to Dr Wilton at this time. Staff member UJ, a housemaster, said he became aware Mr McIntosh was inviting boys to shower with him in his home. His recollection is that Mr McIntosh's wife had made a comment among staff wives, wondering aloud whether it was "normal" for her husband to be showering with the boys. When this came to UJ's attention, he raised it with Dr Wilton. He believes it was this allegation that ultimately led to Mr McIntosh being moved on from the school in late 1979.[535]

5.210 Another staff member, QU, told the Inquiry the information he provided to Dr Wilton was that Mr McIntosh had engaged and was continuing to engage in the "serious abuse of boys that was sexual in nature". He told Dr Wilton he learned this over a period of some weeks in a Friday afternoon class designed to enable the boys to talk about what was on their minds. While it was described in vague terms, it was clear inappropriate sexual contact was occurring. At times, the students would act out how Mr McIntosh would fondle students.

5.211 Staff Member QU recalls two brief meetings with Dr Wilton in which few questions were asked of him. He formed the impression that the disclosure did not come as a surprise to Dr Wilton. What he found notable was the speed with which Dr Wilton acted to remove Mr McIntosh from the school.

533 Murray Wilton statement to the Abuse in Care Royal Commission of Inquiry; Murray Wilton statement to the Inquiry, and Inquiry interview.

534 Murray Wilton submission to the Inquiry.

535 Staff Member UJ statement to the Inquiry. Dr Wilton recalls receiving only one report of showering with boys, which came from Staff Member QU.

Headmaster's knowledge of full extent of Rex McIntosh's offending

5.212 Staff Member QU does not recall knowing of allegations that Mr McIntosh was showering with students. He is sure that before Mr McIntosh was dismissed, he communicated to Dr Wilton his belief that Mr McIntosh's abuse was serious and sexual. Dr Wilton vehemently denies this was so. It is unnecessary for us to find which recollection is the more reliable, but three sources of information support QU's account.

5.213 First, in 1986, seven years after Mr McIntosh's removal, in a reference he wrote for a former student who had been part of the group that complained to Staff Member QU, Dr Wilton wrote that the student "had been instrumental in assisting the staff in identifying a teacher who was involved in *criminal activities* and eventually removed [emphasis added]".[536] Mr McIntosh was the only teacher who was removed during this student's time at Dilworth but Dr Wilton says this was a reference to Mr Taylor and he used the word "teacher" rather than "chaplain" in it to avoid Mr Taylor being publicly identified.[537]

5.214 Secondly, when another former student's uncle contacted the school in 1994 to report his nephew had recently disclosed sexual abuse by Mr McIntosh of himself and another student, the uncle was advised that his nephew was probably telling the truth about being sexually abused by Mr McIntosh. This was advice given by Mr Firth to the Board secretary who received the complaint.[538]

5.215 Finally, in 2020 in a report for the current principal, Mr Dan Reddiex, covering historical abuse at the school, Dr Wilton noted in relation to Mr McIntosh, "multiple complaints of serious sexual abuse … Accusations were made much earlier but not followed up by school management of the time".[539] He described the offending as "assaults".

5.216 When the Inquiry asked Dr Wilton about the 2020 report, he said he had not written it with care and the knowledge he conveyed to Mr Reddiex was acquired only after Mr McIntosh's departure.

5.217 No written record of the school's response to the 1979 complaint exists. As with the entry made of Mr Taylor's departure, the only formal record of the response is in the Board minutes, "The Chairman reported on the circumstances of Mr McIntosh's resignation and the Headmaster recommended the appointment of Mr H Wynyard as his replacement at MacMurray House".[540]

536 Reference prepared by Murray Wilton, 7 February 1986.

537 Murray Wilton correspondence with the Inquiry.

538 Handwritten file note of TH, 30 August 1994.

539 Murray Wilton confidential report to the headmaster (Dan Reddiex), June 2020.

540 Dilworth Trust Board minutes, undated.

Board knowledge of full extent of Rex McIntosh's offending

5.218 We are unclear how much the Board knew of the full extent of the complaints made against Mr McIntosh. It is also unclear whether the Board was involved in the preliminary decision-making as to the approach taken in confronting Mr McIntosh. Without a formal record outlining the nature of the allegation or allegations and the school's response, we cannot assess the adequacy of the Board's decision-making.

5.219 Dr Wilton confirmed there was no further investigation into Mr McIntosh's conduct at the school. He accepted that "if a full investigation been carried out at the time, it is highly probable that further revelations (Cave, Wilson, and perhaps Wynyard) would have come to light".[541]

5.220 Viewed in the best light, that the Board's knowledge was limited to Mr McIntosh showering naked with students, it remained a significant failure of the trustees, whose responsibilities were to act in the best interest of the trust's beneficiaries, including the health and wellbeing of the students, that no investigation was undertaken and no attempts were made to identify those students affected by Mr McIntosh's actions.

5.221 As affected students were not identified, parents could not be informed and were given incorrect information about the reasons he left. The school community was told in *The Dilworthian* in 1979 that Mr McIntosh resigned in December to take up a non-teaching profession.[542]

5.222 Mr McIntosh left the school and went on to teach, however, at several schools after Dilworth.[543] In September 2020, he was charged with sexual offending in respect of five former students. He died before the charges could be determined.

Complaints of sexual abuse about staff to headmaster that did not make it to the Board, 1979–1983

5.223 The Inquiry was told of three complaints or investigations undertaken in respect of members of staff that do not appear to have been reported to the Board.

5.224 **SW, 1979:** In 1979, SW was a retired Dilworth teacher who was still involved with Scouts. Student EQ recalls spending time with him outside school on scout activities. On several occasions, SW placed his hand on the student's bare thigh while they were driving. EQ told his mother, and she went to see Dr Wilton. He recalled his mother telling him that Dr Wilton told her she was misreading things. This response led to EQ leaving the school.[544]

541 Murray Wilton submission to the Inquiry.

542 *The Dilworthian*, 1979, p 16.

543 Bruce Owen statement to the Inquiry; Correspondence from the Ministry of Education to the Inquiry, 12 April 2023, appendix A.

544 Student EQ statement to external agency.

5.225 **Staff Member UE, 1981:** Staff Member UE was employed as a teacher from 1980 to 1988.[545] UE was also a housemaster and took on other roles related to the school. Mr Ian Wilson, housemaster at the time, told us that acting on complaints from a group of form 2 students in his house, he investigated UE's conduct. This conduct related to taking students on his own to his bach and his behaviour towards them while there, including going into the showers with them.[546] An undated handwritten note on UE's file confirms an investigation but no record of the outcome. Mr Wilson did not recall anything coming of it, and UE appears to have left the school for an unrelated reason.

5.226 Another staff member recalled that Staff Member UE had been censured following his behaviour at the bach and that was general knowledge around the school. This staff member also recalls observing inappropriate behaviour by UE towards a student at school, which they raised directly with UE.[547]

5.227 **Staff Member TI, 1983:** Staff Member TI was a tutor in the Parr era. The Inquiry was told he sexually offended against a nine-year-old student, HH, on two occasions in his room. The student complained first to Mr Taylor, who tried to take the opportunity to perpetrate his own abuse on the student. A subsequent attempt to disclose to Mr Browne, the chaplain, three to four years later led to the student being told by Mr Browne that he was making up the allegation to get attention.[548]

5.228 His third and final attempt to disclose was to Dr Wilton in 1983 when he was called to Dr Wilton's office in relation to his deteriorating behaviour and told he was not welcome back at the school the following year. He says he told Dr Wilton the reason for his behaviour was that as a 9-year-old he had been abused by Staff Member TI and his attempts to complain twice afterwards had been unsuccessful. He recalls Dr Wilton saying nothing in response and that there was no further response to his complaint by the school. His complaint was ignored, and he did not return to school.

5.229 No record was kept, either on the student's or perpetrator's file, if one was made at all, of Student HH's complaint to Dr Wilton or indeed of the two earlier complaints to staff members.

545 Memorandum by headmaster on staff file confirms Staff Member UE's last day. We have not included it to maintain the anonymity of this staff member.

546 The Inquiry dates this investigation to 1981 based on the school's documentary records, including *The Dilworthian*.

547 Inquiry communication with Staff Member UQ.

548 Student HH Inquiry interview.

5.230 The Inquiry asked Dr Wilton about these complaints. He recalled the complaint about SW,[549] but was adamant the complaint about Staff Member TI was not made to him. He recalled an investigation by Staff Member PR into Staff Member UE's conduct but that no complaints were made. He did not recall PR's recorded suggestion to him that UE should be asked to resign.[550] Certainly, this advice was not heeded as UE remained teaching in some capacity at the school for a further seven years.

5.231 Another student told the Inquiry he was sexually assaulted in 1981 or 1982, on two occasions, by two different people.[551] He recalled making a complaint to a tutor at the time, but he cannot now recall in relation to which incident his complaint related. The tutor told him he had reported it to Dr Wilton, but the student heard nothing further from either the tutor or Dr Wilton about the complaint. No record of the complaint is in his student file.

Howard Wynyard, 1983

5.232 Mr Wynyard's abuse first came to light in 1980 or 1981. Student HY told his guardian about Mr Wynyard coming into the dormitory at night when the students were sleeping and touching his penis under his bed clothes while HY pretended to be asleep. His guardian said that she and HY met with Dr Wilton and their complaint was summarily dismissed. Dr Wilton told her he had not received any other complaints about Mr Wynyard, that he was a qualified teacher and a family man, and that pursuing this complaint any further would destroy Mr Wynyard's reputation and career.[552] She was given the impression there would be no further investigation into her complaint nor would it be passed on to the police for investigation.

5.233 In 1983, Staff Member PR was tasked with looking further into this complaint. It is not clear why this occurred several years after the initial complaint. He interviewed Student HY at his home and spoke to others in his dorm. He provided the following assessment to Dr Wilton, "My thoughts are, that the boy is telling me, and convincingly, what he actually went through. I do not, in my opinion, think he's telling lies".[553]

5.234 Staff Member PR went on to question whether it was possible that student HY's abuse was carried out by another person, but goes on to discredit that theory, noting, "Wynyard's announcement in the staff room that there had been a prowler on MacMurray House roof was in my opinion, a smoke screen".[554]

549 In relation to this complaint, Dr Wilton noted that SW had at that stage 50 years in teaching and scouting without complaint. He recalled telling the student's mother that SW was an "affectionate old man" and the gesture may have been misinterpreted.

550 This suggestion was made in correspondence created during PR's investigation into the complaint against Mr Wynyard, set out below.

551 One was a senior student and the other was an adult not connected to Dilworth: Student FB statement to the Inquiry.

552 Family Member KO statement to external agency.

553 Staff Member PR notes of investigation into abuse complaint against Howard Wynyard, 1983.

554 Staff Member PR notes of investigation into abuse complaint against Howard Wynyard, 1983.

5.235 On 19 June 1983, Staff Member PR wrote to Dr Wilton advising the need for swift action and that Mr Wynyard must relinquish his position, reminding Dr Wilton "our first responsibilities are to our charges, a fact we would be reminded of if we are called to account".[555] PR recorded his views that Mr Wynyard's behaviour towards two students was "totally unprofessional"[556] and strongly recommended that Dr Wilton dissuade Mr Wynyard from seeking another teaching position and the Department of Education be made aware of this recommendation.[557]

5.236 Two days after this letter, on 21 June 1983, Mr Wynyard resigned from Dilworth on the basis of ill health. The only document held by the school in relation to Mr Wynyard's departure is an undated document that records he "formed an unhealthy infatuation with a small boy, refused to desist and was dismissed/ resigned. No evidence that this was a sexual encounter".[558] Other school records confirm the identity of the "small boy" referred to was not Student HY, but another student.

5.237 Dr Wilton did not heed the second part of Staff Member PR's advice and did not attempt to dissuade Mr Wynyard from another teaching position or inform the Department of Education. Instead, Dr Wilton provided a reference for Mr Wynyard where he recorded his respect "for his ability as a teacher" and that in his tenure as housemaster he brought a "strong sense of duty and responsibility" finishing with:

> It was a great disappointment to me and the school at large when ill health forced his resignation last term. I commend Mr Wynyard to prospective employers as a highly competent teacher who will give valuable service and be an asset in any school.[559]

Board knowledge of complaint against Howard Wynyard

5.238 It is not clear what the Board was told as the Board minutes for June 1983 simply record that the headmaster "reported on the situation" of Mr Wynyard. The minutes go on to record that Mr Wynyard's resignation was to be effective from the expiry date of his sick leave or "on the date of taking up another teaching position", whichever came first. It appears from this record that the Board was not given the benefit of Staff Member PR's assessment and advice.

555 Staff member PR notes of investigation into abuse complaint against Howard Wynyard, 1983.

556 Student HY is referred to as one of the students.

557 Typed record of handwritten letter from Staff Member PR to Murray Wilton, 19 June 1983.

558 Note on Mr Wynyard's file prepared by the Dilworth Trust Board's general manager in November 2003, undated.

559 Reference from Murray Wilton for Howard Wynyard, 14 September 1983.

5.239 In assessing the school's response to this complaint, we note that as of April 1983, an 'inquiry constable' from the Newmarket police was assigned to Dilworth. As Dr Wilton notified the staff by memorandum, the purpose of this role was to provide a person who they could contact directly "on any matter requiring police assistance".[560] We have not found any record of assistance being sought by the school in respect of the Wynyard complaint or any other that followed.

5.240 At the end of 1983, Dr Wilton wrote to Student HY's guardian advising her that HY was at risk of losing his place at Dilworth due to his low standards of behaviour. In a handwritten note made in February 1984 on the letter, Dr Wilton summarised a conversation he had with HY's guardian and notes they discussed background factors, including "his experience in Mac House (RHW)".[561]

5.241 When the Inquiry asked Dr Wilton about this complaint process, he told us he did not recall receiving the allegation from Student HY and his guardian and asserted that, if he had, it is something he would have reacted to. Yet, when asked about the note above, Dr Wilton properly accepted it demonstrated his knowledge of HY's allegations against Mr Wynyard.[562]

5.242 Dr Wilton was unable to explain why he ignored Staff Member PR's advice and, in relation to the preparation of a reference in these circumstances, he said Mr Wynyard was a highly competent teacher and he had expected to be contacted by any school where the reference was submitted, but was not. He now accepts it was not an appropriate reference to have written.[563]

5.243 As a result of Operation Beverly, Mr Wynyard was charged in 2020 in respect of offending against six former students, one of whom he continued to offend against after both he and the student left Dilworth.

Student-on-student sexual abuse

5.244 **Sexual assault by senior student, 1980 or 1981:** Student GF told the Inquiry that one or two weeks after a senior student had raped him, he told Mr Browne about it. Despite feeling intimidated by the senior student, GF knew he had to tell someone what had happened.

5.245 He recalled Mr Browne not being troubled or worried by the disclosure saying "these things happen".[564] When he saw Mr Browne, Student GF still had a facial injury from the assault. No medical assistance was sought for him.

560 Memorandum from Murray Wilton to all resident staff, 21 April 1983.

561 Letter from Murray Wilton to Student HY's guardian, 30 November 1983. Robert Howard Wynyard was his legal name: Police statement of Howard Wynyard in 2000 prosecution of Peter Taylor.

562 Murray Wilton Inquiry interview.

563 Murray Wilton Inquiry interview.

564 Student GF statement to the Inquiry.

5.246 It appears Mr Browne told Mr Burnett because the next thing Student GF recalled was being threatened by Mr Burnett with the cane for talking about what had happened. He was told that he was making it up. GF told the Inquiry his mother received a call from the school to inform her that her son was a troublemaker and attention seeking.[565]

5.247 Student GF also described his attempts to complain about a staff member who fondled him at night while he was in his bed. This offending had started soon after he started in Dilworth in 1980. He recalled a boarding house meeting when the issue of someone prowling around the dormitory at night was raised. GF told the assistant house manager that he was being visited by someone at night and touched by them. He was given the message that the assistant housemaster would deal with it, but the abuse didn't stop. He raised it again with the assistant housemaster and on another occasion with Mr Browne. He recalled being told they would sort it out but also to stop talking about it and creating trouble.[566] The abuse stopped only when he swapped beds with someone else in the dorm.

5.248 **Abuse by house prefect, 1983:** Student CS told the Inquiry that halfway through term 1 in 1983, his sexual abuse by a house prefect started. He was nine years old. The abuse occurred at night when he would be woken up and taken to the bathroom. On one of these occasions, a housemaster walked into the bathroom. CS recalled the housemaster turning on the light, seeing the two of them, turning off the light and walking out again. The school did not intervene, and the abuse continued.[567]

5.249 **Group assault, 1984:** A senior student, along with others, carried out a sexual assault on a younger student, Student AV, using a carved soap phallus. The assault was investigated, and the identified senior student asked to leave the school. The matter was not referred to the police. It is not clear what the Board was told about this incident as the Board minutes simply record, "the headmaster reported on events leading up to this boy's suspension". The minutes go on to record the Board's agreement that the student be withdrawn from the school.[568] The next reference to the matter is in the July 1984 headmaster's report and associated Board minutes that record that the student had left and the name of his new school.

5.250 Student AV said staff told him when he complained of the assault that the perpetrator would apologise at assembly for bad or inappropriate behaviour, without naming him.[569] No support was provided to the student, nor was he asked if he wanted to go to the police.

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565 Dr Wilton has told the Inquiry he had no knowledge of this assault. Had he known it is "very likely that the senior student would have been expelled": M Wilton correspondence with the Inquiry 29 June 2023.

566 Student GF statement to the Inquiry.

567 Student CS statement to the Inquiry.

568 Dilworth Trust Board minutes, June 1984.

569 Student AV statement to the Inquiry. He is unsure whether an apology took place.

5.251 Also, no record exists of Student AV's mother being told about the assault.[570] Instead, the correspondence on AV's file between his mother and Dr Wilton refers to the problems they were having with her son and his unhappiness. She was left with the impression that the reason her son wasn't able to "make it" at Dilworth was due to his inability to settle in. In response to her final letter advising of her disappointment at having to withdraw her son, Dr Wilton asked her if she would be inclined to write about what her son had gained from his time at Dilworth so it could be shown to the Board.[571]

5.252 Dr Wilton told the Inquiry that this incident would have been reported to the Board in detail as only the Board had authority to determine the outcome for the student, and the Board would not have agreed to the student's withdrawal without it. He observed that the decision whether to report the matter to the police was also a Board decision.[572] He accepted that his request for a favourable letter from the mother of the victim was inappropriate in the circumstances.[573]

Department of Education guidance

5.253 The timing in 1984 of the sexual assault described above and the school response coincided with the Department of Education issuing guidance about the handling of the sexual abuse of children and adolescents.[574] The guidelines, while not binding on private schools such as Dilworth, advised on the current understanding of best practice.

5.254 The guidelines started by observing the "irrefutable evidence available to indicate that significant numbers of children and adolescents are victims of some form of sexual abuse". The guidelines note the uncontroversial proposition that "principals and teachers have an unequivocal responsibility to safeguard the welfare of their pupils".[575]

570 Student AV believes his mother was not told about the assault based on conversations he had with her in the wake of Operation Beverly.

571 Letter from Murray Wilton to Student AV's mother, 12 April 1985.

572 Correspondence with the Inquiry, 27 July 2023.

573 Murray Wilton Inquiry interview.

574 Department of Education, *The Sexual Abuse of Children and Adolescents*, circular 1984/48, 20 July 1984.

575 Department of Education, *The Sexual Abuse of Children and Adolescents.*

5.255 In terms of specific advice, schools were informed that all staff should be advised to bring all cases of suspected sexual abuse to the attention of the principal and, if there was clear evidence as to the truth of allegations of sexual abuse, the principal should report the allegation to the parents *and* to the police and/or the Department of Social Welfare (if relevant). The circular noted that informing the parents should be "without undue delay". As outlined earlier, the process of reporting to the police was made easier for Dilworth by the assignment to the school of a dedicated police officer in Newmarket to assist with any inquiries.[576] The circular went on to note that if the person responsible for the sexual abuse was a member of school staff, the principal may need to discuss possible actions with the district senior inspector or controlling authority.

5.256 Further, the guidelines stated that the "welfare of the pupil concerned is of prime importance",[577] noting that this may require getting guidance and assistance from the Psychological Service, guidance counsellor or an accredited group or agency, and confirmed that the school "has a responsibility to provide on-going support for the pupil". Principals were told to "keep well informed of any ensuing action".[578]

5.257 Subsequent iterations of these guidelines reflected developing societal understanding of sexual abuse. Notably, a 1989 Department of Education circular records that its purpose is to "assist schools to develop policies which are appropriate for dealing with situations where there is cause to believe that a student is the subject of sexual abuse". It goes on to state:

> The best interests of the child or young person are paramount. The effects on those who suffer sexual abuse may well be more damaging and long-term than is immediately apparent and it is therefore important to break the pattern of abuse and begin support for the victim as soon as possible.[579]

5.258 The 1989 circular details schools' ethical and professional responsibilities, which included having staff who were able to recognise signs that may indicate possible abuse and know how to seek help from appropriate agencies. An associated paper, *Sexual Abuse and the School*, was provided to educate staff.[580] Other responsibilities included the school establishing straightforward procedures for dealing with suspected sexual abuse of students, which needed to be clearly stated as part of school policy, as well as a policy statement on professional conduct expected of staff. The circular notes the requirement that abuse prevention programmes are delivered to students so they can learn how to keep themselves safe.[581]

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576 Memorandum from Murray Wilton to all resident staff, 21 April 1983.

577 Department of Education, *The Sexual Abuse of Children and Adolescents, circular 1984/48*, 20 July 1984.

578 Department of Education, *The Sexual Abuse of Children and Adolescents.*

579 Department of Education, *The Sexual Abuse of Children and Young People,* circular 1989/5, 1989.

580 Department of Education, *Sexual Abuse and the School*, 1989. This paper supported Department of Education circular 1989/5 and the Keeping Ourselves Safe programme developed by New Zealand Police and the Department of Education.

581 The circular advised that the programme for primary school was called Keeping Ourselves Safe.

5.259 The circular's guiding principles for reporting abuse made clear the importance of reporting to an agency with statutory responsibilities to act, handling disclosures of abuse carefully and responsively to needs of the student, letting parents or caregivers know without undue delay, and keeping accurate records. The guidelines covered associated matters such as establishing procedures for how a child should be interviewed by external agencies, having a designated staff member to co-coordinate the school's response and the extra steps required when a staff member is the subject of the allegation.

5.260 Dr Wilton told us Dilworth did not receive any guidance issued by the Department of Education in relation to sexual abuse. The Inquiry asked the Ministry of Education whether circulars in respect of sexual abuse and health and wellbeing responsibilities for students were routinely provided to private schools. It was unable to advise. The Inquiry has, however, found other circulars and manuals from the Department of Education (and its subsequent iteration, the Ministry of Education) in the Dilworth records.[582]

5.261 Dr Wilton told the Inquiry that Dilworth did not ordinarily receive information from the Department of Education and the school relied on trustee Mr Ron Taylor, as chair of the Auckland Education Board, to advise the Board and headmaster. He said that Mr Taylor had not alerted him or the Board to Department of Education materials on sexual abuse within schools.[583]

Complaint about an external contractor, 1985

5.262 As described earlier, Student ED and a friend discovered they had both experienced a similar sexual assault from a contractor working in the bathrooms of Hobson House. They both visited the dentist immediately afterwards and told the dentist what had happened. The dentist took them back to school, and they told Dr Wilton.[584] ED does not recall the outcome but does recall his mother being unhappy with it.

5.263 No record of this complaint is on Student ED's student file.

Leonard Cave, 1985

5.264 Mr Cave's abuse was brought back to the school's attention in 1985.

5.265 Any record of the school's response, in what we have found to be a consistent theme, no longer exists. Therefore, we have drawn from the accounts Student AF and his mother provided.

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582 For example, Department of Education, *Staff Not to Be Employed, circulars, 1980 and 1981; Department of Education, 1971 Secondary Schools Manual; Department of Education, 1981 Administration Manual*; Department of Education, *1985 Education Authorities Manual.*

583 Dr Wilton also told the Inquiry he was a member of the Association of the Heads of the Independent Schools and regularly attended meetings and conferences at which Board members were also present. He does not recall the issue of staff abuse of children being raised or discussed.

584 Dr Wilton denies this complaint was referred to him. He has no knowledge of it and told the Inquiry he would have recalled this type of complaint involving an external person.

5.266 As described earlier, Student AF told the Inquiry that he had visited Mr Cave at his Waiheke Island bach, at Mr Cave's invitation, and was abused. He ran from the house and called for help from family friends who escorted him home on the ferry and called his mother. Although his mother knew something untoward had happened, a complaint was not initially made. However, not long after this incident, AF ran away from school. At this stage, his mother made a complaint to the school about the abuse by Mr Cave.

5.267 Both Student AF and his mother recall Mr Browne coming to the house to speak with AF. AF told Mr Browne about the sexual abuse. Mr Browne told the Inquiry Dr Wilton had tasked him with investigating the matter and was adamant he prepared a report,[585] but no report was found on AF's student file or on Mr Cave's staff file. Mr Browne did not recall the specifics of what he was told but formed the impression AF was telling the truth.[586]

5.268 The records disclose that, at some point, Mr Cave met with Dr Wilton and Mr Cotter and resigned on 10 May 1985 with immediate effect.[587] There is no record of what was discussed at this meeting.

5.269 Mr Cave's resignation came before the Board on 13 May 1985. The Board minutes echo the same approach taken for each previous staff member leaving under similar circumstances. The record provides:

> The Chairman reported in detail on discussions held with the Headmaster and a subsequent meeting with Mr Cave at which Mr Cave had submitted his immediate resignation. The headmaster reported on matter which had been brought to light and his subsequent investigations. The matter was discussed at length by the Trustees.[588]

5.270 The Board also approved payment of Mr Cave's salary for a further two months (to 31 July 1985).

585 Mr Browne told the Inquiry he had seen a copy of his report through the police disclosure process. Attempts to locate this report have not been successful.

586 Ross Browne Inquiry interview.

587 Resignation letter from Leonard Cave, 10 May 1985.

588 Dilworth Trust Board minutes, 13 May 1985.

5.271 At some point after Mr Cave's departure, Student AF's mother was invited to attend a meeting at school with Mr Cotter and Dr Wilton. She recalls Mr Cotter being abrupt and Dr Wilton silent during the meeting. Mr Cotter advised her that Mr Cave had left the school and of the difficulties this caused for the school in terms of finding a replacement. She felt she was being blamed for the difficulties the complaint had put the school in. Immediately following the meeting, although Dr Wilton denies this, AF's mother said Dr Wilton rang to apologise for not doing or saying more during the meeting and for the way in which Mr Cotter had spoken to her.[589]

5.272 Dr Wilton told the Inquiry that "at the specific and insistent request of the mother and her son no report was made to the police".[590] However, both Student AF, who was 16 at the time, and his mother said Dr Wilton did not discuss an option of going to the police with them.

5.273 No offer of support for Student AF was made at any point after the disclosure of the abuse. AF recalls that later that year he went to Dr Wilton seeking guidance as he was feeling disillusioned and thinking about leaving school. In response, Dr Wilton pulled out from his drawer, a pre-written reference for him, giving him the clear impression that he intended Student AF to leave the school and that this was because of what happened with Mr Cave.

5.274 The only documentary acknowledgement from the school of what Student AF went through is in the form of a hand-scribbled note on a form requesting a reference from the school. A teacher noted, "He was improving steadily both academically and in general reliability. We need to remember he had a traumatic experience in Term 1 that would have taken its toll on him".[591]

5.275 Dr Wilton does not accept Student AF's or his mother's account of either of their meetings with him and said it was not his way to prepare references for students in advance.

5.276 Dr Wilton's reference for Mr Cave concluded with:

> He will be sorely missed at this school, but I fully recognize that, having spent almost his entire career at Dilworth, he is due for a change and new challenge. I wish him well in his search for a new position and commend him enthusiastically to prospective employers.[592]

589 Family Member JP statement to external agency.

590 Murray Wilton submission to the Inquiry.

591 Student AF school file.

592 Reference from Murray Wilton for Leonard Cave, 28 May 1985.

5.277 Mr Cave went to teach at Pukekohe High School and then at St Paul's Collegiate. Following Operation Beverly, he was convicted of sexual offending against five former students as well as a student from another school following his time at Dilworth.

5.278 The school response again failed to meet the Department of Education best practice guidelines. There was no police referral and no support provided to the victim. Mr Cave, however, was supported, in the form of a glowing reference to use in obtaining his next teaching role. The parent did learn of the abuse, but this was because of her son's disclosure to her, not the school's advice to her.

Ross Browne – concerns first raised in 1988 or 1989

5.279 While Mr Browne's tenure did not come to an end until 2006 (outlined in chapter 6), from early on his behaviour raised concern with staff members, outside visitors and parents. It was common knowledge in the school community that students, many of their parents, and staff were wary of him.[593]

5.280 Staff Member PR recalled that when he was housemaster for Prep House in 1983, Mr Browne, and sometimes Mr Ian Wilson, would visit the students at shower time. Mr Browne would access the back door of Prep House, which led to the shower facility. PR was uneasy about Mr Browne's behaviour, which he considered unusual given there were better times to visit the students. In response, he told the matron that visitors should report to her and ensured the back door was locked. He did not see the need to take it any further at the time.[594]

5.281 A different teacher told the Inquiry:

> Mr Wilson and Mr Browne were very close with each other, and invariably they had lots of little boys following in their wake. They were like Pied Pipers, always surrounded by numerous younger boys. I felt this was unhealthy, as did others. It was sometimes remarked on in idle exchanges between colleagues, but there was never anything tangible or concrete to act on.[595]

593 For example, Staff Member RZ statement to the Inquiry. Staff Member RZ describes a senior student, in front of others, telling him that Mr Browne was "very dodgy", that he "liked boys" and described how they would stay away from him. Family member KA describes him as creepy: KA statement to the Inquiry.

594 Staff Member PR statement to the Inquiry.

595 Staff Member QB statement to the Inquiry.

5.282 A housemaster recalled complaining about Browne having students sit on his knee when he visited the boarding house during pastoral visits. He felt uncomfortable about it but recalled being told it was part of Browne's role to be "father of the sheep of the flock".[596] He counselled the tutors and matron to be cautious about Browne.[597]

5.283 Sexual offending against students in Browne's care had started by 1987,[598] if not earlier. The first known complaint in respect of his sexual offending was made by a former student in 1989. The student told his housemaster, Wilson, that while receiving a massage from Browne, Browne had inserted his finger into the student's anus. It had happened twice. While no record exists of what Wilson did with the complaint, or who he informed, he appears to have told Browne as the student's invitation to attend Coffee Club was revoked by Browne after this.

5.284 At about this time, in 1988 or 1989, Staff Member RL, recalled observing Mr Browne and a student coming out of his office or a nearby room, both in a dishevelled state. RL confronted Mr Browne, who claimed he was giving the student a massage. RL described going straight to Dr Wilton and telling him what he had witnessed. Dr Wilton told him, "Leave it to me, I will look after it".[599] RL said he also mentioned it to Mr Owen and was told to "leave it alone".[600] Mr Owen did not recall this conversation or the incident RL described, but told the Inquiry that the likely explanation for his response to RL was that Mr Owen believed Dr Wilton was dealing with the matter.[601] Dr Wilton did recall RL raising Mr Browne's conduct with him. He told us he spoke to Mr Browne about this incident and gave him a verbal warning.[602] Another teacher told the Inquiry he reported to Dr Wilton that Mr Browne was giving massages to boys in their underwear.[603]

5.285 In 1992, a mother, JV, approached the school with concerns she held about Browne and another teacher. She recalls being told by the headmaster (Dr Wilton) that she had a "big imagination". JV later withdrew her son due to abuse. When JV threatened to go to the police, she said the principal informed her, "Dilworth has deep pockets, and no one will listen to you as a single mum".[604] We asked Dr Wilton about this interaction and he was adamant it did not occur.[605]

596 Staff Member QD statement to the Inquiry.

597 Staff Member QD statement to the Inquiry.

598 Court documents relating to Mr Browne's first prosecution.

599 Staff Member RL statement to the Inquiry.

600 Staff Member RL statement to the Inquiry.

601 It is unclear whether this conversation preceded Mr Owen's discovery of the massage table in Mr Browne's room.

602 Murray Wilton Inquiry interview.

603 Staff Member RZ statement to the Inquiry.

604 Family Member JV statement to the Inquiry.

605 Correspondence with the Inquiry, 29 June 2023.

5.286 The first recorded concern about the content of Mr Browne's sex education classes, was expressed by a teacher to the head of the junior campus in 1994. At that stage, the concern was that the content deviated from the health curriculum and was inappropriate for the age of the students. Unbeknownst to the teacher raising this concern, Mr Browne was using these classes to encourage students to masturbate in class.

5.287 In 1994, another complaint was made about Mr Browne's sexual abuse of a student. Student BP told a matron that Mr Browne had "hurt him in the bum".[606] He told the Inquiry that in response she slapped him and told him he was nasty and disgusting and not to make up stories.[607] The student is not sure what other staff members were told about his complaint, but he does recall speaking to Staff Member PI and being told he had to go see a psychologist.

5.288 He also recalls he did not have any more individual sessions with Mr Browne after making his disclosure. His mother was informed by letter about the referral to the psychologist. The school did not refer to the student's complaint when referring him to the psychologist, pointing only to his poor behaviour. He was taken to and from the psychologist's appointments on his own in a taxi. No member of staff checked on him or supported him with this process. The student recalls he started to play up, running away and soiling his sheets. He attended six sessions and at the end of the sessions his mother was sent a bill for half of the sessions.

5.289 In 1995, the Board determined that the student should not be permitted to return the following year. Dr Wilton wrote to his parents, "As you are well aware, the school has done its best with [Student BP] even to the point of involving outside agencies to assist him with his problems".[608] The letter goes on to acknowledge that the student "had so many abilities" and "enormous potential". No evidence exists that any enquiry was made into why a student with enormous potential was struggling so much at Dilworth.

5.290 While it would take 10 years for the school to require Mr Browne's resignation for his encouragement of masturbation in his classes, the school leadership had been told about it as early as 1996. In an interview before he left Dilworth, Student BA told Dr Wilton that Mr Browne asked boys to masturbate in class and that Mr Browne had touched his legs and tried to touch his penis. Dr Wilton told the student he was a liar and that no one would believe him. BA recalled Dr Wilton saying, "Father Browne was a well-respected member of the staff and that he had worked at the school for so many years and I was the only boy that had ever said these things about Father Browne to him".[609]

606 Student BP statement to external agency.

607 Student BP statement to external agency.

608 Letter from M Wilton to Student BP's parents. Further detail omitted to prevent identification.

609 Student BA statement to the Inquiry.

5.291 That same year, Student IC had a very similar experience when he and his mother told Dr Wilton about abuse by Mr Browne. Dr Wilton told the student and his mother that he was a "naughty kid" and a "liar".[610] The student's mother was told in a subsequent meeting with Dr Wilton that what her son was saying was slander, and the school would defend it using legal services.

5.292 The Inquiry asked Dr Wilton about these complaints by Student BA and Student IC (and his mother), and he was adamant these conversations did not occur in the way outlined. He said if he had received such complaints, he would have acted on them. He told the Inquiry that the first he knew of Mr Browne's conduct encouraging masturbation in class was after Mr Browne resigned in 2006 [611] He also told the Inquiry he was not made aware of the complaints raised with Mr Ian Wilson or the house matron about Mr Browne.

5.293 Mr Firth told the Inquiry that neither he nor the Board was told about any of the above complaints. No documentary evidence exists of the Board being told.[612]

Senior student grooming and abuse, 1994

5.294 Student GV told the Inquiry that over a long period he was groomed by a senior student before being sexually abused by him on two occasions in 1994. The grooming included the senior student going to GV's boarding house, from his own, in the evening and lying with him in bed. GV's mother, concerned by the amount of attention her son was receiving from the senior student, including time spent out of school during school hours, raised her concerns first with Dr Wilton. She recalled Dr Wilton telling her that it was her son's fault if he had broken the rules about being outside of school. The mother tried to raise her concerns again with Mr Browne. She described Mr Browne as dismissive. He told her Dilworth actively encouraged older students to spend time with junior students.

School not taking legal advice to develop policy to protect students from staff abuse

5.295 In July 1994, the Board and senior leadership missed taking a significant step to develop a policy to protect students from abuse by staff. The background to this was as follows.

5.296 Several years earlier, Student HZ had contacted Board chair Mr Cotter, seeking an apology from the school for the abuse he suffered from Mr Peter Taylor. He told a friend, Mr Cotter had brushed him off and threatened him with legal action.[613]

610 Student IC statement to external agency.

611 Murray Wilton Inquiry interview.

612 Mr Firth chaired the Board at this time.

613 Student AW Inquiry interview notes.

5.297 In December 1993, Student HZ went to the police, and this led to Mr Taylor's first prosecution in 1994 for sexual offending carried out at Dilworth. The school instructed its counsel to file an application for permanent suppression of Mr Taylor's name and the school's.

5.298 On 22 July 1994, the school's lawyer wrote to the Board secretary, reporting on the outcome of Mr Taylor's prosecution. The Board has waived any legal privilege held over that advice, so we outline the main aspects of that advice below. It was reported that the court granted the Board's application and made an order suppressing the offender's and school's names.

5.299 In his reporting letter, Dilworth's counsel shed further light on the circumstances of the victim in the Taylor prosecution, and comments made by Mr Taylor himself:

> The victim impact report was evidently couched in emotive language and basically detailed the severe psychiatric and emotional disturbance suffered by the boy over the intervening 17 years. He blamed not only the defendant but the school, commenting that when the incident had first occurred he had reported the matter to a tutor or house master who had been unsympathetic and had caned him for making such an outrageous suggestion. It was readily apparent that [he] harbours considerable bitterness to the school and Taylor, both of whom are blamed for what has apparently been something of an unfortunate life in the meantime.
>
> Taylor had clearly told the probation officer, and his counsel repeated in submission, that he bitterly regretted having accepted the opportunity to resign from the school rather than have the matter determined by the Police at that time. Effectively he was saying that his propensity for homosexual activity with young boys could have been curtailed had he been dealt with summarily by the Police and the courts at that time, and the leniency provided by the school and which he had at that stage gladly accepted had simply left him with an unblemished record and in circumstances where the risk of reoffending in the future was always apparent. Furthermore he has lived for the last 16 years with the possibility that one of the boys against whom he had offended could bring the very complaint that he faced on this occasion, and his past offending was variously described as a Sword of Damocles or a ticking time-bomb which had taken its toll on him personally, upon his wife, and his family relationships generally. The matter was put to the Court on the basis that he actually welcomed the fact that everything had come into the open and that having admitted his guilt he could now face the future with greater freedom.[614]

614 Letter from Dilworth's lawyer to the Dilworth Trust Board secretary, 22 July 1994.

5.300 In a victim impact statement prepared for Mr Taylor's sentencing, which we have sighted, Student HZ referred to being told by police that the school was uncooperative while they were investigating his complaint.

5.301 The Inquiry asked the officer in charge of the prosecution about this observation, and he recalled that, although he had requested this, the school had not provided him with the names of other victims or any information that would assist in identifying them. Mr Taylor admitted to police that he had offended against Student HZ, as well as "several others".[615] HZ had similarly informed the police and the court that there had been other victims. The officer's recollection is that he tried to find out who the other victims were from the school but was unable to.

5.302 Returning to the legal advice, one final important aspect comes in the recommendation that there are lessons to be learned as far as future school procedures and Board policy are concerned:

> We would however recommend that the Board consider carefully the procedures which are adopted by the School for recording and dealing with any indication or complaint of conduct of this nature, no matter how trivial, and the Board's policy in the unhappy event that a repetition of such an incident as this should occur in the future. Honourable and charitable intention evidenced by the way in which the Chaplain was treated had potentially unfortunate consequences for the Board if it had been suggested or found that the Board had tried to brush this unsavoury incident under the carpet. There is the further and very delicate question of how far the School should go in endeavouring to ascertain whether all boys who might have been subject to abuse, no matter how minor, have been identified and received the appropriate assistance and treatment. Matters such as this require as little publicity as possible, but against that must be balanced the risk of a victim remaining undetected.
>
> The other matter which the Board could perhaps consider is its policy on the retention and secure storage of all documentary records relating to matters of this kind. The extreme length of time between commission of offence and prosecution in this case may serve to highlight the need for long-term storage arrangements for sensitive material of this nature.[616]

615 Court document, Peter Taylor's prosecution, 1994.

616 Letter from Dilworth Lawyer to Dilworth Trust Board secretary, 22 July 1994.

5.303 Notwithstanding the recommendations the school's lawyer provided, no formal policy was developed. While the Dilworth Secondary Staff Handbook 1994 does not have a specific date of issue, it was issued in the same period and was a significant policy development, but failed to include the advice provided by legal counsel in July 1994 to develop a complaints policy.

Further advice to the school, 1994

5.304 During this period, the school sought further external assistance on the issue of responding to child abuse. Dr Wilton tasked Mr Browne with obtaining advice from the Scouts Association of New Zealand. In October 1994, Dr Wilton reported to the Board, attaching Mr Browne's memorandum that outlined oral advice Mr Browne had received from the Scouts, as well as the Scouts duty of care document that was provided to all new leaders.[617] Dr Wilton noted that "it may be useful for us to consider this in light of incidents which occurred here in the past".

5.305 Mr Browne's memorandum observed that the Scouts had consulted with the Department of Social Welfare and Department of Education[618] in formulating their position, which he outlined as follows:

> The word of a young person laying a complaint is always to be accepted in the first instance.
>
> 1. The police are to be informed – they have a "social services group" which apparently deals with such matters, now.
> 2. The Adult member is immediately to be suspended from duty, pending the outcome of the enquiry.
> 3. The parents of the young person are to be informed. (NOTE: The police are usually informed before the parents are.)
> 4. All of the above actions are to be carefully and fully documented.
> 5. Counselling is to be provided for the Adult who "blew the whistle" – that is, the person to whom the original complaint was made, and who decided to act upon it.

617 Scouts Association, For the attention of all adults in the Scout movement: Duty of care, attached as appendix B in the headmaster's report to the Dilworth Trust Board, 31 October 1994.

618 The Scouts Association had also sought legal advice.

5.306 Mr Browne goes on to note:

> In the final analysis, these statements mark a major and radical review of the old position, which was to keep things quiet and, to some extent "under the table". The effect of that was to help the victim by avoiding publicity, but also had the undesirable spinoff that it helped the perpetrator by keeping his identity secret, and thereby making possible future abuse.

5.307 The duty of care document illustrates the contemporary knowledge held by an organisation, which, like Dilworth, had responsibility for the care and welfare of young people.[619] The document begins by acknowledging the duty of care owed by the Scouts to protect youth members from physical and emotional harm, and that a youth's safety and protection must be the primary consideration over any "deference to an adult's rights". The document covers appropriate physical contact between an adult and a child, and reminds adults that they are never to be alone in any kind of situation with a youth member. It goes on to set out the "basic principles" for responding to suspected child abuse, which included the premise that a child is to be believed, and emphasised the need to take appropriate action in response by reporting to the necessary agency. Scout leaders were cautioned to act on their concerns, "do not leave it to someone else or hope that it will not happen again". The Scouts document ends with the final set of instructions:

> Do not engage, or let others engage, in any of the following:
>
> - Invading the privacy of children when they are showering or toileting (sic).
> - Photographing undressed children.
> - Rough, physical, hurtful or sexually provocative games.
> - Making sexually suggestive comments about, or to a young person.
> - Inappropriate and intrusive touching, hugging, cuddling and kissing, regularly scapegoating, ridiculing, rejecting, isolating or taking the 'mickey' out of a child.
>
> Whereas many of these may not be abusive in legal terms, they do not belong in Scouting. They are hurtful, intrusive, set a bad example and do not promote safety. Child abuse is not a media invention.

619 Scouts Association, For the attention of all adults in the Scout movement: Duty of care, attached as appendix B in the headmaster's report to the Dilworth Trust Board, 31 October 1994. It is a detailed articulation of the responsibilities of a scout leader.

5.308 In 1995, the issue of how best to implement the lawyer's recommendations was still being discussed. At the invitation of the Board, the Board's lawyer attended the March 1995 meeting. He recommended that the Board should adopt a policy to discourage misconduct of staff with boys by instituting the following procedures:

> Inform staff that any instances of such misconduct would invariably be referred to the Police.
>
> Counselling the boys should be initiated with boys being given the name of a staff member who should then report such instances of misconduct to the Board. It should be ensured that the persons to whom the boys are nominated to report to should have no illusions that when instances of misconduct were reported to them that they could not consider any such matters as being confidential between them and the boy.
>
> The parents should be notified that where boys reported any such instances to them that they should report the matter to the school.[620]

5.309 The Board minutes refer to the need for the headmaster to consider how best to implement the recommendations "as soon as possible",[621] noting the matter was urgent and the chair and vice-chair were given power to act.

5.310 Board minutes from the May 1995 meeting show that the issue was discussed again at the April meeting, and that since then the chair and vice-chair had liaised with the headmaster on the matter. We found no further record of action taken by the Board or headmaster in respect of these recommendations.

5.311 The Inquiry spoke to the then Dilworth lawyer who gave the advice. He said his role was to provide the initial advice and that it was given due to both his legal background and the circumstances of the case and his knowledge of and experience in school governance. He had held two roles in school governance, one with a large state school.[622] To his knowledge, the matter was left with the school, and he was unsure whether any policy document was drafted.

620 Dilworth Trust Board minutes, March 1995.

621 Dilworth Trust Board minutes, March 1995.

622 Former Dilworth lawyer Inquiry interview .

5.312 Dr Wilton confirmed to the Inquiry that no formal policy document was developed following this last Board meeting, so there was nothing to communicate widely to the staff, students or parents.[623] Mr Firth thought a policy had been drafted but also referred the Inquiry to the fact school employment contracts from about this time had attached to them a document entitled Disciplinary Rules and Procedures.[624] This document listed sexual misconduct or sexual harassment of a student as serious misconduct, meaning "it will almost certainly result in an employee's summary dismissal".[625]

5.313 Mr Aaron Snodgrass, the current Board chair, confirmed the school recently tried to find evidence of a written policy but had been unable to.[626]

5.314 We find that, by that stage, responsible and competent governance and leadership should have taken steps to review the issue comprehensively and incorporate policy into the 1994 staff handbook. While it is clear discussion occurred at Board level about how to implement the advice of the school's lawyer and that this action was accorded urgency, no formal policy outlining the processes for responding to complaints of staff misconduct was developed. Advising new staff, through their employment agreements, what might happen in the case of serious misconduct, does not address the recommendations the Board received.

5.315 No apparent effort was made to ascertain whether there were undetected victims in the current student body or community of former students, as recommended in the July 1994 legal advice.

Rex McIntosh, 1994

5.316 As outlined in the earlier section on Mr McIntosh, in August 1994, a further complaint was made to the school about his abuse by the uncle of a former student. The uncle also mentioned the name of another student he understood had been abused by Mr McIntosh. Significantly, the school was informed of the psychiatrist's opinion that if the allegation were true, it would likely be the cause of the former student's "manic depression".

623 Murray Wilton Inquiry interview. In his draft "Will Say" statement, at para 74, he also notes, "it would be fair to say that if a matter is not covered in the handbook, then there was no written 'policy' as such in relation to it in the 1980s and 1990s".

624 Derek Firth Inquiry interview.

625 The Inquiry cited an example of a staff members contract, date 16 November 1995.

626 Aaron Snodgrass Inquiry interview.

5.317 The Board secretary, sought advice from Dr Wilton, Mr Firth and Mr Cotter, before he informed the uncle that his nephew was probably telling the truth about being sexually abused by Mr McIntosh.[627] Despite this admission, and the knowledge they now had as to the likely impact of the abuse, the record does not contain any reference to support being offered to the former student or his uncle in looking after him; nor did it appear to generate any discussion as to whether they needed to undertake further enquiries to identify other victims and notify the police.

Staff Member RZ, 1994

5.318 On 9 November 1994, Dr Wilton advised the Board secretary, TH, he had received an allegation detailing Staff Member RZ's abuse of Student ID.[628] A meeting with the Board was held that same day. It was agreed Dr Wilton and TH would confront RZ with the allegation and he would be suspended while the matter was being "cleaned up".[629]

5.319 The following day, 10 November 1994, Dr Wilton and TH met with Staff Member RZ, and he admitted to the incident that took place at his family member's house. RZ told them it was an isolated incident and no other boys were involved.[630]

5.320 At this time, TH recorded advising Staff Member RZ:

> ...in situations like this it would have to be assumed that other boys would be involved *and that a major inquiry amongst the boys would have to follow*. I indicated that if he made a full and frank statement in writing this could perhaps be avoided. I told him that the Board had not yet decided whether or not to go to the Police and that if he made such a statement and the Board decided to go to the Police the statement would be submitted to them. [Emphasis added][631]

5.321 Staff Member RZ agreed to provide a statement, which he duly prepared. The statement covered his account of his relationship with Student ID only. It did not disclose any abuse in respect of other students.

627 Handwritten file note of TH, 30 August 1994.

628 The Inquiry's description of the school response to ID's complaint is based solely on Dilworth's records.

629 Handwritten notes about Staff Member RZ, 1 December 1994.

630 Staff Member RZ prepared a written account, dated 10 November 1994, which he provided to the Board and headmaster.

631 TH notes about the allegation against Staff Member RZ, 1 December 1994.

5.322 The Board decided to report the matter to police and did so on 11 November 1994. Two days later, on 13 November 1994, Staff Member RZ resigned.[632]

5.323 Over the next four months, complaints against Staff Member RZ in respect of three more students emerged.[633] Despite TH's prescient observation that there were likely to be other students (and a major inquiry might need to follow), when the school knew there were at least three more students harmed by RZ, no inquiry eventuated.

5.324 One positive change did occur in respect of the handling of these complaints as the school referred students and their families to the police.

5.325 One of the disclosures was elicited at a GLL camp. Student FH told the Inquiry that, in March 1995, he attended a GLL camp and wrote anonymously on a card about a teacher who did something inappropriate to him. The card was read out to the group, and the person who had written it was encouraged to come forward. Student FH described feeling lots of pressure to reveal himself. He didn't but went to see Mr Browne privately after the session and told him that he had written the card but he did not want to talk about it or anything further to happen. Despite his express view, Mr Browne went back to the group and identified the student as the author. Student FH recalled Mr Browne telling the other students that the purpose of the camp was to discuss things that do not go any further.

5.326 Mr Browne gave a similar account to the police, albeit on his account it was the student's decision to disclose to the group. He describes the student's demeanour when it was being discussed by the group as very uncomfortable.

5.327 Once back at school, a referral was made to the police. The school organised counselling for the student in the city. Reflecting on this, Student FH describes how "it was a little weird to send a child who had been abused, on his own, to see a man he didn't know".[634] Besides this referral no other pastoral support was provided to the student at school.

5.328 The relevant Board minutes simply record a reference to another student having "also been molested" by Staff Member RZ and that the matter was with the police.[635]

632 It is not clear from the school file whether his resignation was accepted or whether he was dismissed.

633 The first is made at the end of November 1994, (Student TJ). The second came from Student CG's mother who wrote to Dr Wilton on 8 February 1995. Her son had been abused by Staff Member RZ in his final year in 1993. After taking advice from its lawyer, the school advises CG's mother of the earlier complaint and police investigation and that it is passing her letter on to the police. The third is detailed below (Student FH).

634 Student FH statement to the Inquiry.

635 Dilworth Trust Board minutes (heavily redacted), undated.

5.329 In Dr Wilton's written account to the Inquiry in relation to Staff Member RZ, he wrote, "in our investigations at the time it became apparent there was an element of consensual activity and a 'lovers tiff' in this matter".[636] In an earlier statement, he had described it as effectively a "homosexual affair".[637]

5.330 These statements are alarming for two reasons. First, the student to whom he is referring was aged between 12 and 13 when the offending occurred and it cannot be inferred that he had capacity to consent. Secondly, no reference is made to the three other students who alerted the school, within six months of the original student's complaint, to abuse they had suffered from Staff Member RZ. RZ, in fact, faced criminal charges in respect of one of these students.

5.331 As he had for Mr Wynyard and Mr Cave, Dr Wilton penned a lengthy and effusive reference in support of Staff Member RZ. It was given to him after his resignation and after the school's referral to the police. Dr Wilton wrote:

> In the seven years that [RZ] has been on the staff at this school, he has made an invaluable contribution both professionally and personally. His qualities of reliability, enthusiasm and dedication to the school's philosophical aims are a vital asset and make him a valued acquisition, as he would be in any educational establishment. When [RZ] announced to me that he planned to leave in 1995 to pursue a career in professional musical composition and recording I was naturally disappointed, from a selfish perspective, but delighted for him because the time had come for him to seek further professional advancement. He has given unselfishly of his time and energy to promote the cause of music in this school and we are very grateful to him. I therefore commend him warmly to any educational or musical organisations who may contemplate using his positive personal qualities and his outstanding musical talents when eventually he looks for further challenges.

5.332 In 1995, Staff Member RZ was convicted of three charges of sexual offending in respect of in respect of Student ID. In 1996, he was convicted of offending against Student FH.

636 Murray Wilton submission to the Inquiry, which repeated a similar account provided to Mr Reddiex in 2020.

637 Murray Wilton confidential report to the headmaster (Dan Reddiex), June 2020.

5.333 The Teacher Registration Board cancelled Staff Member RZ's registration as a teacher in 1995 on the grounds he was no longer of good character and no longer fit to be a teacher. The school did not notify the Teacher Registration Board.[638] Cancellation occurred following notification from the Auckland District Court.[639]

Alister Harlow, 1995

5.334 Mr Harlow first started employment at the school in January 1980 as a house tutor. Soon after, he became involved with the school's scout troupe. He left for two years from 1983, returning as an assistant housemaster in 1985. He resigned again in 1995.

5.335 As outlined earlier, Mr Harlow took students away for the weekend to a property he owned near Whangārei. It was during these visits that sexual abuse occurred.

5.336 The first recorded concern in relation to his out-of-school trips was in November 1994. Staff Member PI wrote a memorandum expressing his concerns to the head teacher of the junior campus. He noted that this practice started when Mr Harlow became PI's boarding house assistant. PI recorded in his memorandum that he had first raised his concerns with the head teacher in early 1993 and, on several occasions, they had discussed the concerns. PI named specific students whose behaviour had noticeably changed after going away for a weekend with Mr Harlow. The memo also mentioned that Mr Harlow had been observed teaching massage techniques to students.

5.337 In 1994, another note raising concern was authored by a student in Mr Harlow's boarding house.[640] The student told the matron that Mr Harlow had woken him from sleep for a "cuddle". The matron asked the student to record the details in writing and gave the report to Staff Member PI.

5.338 It is not clear from Mr Harlow's file whether he was ever spoken to about the concerns raised but it seems he continued to receive approval to take students away. The head teacher told the Inquiry he recalls Mr Harlow asking for his permission to take students home for the weekend and refusing it. He told Mr Harlow to raise the matter with Dr Wilton. The Inquiry has sighted examples of weekend requests by Mr Harlow that were forwarded to Dr Wilton. In relation to the November 1994 memo written to him by Staff Member PI, the head teacher said it is likely he did show that to Dr Wilton but believed it would have been dismissed as the issues raised were not dissimilar to what occurred at the GLL camps, which Dr Wilton endorsed.[641]

638 Dr Wilton's recollection is that the school did notify the Teacher Registration Board but did not receive a response. There is no record of such notification on the staff file.

639 Teaching Council of Aotearoa correspondence with the Inquiry, 23 May and 7 June 2023.

640 The note is not dated. However, the only year in which Staff Member PI, the named matron, Mr Harlow and the student are in the same boarding house was 1994.

641 Head teacher of the junior campus statement to the Inquiry.

5.339 Dr Wilton told the Inquiry he recalls discussing the issue of Harlow taking students away for the weekend,[642] but he does not recall seeing the documents outlined above that raised serious concern about abuse occurring.

5.340 In March 1995,[643] a psychologist treating a former student, TK, phoned Mr Owen to advise that in 1991, her client had been abused by Mr Harlow while away with him at a rural property Mr Harlow owned in Whangārei.[644] At that stage, Student TK had made a police complaint. The Inquiry understands Mr Harlow was subsequently convicted in relation to this offending in 1995.

5.341 The Inquiry has seen a list dated 16 March 1995 of six students who had visited Mr Harlow's home that the matron collated, presumably in response to the complaint Mr Owen received. No evidence exists to suggest any of the named students were spoken to by the school to ascertain their experiences.

5.342 When we showed Mr Owen the list, he could not recall it or asking for it be prepared. He accepted the school should have investigated whether the named students were abused by Mr Harlow.[645]

5.343 On 20 March 1995, four days after the matron's list had been prepared, Mr Harlow submitted his resignation. The Board was advised that Mr Harlow's resignation followed "notification to us that he is the subject of a police investigation regarding his conduct with a former pupil".[646] Dr Wilton noted in his report that there had not "been a whisper of possible misconduct" about Mr Harlow before this and that full details would be presented at the Board meeting. We are unable to see what, if any, discussions were had about the reasons for Mr Harlow's resignation at the Board meeting, as the corresponding minutes for the March meeting do not record any reference to it.

5.344 During this period, it was also discovered that Student TK had disclosed the offending by Mr Harlow initially to Mr Browne at a GLL camp.[647] Mr Browne failed to raise the issue with the school's leadership, and Mr Harlow remained on staff following that disclosure.

642 Dr Wilton told the Inquiry permission would have been granted only if parents had first been advised and the school was satisfied more than one student would be present: Murray Wilton correspondence with Inquiry, 29 June 2023.

643 This date is taken from "Summary of file relating to Alister Harlow (as at 27 May 2020)" provided by Dilworth.

644 Bruce Owen file note, Alister Harlow staff file.

645 Bruce Owen statement to the Inquiry.

646 Headmaster's report to the Dilworth Trust Board, 27 March 1995.

647 Letter from Ross Browne to Murray Wilton, 30 April 1995.

5.345 This earlier disclosure of abuse by Student TK to Mr Browne was discussed by the Board on 27 March 1995.[648] The issue was of such concern to the Board that it sought written legal advice[649] and an opinion from the chancellor of the Anglican Diocese of Auckland, which was given to Dilworth's lawyer and the school.[650]

5.346 Dr Wilton gave Mr Browne a copy of the legal advice and the chancellor's opinion. In a carefully worded response dated 30 April 1995, Mr Browne outlined his reasoning for failing to pass on the disclosure any more widely. In maintaining his position that the disclosure was made as part of a "confession", thereby bringing it within the confidentiality of the confessional, he stated:[651]

> 1. The pupil, in common with many young persons to whom sexual abuse has occurred, "*did not at the time he spoke to me perceive any wrongdoing on the part of the offender*". He was "confessing" if you like, his own allowing of such an event to transpire.
>
> 2. There is no doubt in my mind whatsoever, that he would have made no such "confession" had he thought that anything might have happened either to him, or to the offender, as a result of his telling me.
>
> 3. There was a double bind involved. In the first place, the "confession" was made at a Group Life Laboratory, the very essence and credibility of which depends upon confidentiality, as you know. In the second place, he was very particular in placing the information he was going to impart "under the seal" of the confessional. At the time – as I have previously mentioned – he perceived the event as his own transgression.
>
> 4. He informed the group in a general way that a number of things had occurred in his life, of which this was an unimportant one, and despite the best efforts of people at that time, and of myself subsequently, refused to divulge specific information to the Group, or to allow any breach of his confidentiality by me. As you are aware, he left the school shortly thereafter. [Emphasis in original]

5.347 Mr Browne's letter of reply was provided by Dr Wilton to the Board for its May meeting.[652]

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648 Dilworth Trust Board minutes, 27 March 1995.

649 Letter from Dilworth School lawyer to Dilworth Trust Board general manager, 6 April 1995.

650 Memorandum from the chancellor of the Anglican Diocese of Auckland to Dilworth School lawyer, 5 April 1995.

651 Memorandum from Ross Browne to Murray Wilton, 30 April 1995.

652 Appendix C to Dr Wilton's report to the Dilworth Trust Board, May 1995.

5.348 The May Board minutes show the Board considered its lawyer's report on the confidentiality issue raised by Mr Browne. The headmaster is reported to have discussed the matter with Mr Browne, who assured him there were no other cases Mr Browne was treating as confidential. Once again, Mr Browne's response was accepted without question.

5.349 Despite knowing the reason for Mr Harlow's resignation, and the fact of a student's earlier disclosure to Mr Browne about abuse by Mr Harlow, we have seen no evidence that this prompted any further enquiry on the part of the school or Board to identify other possible victims.

Complaint following Alister Harlow's departure

5.350 After Mr Harlow's departure, the school was informed of another student he had abused. In January 1996, Student AP's stepfather spoke to Mr Owen. This student's behaviour had deteriorated in his fourth form year, and he was told not to return the following year. AP's stepfather advised Mr Owen that AP had been abused by Mr Harlow and approached by the police to make a statement after another student had gone to the police. The stepfather asked whether there was a chance AP could return to school for his sixth form year as his stepson was living remotely.

5.351 Mr Owen's memorandum outlining possible options in response reveals an insight previously unseen in the school records. He notes, "on reflection I feel that we have some moral responsibility to help. The abuse occurred in our care and he was a country boy where we have some responsibility for what happens at the weekend".[653] Further on, he noted, "in hindsight he was showing all the characteristics of a sexually abused person".[654]

5.352 Dr Wilton, in forwarding Mr Owen's memorandum to Mr Firth, recorded his view that Student AP should not be permitted to return to Dilworth, but re-iterated the reference to a "moral obligation to the boy and his family", which he thought could be met by assisting with boarding fees at a new school.[655] The Inquiry was told the family understood from the school that AP would be entitled to receive the tertiary package, comprising financial assistance usually made available to those who left the school as a sixth or seventh former.

5.353 In 1998, Student AP returned to the school to ask for this financial assistance.[656] The Board determined there would be a one-off payment of $1,000 to go towards apprenticeship costs. The Board made no apology or any offer of support.

653 Bruce Owen, file note, 27 January 1996.

654 Bruce Owen, file note, 27 January 1996.

655 Memorandum from Murray Wilton to Derek Firth, 30 January 1996.

656 Student AP statement to external agency.

Student-on-student sexual assaults, 1995

5.354 In April 1995, a complaint was made about Student IE in relation to sexual assaults on younger students. It is not clear from his file who made the complaint. There is no record of the abuse alleged on either IE's file or the file of any of the students who had complained of abuse.

5.355 Student IE's file does contain a record made seven years earlier of concerns about sexualised behaviour, yet no enquiry was made of him about what might be causing that behaviour. In an interview with the associate chaplain in 1988, it is recorded, "he says he is the victim of other people's physical attention".[657] Yet there does not appear to have been any follow up to that comment then or over the intervening years.

5.356 A meeting was held with Student IE and his mother, and, at the end of May, Dr Wilton advised the Board that he had "persuaded" IE's mother to withdraw him so the school would not have to expel him.[658] In a letter to the current headmaster, IE's mother recalled the school meeting she attended with her son, Dr Wilton and Mr Browne. She wrote that Dr Wilton and Mr Browne had made up their minds from the outset and showed no concern for her son.[659]

5.357 In his report to the Board in May 1995, Dr Wilton advised that he could not get the "approval" of the two students who had been abused by Student IE to advise their parents of the incidents. The minutes recorded the Board's agreement that "it was very important that the parents should be contacted and made aware of the problem and how it had been resolved in order that repercussion from the incidents did not become problems in the future".[660] The following month's Board minutes referred to three students having been abused and that they were being counselled to agree to their guardians being advised, although a reference is made to the headmaster's belief that the students had a strong case for non-disclosure.[661] The Board determined it would obtain legal advice on this issue.

657 Associate chaplain's counselling report, 8 August 1988.

658 Headmaster's report to the Dilworth Trust Board, 29 May 1995.

659 Letter from Student IE's mother to Dan Reddiex. Further details omitted to prevent identification.

660 Dilworth Trust Board minutes, May 1995.

661 Headmaster's report to the Dilworth Trust Board, 26 June 1995 and corresponding Dilworth Trust Board minutes, June 1995.

5.358 No record exists of any legal advice, if obtained, or any further action taken by the school. The next event recorded is that the three students concerned are referred to an external psychologist in October and November that year, and all attend one session.

5.359 No record exists that the parents of the three students were ever told about their complaints of abuse and what, if any, additional support was provided to the students. It is noted that on two of the three victims' files, the Inquiry found letters recording the school's concern about the students' subsequent behaviour, and in respect of one student his parents are threatened with his expulsion.

Another complaint of historical sexual abuse by Peter Taylor, April 1996

5.360 In April 1996, a former student, IF, wrote to the school to advise it that when he was nine years old, Mr Peter Taylor abused him. He described the abuse as having caused his life "to be nothing short of hell" and that he wanted to know if there was "any way that the school can help in my recovery".[662] The Board's secretary sought advice from Mr Firth and the school's lawyer. In a cover note to a first draft of the letter in response, TH noted that the lawyer had advised the school should "admit nothing" and that "ACC [Accident Compensation Corporation] claims will no longer be accepted but that perhaps they would agree to pay some counselling costs".[663] The Inquiry asked the school's lawyer about this advice. He did not recollect the specific case but considered it likely he would have given verbal advice consistent with what is recorded, with the exception of the counselling suggestion as that would have been outside his brief.

662 Letter from Student IF to the principal/school, undated, but received by the school on 1 April 1996. Documents were found in Student IF's school file.

663 Fax coversheet from TH to Derek Firth, 1 April 1996; letter from TH, sent by fax to Derek Firth:

> We did our best to identify those concerned at the time – indeed the Chaplain provided a list to assist us in that regard. All the boys of whom we were aware were carefully counselled and this may have included you.
>
> You will appreciate that if the Chaplain did not include a victim's name on his list, and that boy did not come forward then the school was not in a position to do anything.
>
> We are very sorry indeed to hear that you were one of his victims and also sorry to learn, if you were one of the boys that came forward and was counselled, that that appears not to have been satisfactory in your case. If you were not identified at the time (when you would have known along with the rest of the school what was going on, yet did not come forward) then it is very difficult to pick up the threads twenty years later.

5.361 The letter was revised and the version sent to the former student made evident that the school accepted no responsibility for the reported state the former student was in:

> Unfortunately we have no records of any incident concerning yourself and the Reverend Peter Taylor going back nineteen years and cannot assist you in confirming any further complaint you may wish to make to the Police. While the recent Court case may help you (and us) to feel that justice has finally been done you· may still require some assistance to as you state "deal with the consequence of what that man has done to my self esteem". I suggest you first discuss this with your General Practitioner who can then refer you to an appropriate Government agency to organise professional counselling advice.[664]

Ian Wilson, July–December 1996

5.362 The first record of Mr Ian Wilson's abuse of students came to the school leadership's attention in 1996. Former student, CJ, who had been abused by Mr Wilson, came across him in the community by chance and subsequently discovered he was still working at Dilworth. Concerned that other students remained at risk, in July 1996 CJ contacted Dr Wilton and advised him he was going to be making a police complaint about Mr Wilson's abuse of him and another student. During his initial conversation with Dr Wilton, CJ remained anonymous.

5.363 The accounts of this process differ between Dr Wilton and Student CJ. CJ told the Inquiry Dr Wilton tried to dissuade him from going to the police, instead encouraging him to come to the school to talk about it further. CJ recalls Dr Wilton's approach as being one of minimisation, telling him it was not that bad and referring to other abuse by staff.[665] Shortly after his conversation with Dr Wilton, CJ said he received a call from a former student, SB, who introduced himself as Dr Wilton's friend. SB begged CJ not to go to the police, pleading with him to let the school sort it out.[666]

664 Letter from TH to Student IF, 1 April 1996. It is unclear whether the letter was sent, as the copy on the file is unsigned.

665 Student CJ statement to the Inquiry.

666 Student CJ statement to the Inquiry.

5.364 Dr Wilton's account is that over a period of some weeks and several conversations, it was Student CJ's idea that it would be helpful to speak to the president of the Dilworth Old Boys' Association. Dr Wilton understood that the president of the association then met with both CJ and the other student.[667] Further, Dr Wilton's recollection is that he urged CJ to go to the police.

5.365 What is most significant about Dr Wilton's contemporaneous account is that he said he told Student CJ that Mr Wilson was "cured".[668] The only available inference from this is that CJ's disclosure was not new information to him. The Inquiry asked Dr Wilton about this, and he said he did not remember saying that.

5.366 Student CJ first contacted Dr Wilton about Mr Wilson's abuse in July 1996, but Dr Wilton did not inform the Board of the allegation until 20 October 1996.[669] This was a month after CJ had gone to the police. According to Dilworth records, Dr Wilton is said to have reported the complaint to the police. If he did, it was after CJ had made his complaint. The police process unfolded slowly, and the Board sought legal advice. It wanted to see whether the police would start an investigation before acting. In late November, it instructed its lawyer to write to the police to find out what was happening, noting the Board's "onerous responsibilities" to act "in loco parentis to all of the boys during the course of the School year".[670] In response, the police pointed out the earlier assurance given by the school that Mr Wilson was unlikely to be in a position of spending unsupervised time with students.

5.367 There is no record to suggest that between July and December 1996, any protective restrictions were put in place in respect of Mr Wilson's contact with students. It appears he was permitted to undertake his ordinary activities, including taking students away (with other adults present) to an overnight marae visit for three days in September. Both he and the school community were unaware of the processes going on in the background.

5.368 On 16 December 1996, the Board met and decided that due to the police delay in progressing the complaint, the chair, Mr Firth, and the headmaster would interview Mr Wilson.[671] This interview occurred on 18 December 1996, when Mr Wilson was confronted with the allegations of sexual offending against two students and advised he would be put on paid leave while it was investigated further. He did not deny or admit the allegations.

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667 Murray Wilton, file note, 22 October 1996.

668 Murray Wilton, file note, 22 October 1996.

669 Dr Wilton advised the Inquiry that he wished the process could have been speedier but at the early stages of this complaint it was anonymous, of a historical nature and the first one of its kind against Wilson. He believed it was not appropriate to take action against an employee in these circumstances.

670 Letter from Dilworth's lawyer to Newmarket police, 29 November 1996.

671 Minutes of the confidential meeting of the trustees, 16 December 1996.

5.369 In a follow-up meeting with Dr Wilton two days later, Mr Wilson indicated he intended to resign.[672] Mr Wilson told Dr Wilton this was driven in part by his desire to protect the reputation of the school and lessen the impact of bad publicity.[673]

5.370 Mr Wilson asked Dr Wilton to provide a reference, which was agreed. It was decided the school community would be told an "official version", namely "of retirement for Mrs Wilson and resignation to take a different career path for Mr Wilson".[674] This was conveyed in a headmaster's message to the school community that noted "with regret" the Wilsons' resignations.[675]

5.371 As he did for Mr Wynyard, Mr Cave and Staff Member RZ, Dr Wilton wrote a reference for Mr Wilson that presented a picture of an exemplary employee. Running to three pages in length, it extolled Mr Wilson's contribution to all aspects of life at the school. Dr Wilton concluded:

> In the almost 25 years that Mr Wilson has been on the staff at this school, he has made an invaluable contribution both professionally and personally. His qualities of reliability, enthusiasm and dedication to the school's philosophical aims are a vital asset and make him a valued acquisition, as he would be in any educational establishment or other enterprise. I therefore commend him confidently to any organisations who may contemplate using his positive attributes and considerable abilities. He will be a significant loss to this school but he is ready for further challenges and new directions and his need to fulfil his destiny has my unreserved support and encouragement.

5.372 The Inquiry asked Dr Wilton why he gave these glowing references for staff after he had found out about the complaints against them.[676] He said in relation to Staff Member RZ and Mr Wilson, they were prepared before he knew of complaints against them. However, both RZ and Mr Wilson were clear they received their references at the time of their departure from Dilworth. The Inquiry also learned that after Mr Wilson left Dilworth, Dr Wilton assisted him to gain employment at an organisation that arranged "gap years" for school leavers.[677] In relation to Mr Cave, Dr Wilton told us that at the time, he thought it was a low-level complaint and it was agreed with the victim and his mother that Mr Cave's life should not be ruined. Dr Wilton also told the Inquiry he expected that any future employer would ring him to discuss the references provided, thereby placing responsibility for finding any adverse comment on future employers.

672 Notes on a meeting between Ian Wilson and the headmaster, 20 December 1996.

673 Notes on a meeting between Ian Wilson and the headmaster, 20 December 1996.

674 Notes on a meeting between Ian Wilson and the headmaster, 20 December 1996. Mr Wilson's wife worked at the school.

675 Mr Ian Wilson's school file.

676 Murray Wilton Inquiry interview.

677 Audio recording of Murray Wilton speaking with Ross Browne, undated. It has also been publicly reported that Mr Wilson was employed at this organisation: E Gay, Dilworth School: Convicted sex offender carried on teaching for almost 20 years, Stuff, 21 December 2021.

5.373 Mr Firth recommended to the Board that they accept Mr Wilson's resignation and make him an ex-gratia payment of three months' salary to recognise his long service to the school, noting the alternative could be having him on paid leave for several months while they investigated. Mr Firth observed that "there is no question that Ian is doing us something of a favour by adopting his proposed attitude".[678] While ultimately agreeing with this course of action, one Board member raised a concern that the Board might look "foolish" if Mr Wilson were found guilty and the Board had paid him three months' salary, and suggested they watch the accuracy of reasons given for Mr Wilson's departure as "the truth will likely come out".[679] The member cautioned, "least said best I think".[680]

5.374 Once again, the school took no steps to ascertain whether there were any other victims, either from the 1970s or up to 1996. Mr Wilson has subsequently pleaded guilty to offending against 10 further students. In Mr Firth's correspondence with Board members, he acknowledges ignorance as to the extent of Mr Wilson's offending, noting "we do not know the depth of the problem".[681] Significantly, that acknowledgment does not generate any attempt by the Board to rectify this by initiating an inquiry.

5.375 Mr Wilson was charged in January 1997 and pleaded guilty the following month. *A New Zealand Herald* article covering Mr Wilson's sentencing included the following quote by Dr Wilton, "it was a long time ago and a relatively minor assault".[682]

5.376 In September 1996, the Education Amendment Act 1996 was passed, although it did not come into force until 1 January 1997. It amended the Education Act 1989 by requiring notification in certain circumstances to the Teacher Registration Board. When an employee was dismissed from a teaching position, a report to the registration board was required within 28 days. Mandatory reporting was also required in circumstances where an employee had resigned, but within the previous 12 months the school had given the employee written notice that it was dissatisfied with or intended to examine or investigate any aspect of the employee's behaviour or performance.[683] The Act also provided for voluntary notification to the registration board of any aspect of the behaviour or performance of any former employee of the body or person that the body or person thought might be relevant to the registration board's performance of its duties.[684]

678 Memorandum from Derek Firth to Dilworth Trust Board, 20 December 1996.

679 Annotated comments of a Dilworth Trust Board member on Derek Firth's letter of 20 December 1996.

680 Annotated comments of a Dilworth Trust Board member on Derek Firth's letter of 20 December 1996.

681 Letter from D Firth to the trustees, 20 December 1996.

682 "$3000 for sex victim", *New Zealand Herald*, 28 February 1997.

683 Education Act 1989, section 138B(2).

684 Education Act 1989, section 138B(5).

5.377 The above changes to legislation were mere weeks away from coming into force when Mr Wilson resigned. Mandatory reporting would not have applied as Mr Wilson was permitted to resign, and the school had not provided written notice of its intention to examine or investigate his behaviour or performance. We can find no evidence that the school leadership or Board considered making a voluntary notification in respect of Mr Wilson or in fact of Mr McIntosh, Mr Wynyard or Mr Cave. While Dr Wilton told the Inquiry he did recollect the school making a notification about Mr Wilson, we observe the inconsistency of making a notification with the issuing of an employment reference where his value in an education setting was emphasised.

5.378 It was not until May 1998 that Mr MacLean, the headmaster who succeeded Dr Wilton, followed up with the Teacher Registration Board. Mr MacLean had received a new list of currently registered teachers and discovered Mr Wilson was still listed as a teacher with a current practising certificate. He wrote to the registration board informing it of Mr Wilson's criminal conviction the year before and advised it to contact the court.[685]

Inquirers' assessment of the nature and extent of abuse

Former students' statements

5.379 We find the former students' accounts compelling and credible. Independently, separate students often described the same event, each recollecting it slightly differently but with the same substance.

5.380 While some of the students made police complaints or were involved in the Abuse in Care Royal Commission of Inquiry, some had not previously described their experiences to anyone.

5.381 Some of the former students who had not been physically or sexually abused themselves confirmed they had been aware of other students being abused, and for this they carried guilt.

5.382 From among those who spoke with the Inquiry, there remains deep anger at the school, specifically the headmaster and the Board. This anger was especially strong where a student had made a complaint about an abuser and nothing had been done.

685 Letter from D MacLean to the Teacher Registration Board, 27 May 1998.

5.383 Although Dr Wilton challenges this,[686] many students reported they were still being referred to by number during this era.[687] As he was not involved in the day-to-day life of the boarding houses, due to the infrastructure projects that required his attention,[688] he relied on the housemasters to report to him. It may be that he was not aware the practice was continuing but we find on balance that the students' accounts are accurate. The use of numbers was mentioned in staff accounts and school records (where they exist) as well as by the many students who commented on being called by a number.

Serious physical abuse

Caning

5.384 From the incomplete records available to the Inquiry, while caning was still regularly used, it appears that its frequency lessened compared with in the Parr era. We find, however, that caning continued right up until 1990, it continued to be administered for minor infringements, and many instances of caning crossed the threshold into serious physical abuse. The contemporaneous school records together with staff and student recollections are in stark contrast to the memory Dr Wilton has of caning use during his time as headmaster, and is an example of how his recollection of his time at and leadership of Dilworth is not always reliable.

Bullying

5.385 We find serious violent bullying occurred throughout this period but more concerted efforts were being made by school to reduce its frequency.

Sexual abuse

5.386 Sexual offending remained frequent during Dr Wilton's era as evidenced by the number of subsequent prosecutions and complaints made. There were more complaints of sexual abuse in this era than in any other. Staff abused students in the dormitories, in boarding areas, in private lessons, in chaplain counselling sessions, in the crypt, on school camps, at scouting events and during weekends away.

686 Dr Wilton told the Inquiry that students were not called by a number. All students had, and still have, an assigned number that was for the identification of their school and personal property to avoid confusion between students with similar names. This system is common in boarding and day pupil schools. A boarding hostel could not function without it, especially when it comes to the laundering of clothing. No one was ever addressed by their number in the time he was either a teacher in the 1960s or headmaster from 1979 to 1997: Murray Wilton correspondence with the Inquiry, 29 June 2023.

687 For example, Student BC, Student EP, Student HN, Student FB and Student ED statements to the Inquiry

688 Murray Wilton statement for the faith-based institutions response, Abuse in Care Royal Commission of Inquiry.

5.387 We find that Mr Browne was an offender who groomed students, their families, and staff and senior leadership and utilised this technique to great effect. No other staff member had as many complaints and concerns raised about their conduct. On each occasion a complaint was made or a concern raised, after limited enquiry it was not actioned further, due, according to Dr Wilton's explanation, that Mr Browne was extremely manipulative.[689]

5.388 We are satisfied that the reality of the GLL camps for many students was the opposite of what it was intended they would be.[690] Students were made more vulnerable and suffered additional harm by being isolated from safe adults and put under pressure to share personal information in a group setting.[691] They also provided another venue for the grooming and sexual abuse of participants by Mr Wilson and Mr Browne.

5.389 **Seven charged so far:** Seven men (six staff and one person in a Dilworth-authorised position of authority over students) have been charged with sexual offences committed in this era. All offended against multiple students. Five were convicted after pleading guilty, one died before trial, and one was convicted after being found guilty at trial.

5.390 **Schoolboy abuse of other schoolboys:** The Inquiry is aware of 16 students reporting abuse by other students. As with abuse by staff this abuse had had serious consequences for the victims. Schoolboy abusers were themselves immature and possibly victims of grooming or sexual abuse by adults at the school.

689 We note that Dr Wilton does not accept that complaints were ignored or shelved. He emphasises that the grooming undertaken by Mr Browne was such that he succeeded in deceiving them all.

690 Dr Wilton refutes this characterisation of the GLL camps. He maintains it was a worthwhile experience for many boys and that he received constant positive feedback about them from participants and their families.

691 In the words of Student AF, "I went to two of these camps … There would often be crying and highly emotional discussions, sometimes with abuse disclosures, and discussions about difficult backgrounds. There would always be a group hug. It was not a safe space for young people".

Murray Wilton's response

5.391 During the course of the Inquiry, we interviewed Dr Wilton in depth, and he also provided us with written material in response to the many matters we raised with him. He has asked that we record his views now that he has had the chance to consider all the material the Inquiry has collated and read the former students' accounts. His statement expresses his remorse:

> Dr Wilton appreciates that the buck stops with him and the Trust Board. He was the head person on the ground at the School on a day to day basis. The fact that any boy was abused at Dilworth during his tenure causes him great anguish. He is genuinely sorry that it happened at all and regrets immensely that the manner in which abuse cases were handled by him and the Trust Board may have contributed to an environment where abuse was permitted to happen.
>
> In particular, Dr Wilton recognises and acknowledges that the School and Trust Board ought to have had, at a much earlier stage, promulgated and communicated to students, staff and parents a clear policy and procedure for the safe and effective reporting of physical and sexual abuse and operated according to that policy and procedure so as to engender confidence in it.
>
> He considers that he and the Trustees ought to have done more to investigate the instances of abuse of which he was made aware, especially to ensure whether there were other instances of abuse by the same abuser. In that way also, it may well have been that abuse by others would have emerged.
>
> Dr Wilton also unreservedly apologises for providing and/or failing to retract positive references for four of the abusers.

Inquirers' assessment of the school response – position by 1996

Board and school knowledge of scale of sexual abuse of students by staff

5.392 We find that the cumulative effect of complaints made between 1994 and 1996 should have marked a watershed moment in the Board's and school's knowledge and understanding of the issues it faced regarding sexual offending by the staff against the students.

5.393 By 1996, viewed in the most favourable light, the senior leadership of the school and Board knew they were not dealing with an isolated issue or that it was limited to one or two "bad apples" on the staff. They knew of the sexual abuse of multiple students by six staff, some of whose departure was very recent: Mr Taylor, Mr McIntosh, Mr Cave, Staff Member RZ, Mr Harlow and Mr Wilson.

School leadership not passing on complaints to the Board

5.394 We found no evidence that the Board was notified of the sexual abuse by Mr Wynyard, but the school leadership certainly knew. Further, individual complaints seem often not to have been passed on to the Board. On many occasions during his interview, Dr Wilton could not recall or denied receiving complaints about abuse perpetrated by staff against students. He responded to at least five complaints in this way. We consider his age and the lapse of time since he was headmaster of Dilworth may be factors in his response. Nevertheless, in the light of the varied and often independently verified complaints made to him, we cannot accept he had no knowledge of them at the time.

5.395 We are sustained in this conclusion by Dr Wilton's extraordinary and repeated actions in providing glowing and lengthy testimonials for staff who to his knowledge had admitted abuse or were being investigated for it. These are indicative of both a desire to hide or be rid of the problem as soon as possible and a concerning lack of appreciation or care about the severe damage that such behaviour inflicts on students. We note that Dr Wilton unreservedly apologises for providing and/or failing to retract positive references for four of the abusers.

5.396 In addition to knowledge of previous staff members' abuse, Dr Wilton should have known that Mr Browne's behaviour required serious investigation on the basis of no fewer than five complaints he had received by this stage from staff members, students and mothers.

Lack of referral to police and inadequate provision of care

5.397 On each occasion where a complaint was made, the inadequacy of the response for the times is marked. New Zealand schools were on notice from 1984 about the need to report abuse complaints to a statutory agency, either the New Zealand Police or Child, Youth and Family Services, to inform parents and to provide appropriate pastoral care to victims. It was not until 1994 that a complaint was referred to the police, but in no case did the Board or headmaster investigate for other victims. In only a few cases did it send students for counselling. In no case did it provide other pastoral care to the affected student. In one case where the allegation was against a member of the senior management team the headmaster put pressure on the student not to go to the police.

Failure to implement Department of Education policy or legal advice

5.398 Against the background of ongoing abuse complaints that preceded the May 1995 Board meeting, and advice received in 1994 from both its lawyer and the Scouts Association, the development of a new school staff handbook,[692] which did not establish a complaints policy or address providing pastoral care to abused students, is a remarkable failing by the school's Board and headmaster.

5.399 The significance of the failure is highlighted by the fact that obligations for handling such complaints had been in existence in the state sector for 10 years.

5.400 Dr Wilton says the school did not receive Department of Education circulars but relied on the then Board member who was chair of the Auckland Education Board to advise it of departmental guidance. As this person is now dead, his response and whether he had any access to departmental guidelines to schools in the course of his employment, cannot be ascertained. Regardless, such an indirect way of obtaining guidance as to contemporaneous best practice is extraordinarily inefficient and unreliable. The school could and should have ensured it stayed informed of developments in educational thinking and approach. The easiest and most obvious way to do this was to ensure it received circulars from the department that provided guidelines on new policies to implement.

692 1994 Dilworth Secondary School Staff Handbook.

Systemic failings in accountability mechanisms

5.401 The above actions and inactions are all indicative of a wider systemic failure. The school did not put in place the mechanisms other New Zealand schools (both private and state) had to keep them accountable and compliant with current policy and practice.

5.402 The Board had not put in place an external, objective system of monitoring that could identify when the school leadership and Board were failing to comply with contemporary practice and obligations to manage abuse complaints and other concerns.

Prioritisation of the school's reputation

5.403 In contrast to the lack of action to develop policies and processes and conduct an investigation into the breadth of the problem of sexual abuse at the school, the Board took firm action in 1994 when its former chaplain, Mr Taylor, was charged with criminal offending. It sought a suppression order for the names of the school and the offender.

5.404 We conclude there was evidence of an intention to prioritise reputational damage control over the wellbeing of past and present students. This failure to act has led to incalculable damage and suffering for Dilworth students.

Further failings in Board responsibilities

5.405 The Board's failure to brief Dr Wilton fully on Mr Taylor's abuse of students, to instruct him from the outset of his headmastership to establish systems to prevent future incidents, to ascertain the full extent of the problem in the school, and to put in place appropriate care for the students is indicative of governance failure. Dr Wilton's failure to address the impact of Mr Taylor's sexual abuse on the students was also a significant factor that contributed to the poor performance and behaviour of many students and enabled sexual abuse to continue. These were serious missed opportunities. Had steps been taken to assist these students, change the environment and send a message to abusers, further sexual offending would have been curtailed, and the serious sexual abuses that occurred during Dr Wilton's time as headmaster averted.

5.406 By the end of 1996, the Board was armed with sufficient knowledge to have initiated a thorough internal investigation of the extent and consequences of sexual abuse in the school. It should also, at least by 1996, have set policies and provided resources to discharge its governance responsibility to protect the children entrusted to the care of the school.

5.407 The Board failed in its governance duties to guide and monitor senior leadership's actions, including Dr Wilton's, when it became aware of allegations of sexual abuse.

5.408 The Board failed to keep parents properly informed of abuse suffered by their children and endorsed or abdicated to Dr Wilton decisions concerning the removal of students whose behaviour deteriorated even when it was known, or should have been suspected, they had been abused.

5.409 Even if financial constraints meant the Board was unable to act immediately on Dr Wilton's list of concerns about the limitations (including space) of the boarding houses and the poor quality of and overburdened staff by expending money on building projects or more staff, just as in the Parr era, there were many other ways to improve the safety and welfare of students in its care. One possible measure was to limit new admissions until the financial situation improved. The Board's inaction in responding to the concerns raised was a failure that had a direct impact on the welfare of the students in its care and may have enabled both physical and sexual abuse to continue.

Generally students were far more positive about the MacLean era. However, there were still many students whose reported experiences were that of inadequate care and nurturing in the boarding houses.

Chapter Six
1997–2018

Principal Donald MacLean and Board chairs Derek Firth (1997–2000, 2009–2015), John Potter (2001–2008), Jonathan Wain (2016–2018) and Aaron Snodgrass (2018–present)

Introduction

6.1 Between 1997 and 2018, 2,392 students attended Dilworth School.[693] Forty former students who attended school during this period provided an account of their experiences to the Inquiry.

6.2 Twenty-three reported that they had been sexually abused while at school, and the Inquiry is aware of a further eight survivors of sexual abuse in this era. Sixteen of these related to sexual abuse by a student.[694] Twenty-two reported serious physical abuse. Sixteen reported both sexual abuse and serious physical abuse. Many reported a school environment that was isolating and unsupportive.

6.3 The Inquiry also received evidence from 27 staff members, including teaching and boarding house staff, administrative staff and the principal, Mr Donald MacLean. The Inquiry interviewed seven trustees of this this era.

Donald MacLean as headmaster

6.4 Mr MacLean was 39 when he started as Dilworth's principal.[695] He held this position from April 1997 until the end of 2018. Immediately before his appointment to Dilworth, he had been the deputy principal of Mount Roskill Grammar School, a role he had held since 1994. He obtained a Master of Arts degree in English language and literature from the University of Glasgow before emigrating to New Zealand and undertaking teacher training at Auckland College of Education where he received a teaching diploma in 1980.

693 Dilworth provided the Inquiry with school roll data. The Inquiry has not independently verified this data.

694 Some students were abused by both a staff member and student(s).

695 Mr MacLean's title was principal not headmaster.

6.5 Mr MacLean's appointment was noteworthy because he was Presbyterian, and Mr James Dilworth's will directed that only Anglicans be appointed. Mr MacLean was not able to, and did not, sign the Declaration of Faith that headmasters traditionally signed; instead, he committed to uphold the Anglican character of the school.

6.6 The information below is taken from *The Dilworth Legacy* (which covered the period to 2006),[696] principal's reports to the Board, Dilworth Trust Board annual reports and minutes, Education Review Office (ERO) reports, *The Dilworthian* and the Inquirers' interview with Mr MacLean.[697]

Donald MacLean's challenges in taking up the role

6.7 Mr MacLean told the Inquiry that when he first started as principal, the school was still reeling from the conviction of Mr Ian Wilson, a senior staff member, for sexual abuse. He was given no handover in respect of the offending. He knew what had happened only from the media reports.

6.8 Mr MacLean identified several areas he wished to improve: the connection between the junior and senior schools; the staff appraisal system, so it was more thorough; and the staff management structure, reconfiguring it to include a professional counsellor and pastoral team. He also wanted to appoint a deputy principal whose responsibility would be to improve the curriculum, reporting and assessment.[698] Early in his tenure, he learned students were still being told that if they did not behave, their scholarship would be withdrawn, and he immediately instructed staff to stop this practice.[699]

School roll growth

6.9 In 1997, the school roll was 477 with 43 teachers, of whom 38 were full time.[700] In 2004, the roll had grown a little, to 484, with 52 teachers .[701] Following the opening of the rural campus for year 9[702] students in 2012, the school roll increased by 100, and by 2015 the school roll was 625.[703] The roll reduced slightly in the next few years and settled at just over 600 students.[704]

696 M Wilton, *The Dilworth Legacy:* The first one hundred years of Dilworth School 1966–2006, Dilworth Trust Board, 2007.

697 Donald MacLean Inquiry interview.

698 Staff Member PX statement to the Inquiry.

699 Donald MacLean Inquiry interview; supported by Staff Member PX statement to the Inquiry.

700 ERO, *Confirmed Statutory Report* - Dilworth School, September 1997

701 ERO, *Confirmed Private School Review Report – Dilworth School*, February 2004.

702 Previously, form 3.

703 ERO, *Dilworth School Confirmed Private School Review Report,* May 2015.

704 Dilworth Trust Board report, 2017; Dilworth Trust Board report, 2018.

Student selection

6.10 When Mr MacLean took over in 1997, the composition of the school roll recorded in an ERO report was 88 percent New Zealand European/Pākehā, 21 percent Māori and 1 percent Samoan.[705] Mr MacLean told the Inquiry that he identified issues with the selection process, including that the student cohort was not ethnically diverse, and, due to the change in interpretation of "straitened circumstances" that had been adopted in the era of Dr Murray Wilton, that students were not being assessed based on true need.[706] Using an experienced selection officer to screen applications and reverting to an interpretation based on need, by 2015, the composition became 26 percent Māori, 25 percent New Zealand European/Pākehā, 21 percent Tongan, and 10 percent Samoan, with the remainder of the students from seven different ethnicities.[707]

6.11 In 2002, the Board accepted Mr MacLean's request to screen out students for admission from families where there was abuse of alcohol and other drugs.[708] Mr MacLean believed a co-relation was proven between this factor and students' disruptive behaviour and poor academic performance, and that students affected by alcohol and other drugs would have a negative influence on the wider school. He argued Dilworth did not have the resources and services required to assist these students.

Increase in staff numbers and pastoral care

6.12 The total staff pool was increased during Mr MacLean's era and by 2018, was 220.[709]

6.13 In this increase of staff, there were positions dedicated to pastoral care, including the appointment of the first guidance counsellor. A pastoral care team was developed, comprising the year 13 dean,[710] head of pastoral care (assistant principal), school nurse, school career's advisor, school chaplain, school guidance counsellor and learning support.[711] This team met weekly to discuss and work to support students and resolve concerns about students.[712]

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705 ERO, *Confirmed Statutory Report: Dilworth School*, September 1997.

706 The Inquiry also notes that in 1999, two important amendments were made to the trustees' powers. The first allowed students to be accepted outside the limits of Auckland Provincial District from any location in New Zealand. The second allowed admission at any age, previously the upper age of 15 had restricted the school's ability to prevent 'shrinkage', which occurs after year 10.

707 ERO, *Confirmed Private School Review Report,* 2015.

708 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 902.

709 Dilworth Trust Board report, 2018. The ERO, *Confirmed Private School Review Report – Dilworth School*, February 2004 states there were 140 staff member.

710 Year 13 was previously form 7.

711 Mr MacLean told the Inquiry the additional positions were a direct result of approval sought by him from the Board.

712 Staff Member TD statement to the Inquiry.

6.14 In 2010, the school also introduced the Isabella Dilworth Lodge, an alternative type of residential accommodation within Dilworth, which provided a separate boarding residence for students who required additional pastoral support for a period.[713]

Family status of students attending the school

6.15 As in previous eras, many students were at the school because of a family trauma,[714] either sickness, the death of a parent or a parental separation, and many had no father figure. Only five students from this era who registered with the Inquiry had parents still living together when they attended Dilworth.

6.16 Several former students' family members said that part of the reason for sending the student to Dilworth was that the family wanted the student to have strong male role models, and Dilworth was believed to be able to provide this.[715]

Policy development, 1997–2018

6.17 Under Mr MacLean, several significant policy advancements were made. Indeed, in this period, more policy development occurred than in the combined 47 years prior. In 2000, the 1994 staff handbook was updated. It was the first school handbook to reference the Treaty of Waitangi / Te Tiriti o Waitangi and make specific reference to the mana of Māori students.

6.18 Drafts of individual policies covering a wide range of topics were completed and circulated to the school's heads of department by Mr Bruce Owen, the deputy principal. In his covering memorandum, Mr Owen noted:

> Here is the School Policies document. They have been prepared by Senior Management over the past year. It is our interpretation of what is policy in our school at present. *Some of them we have had to develop from nothing. In some cases the policy may be the first time you have seen it in writing. Perhaps that is an indictment on the way we have been operating in the past.* [Emphasis added][716]

713 Dilworth Trust Board, Annual report and special purpose financial statements for year ended 31 January 2011.

714 The Inquiry notes that the school's recognition of students' family trauma was highlighted in documents and policies produced by the school. For example, 2018 staff guidelines stated, "In order to be qualify for admission to Dilworth boys must come from homes that have undergone some trauma … They are the innocent victims of some kind of disruption to normal family life and must make a further adjustment to their lives by leaving the often tattered remains of their family to come and board full-time at this school".

715 See for example, Family Member KQ statement to external agency; Family Member JD, Family Member KK and Family Member UA statements to the Inquiry.

716 Dilworth School, School Policies (draft), 8 August 2000.

6.19 Following the 2000 draft of the handbook, there was a steady flow of policy development. We reviewed the following documents from this period:[717]

- School Policies 2003
- Staff Guidelines 2003/4
- Developments 1997–2003, completed after 2000
- Dilworth Trust Board Disciplinary Rules and Procedures, November 2005
- Cybersafety at Dilworth, February 2005
- Staff Handbook 2005, Junior Campus , marked "Confidential to Staff Members"
- Human Resources: Review of Practices 2006
- Senior Campus Day School: Review of Practices 2006
- Dilworth School Boarding Review of Practices 2006
- How to Handle a Complaint, about 2006
- Dilworth Policies 2006: ERO copy
- Dilworth School Policies 2008
- Working with Boys at Dilworth: Preventative approaches to the management of student behaviour and Discipline Referral at Dilworth – Ensuring effective referral in the management of the student behaviour, 2009
- Residential Care 2009/12
- Crisis Management Policy, 2011
- Discipline Referral 2012
- Protocols for the use of Security Cameras, 2012
- Dilworth School Policies 2012
- School Residential Policies and Procedures 2012/13
- Draft Child Protection Policy, December 2013[718]

717 Documents disclosed by the school to the Abuse in Care Royal Commission of Inquiry under Dilworth School: Response to Notice to Produce No 2, Schedule A(1) 25 May 2020.

718 This document was not dated. The date given here is that provided by the school in Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

- Staff Guidelines 2018
- Child Protection Policy, full update 6 September 2018
- Crisis Management Response Framework: Abuse, May 2018
- Child Abuse Resource, prepared for Dilworth independent clinical psychologist, 19 September 2018.

6.20 Included in these documents was the school's first policy to address student complaints. Whilst the policy itself is couched in general terms, the school has advised it was intended to cover any type of abuse.[719] In 2006, a further development to the complaints process for students was made in the form of a flow chart entitled How to Make a Complaint.[720] We discuss the school's complaints policy and this flow chart for students in chapter 8.

6.21 A key area of policy development occurred in a concerted attempt to address bullying. In his July 1998 report to the Board, Mr MacLean included the accounts of several students who described instances of physical and verbal abuse that the students had experienced and the impact the bullying had on them. This was immediately before the introduction of the Harassment Elimination at Dilworth School or HEADS programme.[721] The programme's aim was to establish an environment that was safe both physically and psychologically. It was designed to deal with the tensions of living together in a close-knit community where there were few opportunities for private space. The programme required an observation taking place over a 10-day period across both campuses to be carried out by a special education team, comprising more than 12 professionals. Staff, student and parent questionnaires were completed. Mr MacLean reported there was a consistency of data across all three groups questioned. In a report to the Board in October 1998, he summarised the findings:[722]

> Name calling, put downs and covert verbal bullying, high levels of concern from staff, students and parents. Reasonably high levels of the above observed by professional staff from SES also.

719 Dilworth School, School Policies (draft), 8 August 2000, cl 6.4.

720 Dilworth School, How to make a complaint (flowchart), undated.

721 Mr MacLean told the Inquiry that the HEADS programme was developed by him, his senior management team and a team from the Special Education Service (established by the Ministry of Education). This ensured that the latest thinking about bullying and harassment in schools was included in the programme.

722 Principal's report to the Dilworth Trust Board, 19 October 1998.

> Play-fighting -There are concerns about the point at which play-fighting deteriorates into unacceptable violence and/or bullying – high levels of concern from parents; level of concern from staff and students but not to the same high level as for parents. High levels of inappropriate play-fighting observed by Special Education team.
>
> Lack of respect for/stealing/damaging property of others
> (often used as a form of serious harassment) — high levels of concern from parents; high levels of concern from younger students at Dilworth; lesser level of concerns from staff. Apparently, this particular problem is not well reported by students or their parents.

6.22 Mr MacLean told the Board the two-day course for staff trained them on the definition of inappropriate behaviours, the identification of those behaviours and strategies to cope with problems as they are identified.

6.23 He also said "the programme is going to be time-consuming — partly because a 'core group' of staff from both campuses will have to proceed to come up with structures and strategies for action at Dilworth". He concluded his report by noting, "while these issues are serious enough, they are also now well identified by all sections of the school community as real problems and can be dealt with in a firm and structured way".

6.24 Mr Owen, said the following about the implementation of the HEADS programme:

> Donald was firm in his resolve to eliminate any form of harassment and bullying. It was also an issue that was being pushed by staff, especially the Year Deans most of whom were women. From memory we had a staff only day which included both campuses to discuss the issue and to come up with a plan ...
>
> The Junior Campus engaged with the concept seriously, having a programme at the beginning of each year to introduce it to all new students as well as a reminder for the others. The Senior Campus followed suit with reminders and activities.

6.25 In 2004, ERO noted this programme had been successful in developing a clear understanding of harassment in any form and ensuring students knew the steps to take.

6.26 Other initiatives introduced by Mr MacLean included a peer mediation programme that involved training students to help other students achieve resolution of issues within the student body.[723] Later, a peer support programme was introduced that connected year 9 students with year 12 and year 13[724] students to assist in the transition from the junior to senior campus.[725]

6.27 Staff also received some training. The guidance counsellor attended a course on "understanding sexual offending" in 1998. Three staff members said that during Mr MacLean's era they received training on how to detect and deal with sexual impropriety between students and/or staff.[726]

6.28 From 2002, a targeted education programme called Keeping Ourselves Safe was delivered annually to students in years 5 and 7[727] and focused on understanding what "being safe" meant and developing strategies to respond in situations where they felt unsafe.[728]

6.29 Early in his tenure, Mr MacLean raised his concern with the Board about the lack of detail in student academic reports to parents and the need for parental involvement, noting the important role it played in the school environment. Mr MacLean introduced several initiatives for increasing communication with parents, including advising parents of the importance of attending parent–teacher interviews and following up with parents who did not attend[729] and changing the content of student academic reports from the school to allow for more personalised reporting and raising of issues because he believed " a vital part of our role as educators is to communicate in some detail with parents – especially if we are to have them in partnership with us in assisting students to develop".[730]

723 *The Dilworthian,* 2001, p 141; *The Dilworthian,* 2003, p 191; *The Dilworthian*, 2004, p 178.

724 Previously, forms 3, 6 and 7 respectively.

725 *The Dilworthian*, 2005.

726 Staff Member QR, Staff Member PM and Staff Member PF statements to the Inquiry who place this training in the mid-late 2000s.

727 Previously, standard 3 and form 1.

728 Junior campus report to the Dilworth Trust Board, October 2002. In 2004, a different programme, Kidpower, visited the junior campus: Junior campus report to the Dilworth Trust Board, June 2004.

729 From 1998, the school informed all form 3 (now, year 9) parents that the attendance at parent–teacher interviews was considered a compulsory part of parent's involvement in school life.

730 Principal's report to the Dilworth Trust Board, May 1998.

6.30 These initiatives were included in one of the individual draft policies developed in 2000 that placed emphasis on reporting to parents.[731] The policy stated that the partnership with families is further enhanced by regular and positive communication. The focus was on reporting on student achievement and progress. There are few examples of it being used to respond to issues of abuse.

6.31 Two other main developments in the 2000 to 2003 period were policies to address sexual harassment and staff misconduct in a document entitled Disciplinary Rules and Procedures for Staff.[732] These policies made clear that sexual harassment was not tolerated and inappropriate conduct with students would be dealt with as a disciplinary matter up to and including possible dismissal.

6.32 In 2006, the school provided a copy of its full Dilworth Policies document to ERO.[733] An addition was the Policy for Safe School. A second was Policies Relating to Staff.

6.33 The purpose of the safe school policy was to state the school's commitment to ensuring students and staff felt safe at school and could be free from violence or threats of violence in all its forms. It stated the school's zero tolerance for personal physical or verbal violence, violence against self and violence against property. This is the first policy we reviewed that emphasised that the violence-free school policy would be "publicised to students and the community frequently and passionately".[734]

6.34 In policies relating to staff, it was noted that all statutory obligations would be observed including informing the Teachers Council of any matters under the mandatory reporting requirements.[735]

6.35 Another development that we discuss in the school response section below, was the Board response to a case of abuse in 2012, with the implementation of protocols for the use of security cameras.

731 Draft policy for reporting to parents 2000.

732 Contained within the tranche of draft policies developed in 2000.

733 Dilworth policies 2006: ERO copy.

734 Dilworth policies 2006: ERO copy.

735 Dilworth policies 2006: ERO copy.

Boarding house review

6.36 Mr MacLean regularly raised with the Board in his monthly reports, issues relating to the supervision, multitude of duties, and competing time priorities of boarding house staff (particularly where those staff members also had teaching responsibilities) and noted that staff "burn-out" was something that needed to be closely monitored.

6.37 In November 2008, in a paper presented by Mr MacLean for the Board's school strategy meeting, he noted that the staffing model used by Dilworth was that of a British boarding school, which did not take into account the circumstances and disadvantaged backgrounds of Dilworth students. He went on to note that such a model was "no longer sustainable or indeed appropriate. During my 12 years at the school, we have not seriously addressed the deeper risks and negative possibilities of the student–boarding staff ratio". Mr MacLean set out the then current staff ratios to illustrate the strain on staff in the supervisory role and observed "this is not a situation that any fee-paying parent in an independent or state school boarding hostel would accept". He summarised his position as:

> Our supervision level of adults to students is not high enough, and the model we are using for this is increasingly under pressure. Too many students are at risk of "falling under the radar". I am increasingly uneasy about the lack of enough adult supervision, and the vulnerability we face in that regard.[736]

6.38 To address these concerns, Mr MacLean suggested that an enquiry be conducted into the staffing of boarding houses and the suitability of individual staff members holding multiple roles across the school and boarding houses. He noted that the current model of staffing and levels of adult resourcing were not sustainable and it would be necessary for more personnel resourcing in order to improve the experience of the students.

736 Mr D MacLean, paper prepared for Dilworth Trust Board's school strategy meeting, 24 November 2008.

6.39 In 2009, the Board agreed to implement Mr MacLean's suggestion that the school engage a consultant to review the boarding houses, in particular the supervision of the students. The review included an on-site visit by the consultant, who attended the houses at different times during the day and evening over three weeks. The result was a report that made recommendations to improve student welfare, including the appointment of a second assistant housemaster in each house and changes to weekend supervision with a view to providing better care to students and also avoiding staff burn-out. The school appears to have implemented some of the suggested changes, which are noted in a subsequent report in 2011 prepared following the consultant's return to Dilworth to review progress made and note areas of concern that still required addressing.[737]

Vulnerable Children Act 2014

6.40 On 2 September 2013, the Vulnerable Children Bill was introduced into Parliament. It proposed significant changes to child protection law. Included in part 2 of the Bill was the requirement for school boards to adopt child protection policies. This part received royal assent on 30 June 2014, and came into force on 1 July 2014.[738]

6.41 In December 2013, the school took the step of producing a draft child protection policy.[739]

6.42 From 1 July 2014, schools were required to publicise their child protection policies on their website (if they had one) and have them available at the school if a copy was requested.[740] The Vulnerable Children Act 2014 also required any contractors (including funders) the school worked with to adopt the same policy.[741] The policies were to be reviewed within three years of adoption.[742]

6.43 Although the Vulnerable Children Act 2014 came into force on 1 July 2014, there is no reference in the disclosure material to either the Abuse in Care Royal Commission or the Inquiry to indicate the draft policy was finalised and publicised promptly.[743]

737 The Inquiry has not been able to review the original 2009 report by consultant Claudia Wysocki, as it could not be located: Correspondence with school lawyers, 26 June 2023. The Inquiry was provided with a copy of the follow-up report, dated July 2011.

738 The original Bill was amended and divided by the Committee of the Whole House into three Bills with parts 1 and 2 of the original Bill remaining in the Vulnerable Children Bill.

739 Date stated by Dilworth in Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

740 Vulnerable Children Act 2014, section 18(b).

741 Vulnerable Children Act 2014, section 18(c).

742 Vulnerable Children Act 2014, section 18(d).

743 As Mr MacLean believed it was in operation, the Inquiry asked the school to search the school and Board records but it could find no documentation that suggested the draft policy was implemented or in effect in 2013 or 2014: Donald MacLean correspondence with the Inquiry, 24 July 2023; 13 July 2023, and correspondence from school's lawyers, 24 July 2023.

6.44 Based on the documents disclosed to the Royal Commission and the school's representations in its written response, it appears that the policy was not finalised until four years later in September 2018, when it was approved by the Board.

6.45 Also in 2018, the school engaged the assistance of an independent psychologist with expertise in all fields of abuse. A programme of education about the nature of abuse and complaints was delivered to staff and board members and a resource paper was developed.

6.46 In the complaints section below, we discuss specific aspects of the policies during the period relevant to the school's response to complaints of abuse.

Dilworth Trust Board

6.47 Of the 12 Board members who served during Mr MacLean's time, all were either in the professions or business.[744] None had primary school, secondary school or educational experience or expertise. Six were former students.[745] Only one of these trustees served for less than 10 years.[746] Two remain as current trustees.

In the former students' words

School environment

6.48 There was a reduction in the complaints about the cold, harsh environment, and those the Inquiry did hear were largely from students who attended before 2009. In fact, some said the junior campus was "not too bad". Generally, students were far more positive about the MacLean era, and a number described the valuable education they received and the positive time they had at Dilworth.[747]

744 Mr Derek Firth, solicitor (1975–2015); Mr John Potter, chief executive of Nestlé (NZ) Ltd (1985–1989 and 1993–2008); Mr Brian Maltby, chief executive of a quantity surveyor business (1990–2021); Mr Peter Tapper, executive general manager in petroleum companies (1994–2004); Sir Wilson Whineray, chief executive of Carter Holt Harvey (1995–2007); Mr Peter Hunter, director (1998–2013); Mr Jonathan Wain, barrister (2004–2018); Mr George France, accountant (2012–2017); Mr Hugh Fletcher, chief executive of Fletcher Challenge (2007–2019); Mr Aaron Snodgrass, accountant (2013–present); Mr Peter Alexander, property consultant and investor (2017– present); Mr Simon Curran, marketing manager (2017–2023).

745 The old boys were Mr Firth, Mr Potter, Mr Tapper, Mr Wain, Mr Snodgrass and Mr Curran.

746 Years of service of the remaining trustees were 10 (2), 12 (2), 14, 15, 19, 30 and 31 years with two current trustees having 6 years' service to date.

747 For example, Student FQ and Student GU statements to the Inquiry.

6.49 However, there were still many students whose reported experiences were that of inadequate care and nurturing in the boarding houses.[748] As in Dr Wilton's era, students also talked about how the warm and supportive 'open days' presented a school that was very different from their later lived reality of Dilworth.[749] As indicated earlier, 23 reported being sexually abused with the Inquiry being aware of a further eight and 22 reported serious physical abuse. Several of the students stated they believed the abuse was because they were perceived as effeminate or gay.

6.50 While there were far fewer staff sexually abusing students, Mr Ross Browne's sexual abuse of students significantly increased the number of abused students in this era. Sexual abuse by students continued. We are aware of 16 accounts of this type of abuse.

6.51 An improvement in school life was illustrated by the fact students did not complain about food quality or corporal punishment in this era. Students commented with appreciation about the installation of shower curtains in senior houses and permission for students to use towels when walking to the showers to protect modesty.[750]

6.52 However, similar complaints to those raised in other eras were reported:

- homophobic culture of school
- poor relationship between family and school
- scholarship withdrawal and financial blackmail
- imposed public nudity at shower time
- no narking or no pimping culture
- failure of the school to stop bullying
- racist remarks
- harsh discipline
- violent bullying
- sexual abuse – from staff and students.

748 For example, Student HM, Student HV, Student ER and Student IO statements to the Inquiry.

749 For example, Student FZ and Student BK, statements to the Inquiry; Student DZ statement to external agency.

750 For example, Student EL statement to the Inquiry.

6.53 One new theme in the former students' accounts of the school environment was the lack of adequate counselling. Counselling was available through a pastoral care team, which was led by the chaplain. Despite this, not all students found this resource helpful. The Inquiry heard from students who said that they either did not consider the counselling effective or of assistance or felt their concerns were brushed aside, and where serious issues had been disclosed (such as sexual abuse), no action was taken or further assistance offered to the student.[751] Some said they learned that what they had spoken about in counselling in confidence had been shared with others, including other students.[752] The lack of confidentiality stopped some students from seeking assistance.[753]

6.54 A few students spoke to us about their experiences of Mr MacLean as a principal. There was similarity in almost all accounts that students rarely saw Mr MacLean or had anything to do with him.[754]

6.55 While some students described Mr MacLean as more personable than Dr Wilton, and someone who clearly cared for students,[755] he was also described as "hands off", distant and not visible.[756] Staff members, however, described him as more directly involved in the day-to-day running of the school in a way that Dr Wilton had not been.[757]

Serious physical abuse

Staff

6.56 The number of students complaining about physical abuse from staff members decreased markedly. Complaints received largely related to verbal abuse in the classroom and included a teacher throwing items such as whiteboard pens, erasers, or phone books at students.[758]

6.57 However, the Inquiry was told about six instances that were more serious. Two involved a tutor and the others involved teachers. One tutor punched Student AL in the back, and Student CB described being thrown into a swimming pool by a tutor with a rope tied to a weight wrapped around him. He sank to the bottom but managed to escape.

751 For example, Student HM, Student EF, Student EL, Family Member JW, Student EU, Student EY, Student HV, Student FW and Student GI statements to the Inquiry.

752 For example, Student HV statement to the Inquiry.

753 For example, Student ER statement to the Inquiry.

754 Student HV, Student AT and Student DE statements to the Inquiry. The Inquiry notes several students did not know Mr MacLean was the principal as they had no interaction with him at all.

755 For example, Student FY and Student GO statements to the Inquiry.

756 For example, Student AL, Student EL and Student GS statements to the Inquiry.

757 Bruce Owen statement to the Inquiry; Staff Members PM and PS also noted the positive attributes and dedication of Mr MacLean.

758 For example, Student EL and Bruce Owen statements to the Inquiry.

6.58 The first instance concerning a teacher was from Student AL who said he had been unaware he was listed to do a reading in the chapel service. At the end of the service Staff Member TL approached the student, accused him of failing to fulfil this duty and grabbed him hard at the back of the neck, choking him.

6.59 The second instance about a teacher concerned Student HD who said he was ordered out of the classroom by Staff Member TN, then in the hallway TN grabbed the student by the neck and swore at him.

6.60 The final instances were both about Staff Member UW. Student HD said UW chased him during a sporting event, put the student in a headlock and "chucked his fingers up my nose … I could not breathe". Student EF described UW screaming at him and then punching him in the chest and then telling the student to "sort himself out".

Violent bullying by older students

6.61 Violent bullying continued to be experienced by students. The theme of older students bullying younger students remained prevalent and there were forms of 'organised' bullying with students being forced to undertake punishments inflicted by senior students. An example is where a younger student had to run the length of the corridor in the boarding house (the "gauntlet") while the older students lined up on either side and dished out punches and kicks.[759] Mr MacLean told the Inquiry he remembers specifically banning the "gauntlet" on his arrival at Dilworth and conveying that to students at assembly.[760] However, the Inquiry heard from students describing the practice continuing into 2006. Running the gauntlet happened on different occasions but always in the boarding houses, usually at night.[761]

6.62 Other examples of punishment by house prefects, who were usually six formers,[762] included "crucifying".[763] This involved the younger student kneeling on the grooved, ridged steps of Tyrone House, stretching out their arms, then having encyclopaedias placed in each arm and having to hold the position. The second was "Chinese squats", with students sitting 90 degrees to the wall as if on an invisible chair while balancing books on their extended arms.[764] Student CB described being pulled out of bed by six formers one night and forced to do a "Chinese squat". The sixth formers put broken glass and sharp metal compass points underneath the student, so when he fell, he fell onto the shards of glass and pointed metal.

759 For example, Student HD, Student EL and Student GS statements to the Inquiry.

760 D MacLean correspondence with the Inquiry, 13 July 2023.

761 D MacLean correspondence with the Inquiry, 13 July 2023.

762 Now, year 12 students.

763 For example, Student EL and Student FC statements to the Inquiry.

764 For example, Student EX statement to the Inquiry.

6.63 Students described relentless physical beatings from other students; for example, being hit around the head, punched in the stomach and pushed or thrown down a corridor or stairs.[765]

6.64 Student AL said he was knocked unconscious after being king hit. Student ER suffered a black eye and broke his hand. When he was in form 4,[766] Student CB had his wrist broken after he was thrown into a door by a group of students while being beaten up by them. His hand was jammed in the gap in the door, but he had been too afraid of repercussions to tell staff truthfully how his injury was caused.

Sexualised bullying

6.65 Some of the acts of bullying had a sexual element to them. Student ER told us when he was 11 or 12 an older student grabbed his stuffed teddy bear, "cut a hole in it and fornicated into the hole".

6.66 When in form 4, student EF refused to give a "hand job" or "blow job" to an older student and suffered retaliation as a consequence. This involved the spreading of rumours that he was gay; constant name-calling ("faggot") and being shoved into walls or spat on. He said as the rumours spread, his friends stopped associating with him, and he felt unsafe and uncomfortable walking around the school. Sometimes when he returned to his dormitory, his chair would be turned upside down and "I would be teased that I could fuck myself on it".[767]

Psychological bullying

6.67 Students told the Inquiry that anything slightly different about a student would make him a target for bullying (such as being overweight, being a different or minority ethnicity, or having a disability). Any affectation or interest in a topic that was deemed "not masculine" would be used by bullies against the student. There would be name calling such as "homo", "poofter" or "bum whacker". A few examples of more extreme examples of bullying are set out below.

6.68 Student AL found other students had created a Wikipedia page about him called "loser" or "loner". The same students obtained his phone number and made prank calls to him. One of the calls was made by a girl who asked him questions "like would I mind if another boy joined us in a sexual activity. In a homophobic school culture, this was done deliberately to humiliate me".

765 For example, Student HM, Student EF and Student ER statement to the Inquiry.

766 Now, year 10.

767 In a further example, Student GD was threatened with rumours about his sexuality unless he agreed to perform sexual acts on another student.

6.69 Student EU said he was mimicked and called a "little bitch" because he had a high-pitched voice. With up to 50 students joining in the bullying, it was intimidating.

6.70 Student GA, who was a self-described bully, told the Inquiry, "We had gangs and learned the art of extortion at a young age … You knew not to nark. We used to bully the homosexual boys, we would run them into the ground".

Lack of intervention by staff

6.71 Students acknowledged that some bullying happened away from staff members, so it would have been difficult for them to intervene.[768] As noted by Student CB, however, sometimes physical bullying not only happened in front of staff members but the tutors instigated it. Student EU described being king hit in class, and nothing was done about it, he did not recall teachers ever coming down hard on bullying.

6.72 Despite the introduction of policies designed to address bullying or express the school's intolerance towards bullying, students said staff members were reluctant to intervene when a complaint was made.[769] Student AT noted that the verbal abuse he suffered happened in places where staff members were present, such as classrooms and the boarding house. He believes staff must have overheard it and, as noted below, given that a teacher continued the bullying comments, it would seem at least one teacher was aware of them. Dorm raids, which happened in boarding houses, were noisy and happened in the vicinity of tutor's rooms, yet no steps were taken to stop them.[770] Student HM said despite complaining about the physical bullying he was suffering, no effective steps were taken to stop it from happening.[771]

6.73 Student AL said:

> I found that although there were policies saying there was no place for violence, they were only given lip service. There was very much a mentality of "boys will be boys" and a desire by the school to deal with things quietly and internally.

768 For example, Student BK statement to the Inquiry.

769 For example, Student EL statement to the Inquiry.

770 For example, Student CB statement to the Inquiry.

771 Student EF also said despite complaining about physical bullying, there was no effective response from most staff members, although he notes two managed to temporarily stop bullying when on duty. Student ER said when he complained about the physical bullying he was simply told "boys will be boys".

Impact of bullying

6.74 There were several immediate negative impacts of bullying. Some students isolated themselves. Student ER developed an eating disorder when he stopped going to the dining room to avoid bullying there. Student AT developed body image issues and recalls having suicidal thoughts as a 10 year old.

6.75 Student GA told the Inquiry that his friend who endured significant bullying left the school and shortly afterwards ended his life. Student EF described having suicidal thoughts due to bullying. His mother made the decision to withdraw him as not enough action was being taken by the school to address the bullying her son was experiencing.

Bullying by teachers and staff members

6.76 Students observed that some teachers had little patience for students with learning disabilities, referring to them in a derogatory way in front of the whole class. One student was made to sit under a table for an entire lesson because they had said something "stupid". Another teacher identified all the students in the class who would not have survived through the holocaust. Student AT recalls being bullied by students about one of his physical features, and that one teacher would also make comments about this physical feature drawing attention to it and making fun of him.

6.77 Students also described teachers making derogatory comments about homosexuals. Student HV who identified as gay and hung around with a group called "the gay boys" told the Inquiry that a teacher accused them of waiting to "ambush [other] boys", implying that they were sexual predators just because they were homosexual. Teachers would tell these students off for being too effeminate because it was embarrassing to the school.

6.78 Many students felt teachers used the ability to punish unreasonably to maintain order. Punishments such as gating,[772] detention or writing lines would be handed out for minor breaches of rules. This negatively impacted on the relationship between students and staff. Many said how difficult it was to be gated and not allowed to go home to see family, especially when you were as young as 10.[773]

772 Mr MacLean stated that he banned the practice of gating not long after arriving at the school in 1997. However, the Inquiry notes multiple school documents dated after 1997, including staff policies and a principal's report authored by Mr MacLean dated June 2010, refer to using gating as a punishment, suggesting this was still a widely used disciplinary measure. The Inquiry heard from multiple students and family members who described gating up until at least 2017.

773 For example, Student AL, gated in year 8 (when he was 10) for calling a tutor "a freaking idiot" under his breath.

Sexual abuse

6.79 The next paragraphs contain examples of sexual abuse from the many the Inquiry heard. **These accounts are graphic and may be distressing.**

6.80 The accounts of former students about sexual abuse in this era have common themes:

- sexual predation by staff (chaplain, tutor, teachers) on students, particularly younger students
- sexual predation by older students on younger students
- an inability to have sexual predation stopped despite attempts to do so
- a reluctance to report sexual abuse due to fear of losing the scholarship.

6.81 Below are examples of some of the abuse the Inquiry heard about.

Tutor abuse in boarding house

6.82 Students IO and DE were both sexually abused by tutor TS. He was convicted of this offending in 2012.

Abuse of student–teacher relationships

6.83 Student DU was groomed by a teacher and induced into performing acts of oral sex and having oral sex performed on him. The relationship continued beyond the student's time at Dilworth.

6.84 Student FW described a relationship he had with a different teacher when he was 15. The teacher would proclaim his love for the student, and the pair would spend a lot of time together, message each other on social media, hold hands and sleep in the same bed.

Abuse by chaplain

6.85 Mr Browne continued in the school's employ until 2006[774] when he was allowed to resign following complaints that had been made about his behaviour. Mr Browne abused multiple students during the MacLean era. Much of his abuse took the same form as during the Wilton era. The Inquiry has only included detail of abuse that police investigated and that is not the subject of current charges before the court.

774 The Inquiry was told Mr Browne did not return to school after the term ended in December 2005.

6.86 **Grooming:** Mr Browne's abuse started with the grooming of the students and their peers. He normalised his physical touch of students by constantly hugging them or having them sit on his knee. Multiple students told the Inquiry Mr Browne would give "bear hugs" to students, in full view of other staff members, or have students sit on his lap or "click" students' backs. The Inquiry was told some students could feel his erection when he gave them hugs.[775]

6.87 **Massages:** Mr Browne continued to administer massages privately to students. He would tell students to strip down to their underwear and during the massage he would brush or graze his hands against the student's penis and testicles or pull the student's underwear down to touch the student's buttocks.

6.88 **Christian Living classes**: Mr Browne continued to teach sex education as part of the Christian Living studies subject until he left the school.[776] Several students told the Inquiry of the inappropriate discussions he initiated, the most common topic being masturbation. The Inquiry was told how Mr Browne would ask students to share their experiences of masturbation, instigate discussion about techniques, and ask students to write down intimate masturbation stories or questions he would then share 'anonymously' with the rest of the class. Mr Browne read out a letter he had (allegedly) received from another student setting out in detail the student's first-time masturbating. Mr Browne would use that as a starting point to encourage students to masturbate, although there were no reports of masturbating within the classroom occurring, as there had been in the Wilton era.

6.89 **Individual abuse:** Some of Mr Browne's sexual abuse led on from the sex education classes, from massages or from Mr Browne's normalisation of physical affection. He also used his regular practice of having students sit on his knee to sexually assault them.

6.90 Several students told us they (individually) approached Mr Browne to discuss a topic or question arising from the sex education class. This then led to Mr Browne "inspecting" the student's penis or coaching him to masturbate.

775 For example, Student BY statement to external agency.

776 Although in later years, Mr Browne taught sex education to only senior school classes through his Christian Living classes. The Inquiry has student report cards that confirm he taught Christian Living classes until he left and heard from former students who had him as a teacher in 2005. Mr Browne taught sexual education in the junior school until at least the end of 1998. There are documented complaints in 1998 concerning Mr Browne's teaching methods and content in respect of the sexual education component. No records were found at the school of when the subject was removed from the year 8 syllabus. However, at some point after 1998, the sexual education component was moved from year 8 to year 9 (which was part of the senior school).

6.91 **Crypt:** The "Crypt" continued to operate into the MacLean era. A pastoral care team member's office was along from Mr Browne's office where the Crypt operated. Students told the Inquiry Mr Browne expressed his discomfort with the pastoral care team member's office being in the vicinity. Students were told by Mr Browne not to talk to the pastoral care team member. Student BY said Mr Browne "said that [the member of the pastoral care team in the office along from his] was evil, and he discouraged us from having anything to do with that person. He became the only person we could confide in".[777] Other students echoed these sentiments. Students who observed Mr Browne's behaviour felt they were all groomed by him to assume what he was telling them and doing was normal.

6.92 At some point in the early 2000s,[778] Mr Browne was told to stop operating the Crypt. However, former students told the Inquiry this instruction was largely ignored. Mr MacLean acknowledges that while the instruction was given, and the Crypt stopped operating in name, students continued to meet in Mr Browne's office as before.[779]

6.93 Mr Browne regularly instigated conversations of a sexual nature with students, encouraged students to talk about masturbation, homosexuality and sexual experimentation, and encouraged students to masturbate and experiment sexually with each other in the form of kissing and touching. He encouraged students to share their recent sexual experiences and to seek each other out during the week for "special time" together.

6.94 Student EF told the Inquiry Mr Browne encouraged and facilitated more intimate behaviour between students by providing a private space for them to participate in sexual behaviours.

6.95 Student BY said:

> Father Browne started encouraging the boys in the group [at the crypt] to be intimate with each other in the room … He was present with us whilst this was going on … As I got older there were times when he provided spaces for boys to be more intimate with each other. There was a bathroom next to his office that he would let us use if we wanted to have penetrative sex, oral sex or anything like that. There was also the room opposite his office that had been used for sex in the past but I'd never used that.

777 Student BY statement to external agency.

778 Formal written warning issued by Donald MacLean to Ross Browne, 28 May 2003. This warning refers to the instruction having been given earlier.

779 Donald MacLean Inquiry interview.

6.96 **Abuse through position as chaplain counsellor:** Mr Browne used his position as chaplain to provide mentoring and counselling services to students. Student HV was being sexually abused by another student and went to Mr Browne to get help. He told Mr Browne what was happening to him, that he did not like it, that he wanted it to stop, and that he needed help. Mr Browne had HV replay the sexual abuse in detail. Mr Browne informed HV it was "completely normal behaviour" and he should enjoy it.

6.97 Some of the students who described the experiences of homosexual exploration at the Crypt said they are not and were not homosexual. Their participation was coerced by Mr Browne, who students saw as someone they needed to obey, and it has subsequently caused many years of confusion about their sexual identity. Student GA said:

> At the time I thought I was a homosexual because of Father Browne's head-fucking shit. He was a master manipulator. He would put things in your head then work on it, see where it went. He would introduce you to different things and implore you to explore your sexual fantasies with boys in order to be comfortable in the name of God.

Sexual abuse by other students

6.98 The Inquiry was presented with several accounts of sexual abuse by other students. Some of those accounts are summarised below.

Sexual abuse arising from the Crypt

6.99 Some of the incidents of abuse are linked to the Crypt where Mr Browne had encouraged relationships between an older and younger student. Student FQ was younger by several years than another student and they started a friendship that turned into sexual contact. FQ was not comfortable with it but did not feel able to refuse due to Mr Browne "condoning" and encouraging the contact.

Sexual abuse within boarding houses

6.100 In form 3,[780] Student EL was bullied by two older students who were all in the same house. On several occasions the bullying moved to rubbing their bodies against him and trying to put their hands down his pants.

780 Now, year 9.

6.101 In form 1,[781] Student HD was bullied by more senior students who were in the same house as him. The bullying escalated, and one night he was dragged into the drying room. Five students in the year above him were in there and tried to force HD to perform oral sex. He managed to break free and get out of the room. However, rumours about the incident spread within the school and he was bullied and harassed for several years. He described that other students would often yell "sucky suck" at him.

6.102 The Inquiry heard several different incidents of abuse at night in the boarding houses. Student FA described being abused in the boarding house when he was 11 years old. An older student would come to his bed and touch his penis. It stopped only when he was moved to the senior campus. When he was around 12 years old, Student BQ woke in the middle of the night to find an older student fondling his genitals. Student CB was woken up by an older student pulling the blankets off him. The older student performed a sexual act on CB and then pushed his own penis into the CB's mouth and down his throat, stopping only when the older student ejaculated.

6.103 Student HV described the abuse he suffered over a period when he was in year 9:

> One day, he texted me and asked me to meet him down by the bathrooms. I go down there, he is there masturbating, tells me to come over to him, I say no, but eventually I go over to where he is. I freeze but he slowly makes me perform oral sex on him. I do remember saying no to him, but it did not stop him from grabbing me, did not stop him from holding me, but he kept saying it was ok. Then I left and went back to my dorm … This abuse continued for some time over my time in Year 9, probably happened about six times … I didn't know how to process what was going on. First off, this was my first sexual experience, I didn't like it, didn't want it to happen, had said no, but it kept happening. It was all confusing, was affecting me and my behaviour started to change.

6.104 Some accounts were very graphic and went beyond touching. Student CB, when he was in form 3, was ejaculated on, had another student urinate in his mouth, and was defecated on. Student BQ described a situation where in the dorm room just before bed two older students bribed two younger students to penetrate each other anally in return for the older students' desserts for a week.

781 Now, year 7.

Sexual abuse outside of boarding houses

6.105 The Inquiry was also told of abuse that happened outside of the boarding house setting. Student BE described being abused at a fellow student's home when both students had been given leave together. Student AT told the Inquiry that when he was 10 or 11 years old, he would be subjected to groping, squeezing or grabbing of his genitals by older students at random times throughout the day at school. Student FA said the same student that abused him in the dormitory would also repeatedly grope or touch him while participating in school activities, including while in the pool.

Response of students to physical or sexual abuse of them

6.106 The longer-term impacts of abuse on students are dealt with in chapter 7, but it is relevant to set out some of the students' immediate responses to the abuse they suffered.

- Student CB had suicidal thoughts immediately after suffering sexual abuse.
- Student HV experienced an immediate change in his academic performance. He had been actively participating in school life and enjoyed good grades. After the abuse, he only just managed to pass school certificate and he started drinking heavily.
- Student DE described not being able to sleep at night and becoming tearful and grumpy. His school file notes he showed signs of aggression, had difficulty following instructions and his fine motor skills were affected.
- Student GA said he felt Dilworth was like jail "but with more rape".

6.107 This statement sums up what many students told the Inquiry:

> When the abuse took place, I felt incredibly uncomfortable to the point I froze in immense fear. In those moments you go somewhere else and there is a disconnect from your body. It makes you feel numb but it is a way of dealing with the abuse and pain. Now I find it hard to be in my body sometimes, especially in intimate moments as it can be incredibly triggering … I have questioned my own sexuality and whether I am this way because of what happened to me with Father Browne.[782]

782 Student EU statement to the Inquiry.

6.108 Students were very vocal and articulate about their anger at the school allowing situations where the abuse could take place, failing to take any action, and the subsequent denial of any knowledge, particularly in respect of Mr Browne's offending.

> I've felt an ongoing sense of shame about what happened. I have bouts of feeling victimised and feeling sorry for myself. It upsets me even to talk through this. I feel betrayed by the school. There was no real support for me. Those who I did turn to were ultimately acting in their own self-interest.[783]

School response to complaints made

Serious physical abuse complaints

6.109 Accounts of bullying between students across the decades are consistent. It has been variously described as rife, endemic and appearing to be baked into the culture of the school.

6.110 As described above, in 1998, the school made its first serious attempt to grapple with a response to bullying through a harassment elimination programme (the HEADS programme).

6.111 In 2000, in a suite of new policies, one policy set out the school's position in relation to sexual harassment and another addressed harassment elimination. The latter policy noted the school's commitment to providing an environment that is safe, secure and free from harassment. Harassment was defined to include intimidation, bullying (which included any threat of or actual physical violence), verbal, racial and sexual harassment. The policy stated that the school "will treat seriously all proven claims of harassment".

6.112 The school's developing approach to the elimination of harassment and bullying was brought into sharp focus at about the same time as the development of the above policies. Student EF recalls that mid-way though his fourth form year in 1999, he was subjected to extreme bullying as a result of being "outed" as gay. Bullying included name calling, physical assaults, including in the middle of the night, and interference with his personal property. The student told his tutors and housemasters. These people acted and were able to limit the scale of the bullying of him, but not remove the behaviour entirely. He continued to raise his concerns with members of the senior staff, including the principal. A file note written by the principal records these attempts, but also notes that the student has to "accept some of the responsibility for deliberately acting in such a way as to attract unfavourable attention to himself".[784] The note goes on to record that action is always taken "whenever possible" and that an anti-harassment message was given regularly to students.

783 Student FW statement to the Inquiry.

784 File note prepared by the principal, March 2001.

6.113 Later, Student EF wrote a letter to the Board and senior management advising that after 18 months enduring continuous harassment from fellow students he felt he could no longer continue at Dilworth. He noted the meetings he and his family had had with senior members of the school to attempt to resolve the issue, but that the meetings were not enough and nothing changed. He noted his great sadness in reaching this decision but felt it was the only option he had available to him.[785]

6.114 In response to questions about this student, and his experiences, Mr MacLean acknowledged that at this stage Dilworth was working on becoming a safer environment, but it was a work in progress.[786]

6.115 In 2006 or 2007, Student ER complained to his housemaster after he received a black eye from being king hit by another student. This incident followed years of bullying, which he had complained about to two different housemasters and been told that "boys will be boys". His mother complained to the principal in relation to the king hit incident and was told "well that is not the Dilworth way". Nothing further was done.

6.116 In 2009, Student IK's mother wrote to Mr Murray Reid, the head of the senior campus and deputy principal, raising concerns about a "fight club" her son was being pressured to join and the bullying that followed. She asked the school to put strategies in place to deal with the violence. She did not receive a response to her letter.[787] Mr Reid was asked about this letter. He does not recall receiving it but considers it would have been taken seriously. He observed that it was possible the school's response to the issues raised may not have been relayed adequately to the parent, but that it would not have been a deliberate omission.[788]

6.117 The following year, the same mother raised new concerns with a housemaster about bullying another son was experiencing. She was told she was over-reacting. Soon after this conversation the housemaster announced to the boarding house that she had raised concerns about her son being bullied. The bullying against her son continued.

785 Letter from Student EF to members of the Dilworth Trust Board, housemasters, matron and senior members of staff, undated.

786 Donald MacLean Inquiry interview.

787 Letter from Family Member UA to Murray Reid, 5 December 2009.

788 Murray Reid correspondence with the Inquiry, 7 July 2023.

Sexual abuse complaints

Group Life Laboratory disclosure of abuse

6.118 The following example of the disclosure of abuse at a Group Life Laboratory (GLL) camp and the consequences of that disclosure, traverses both the Wilton and MacLean eras. We have included it in this chapter as most of the events after disclosure occurred during Mr MacLean's tenure, from 1997 to 1999.

6.119 In May 1996, during Dr Wilton's era, a form 3 student, IL, disclosed sexual abuse by a student at a GLL camp during a "trust cards" exercise. The abuse had occurred two years prior when he was a form 1 student. He had not wanted to disclose the abuse but had felt pressured to do so.

6.120 Student IL said the week after the GLL camp his disclosure had "spread like wildfire around the campus".[789] He was physically assaulted by the perpetrator's friends and was the target of persistent daily bullying, including ostracisation, and name-calling. He was deeply traumatised by the fallout from his disclosure at the camp. He said the bullying after was worse than the sexual abuse itself. On one occasion, when he had sought help in coping with it, Mr Browne had yelled at him for not being able to get over the bullying.

6.121 The school referred him to an external psychologist for two sessions but when he did not attend the third session, nothing further was organised for him. Most significantly, his parents were not told about the abuse or the serious impact the disclosure was having. They found out about the abuse through an inadvertent statement by a teacher in May 1997, one year after the abuse had been disclosed to the school. The teacher had assumed the parents had already been told.

6.122 By this time, Mr MacLean had taken over as principal. Over the course of 1998, Student IL's health deteriorated further. He started seeing the school pastoral team in May. In October, the team sought external advice from two different mental health professionals and was told by both that the parents needed to be involved, although the student did not want this.[790] Dilworth appears to have decided that this was a decision for the school to make and IL's parents were not immediately informed of the gravity of their son's health. By November, the student was referred for external assistance as his level of distress was increasing.[791] It was not until December when IL saw a psychiatrist that his parents were told about his mental health diagnosis and proposed treatment.[792]

789 Student IL correspondence. Further details omitted to avoid identification.

790 Memorandum from Ross Browne to the principal, undated. The memorandum covered events up to and including March 1999.

791 Student IL correspondence. Further details omitted to prevent identification.

792 Reporting letter of psychiatrist to Dilworth's doctor, 9 December 1998.

6.123 During 1999, Student IL spent considerable time away from school accessing in-patient treatment. Correspondence between his father and the school and Board reiterated the father's anger at the significant impact of the school's mishandling of the whole situation on his son and his family. In April 1999, he wrote:

> [the] ongoing deception, most inept direction and failure to inform and consult with the boy's parents and his doctor until the damage had been done, denied [student] the help he needed most to avoid the catastrophe which is now regrettably a reality.[793]

6.124 Mr Browne provided a memorandum to the principal outlining a chronology of events in the school's response to Student IL's disclosure.[794] Mr Browne recorded that it had been left for IL to determine whether a formal complaint should be pursued when he returned to school after the GLL camp. Mr Browne said IL approached him five days after the camp and, in response to questioning by Mr Browne, disclosed further details, namely that he had been repeatedly sexually abused over the course of a year.[795]

6.125 The memorandum outlined the care the student had received between 1996 and 1999, the student's desire to not involve his parents, the expert advice the pastoral care team received that his parents did need to be involved, and the ongoing harassment Student IL was suffering at school relating to the abuse.

6.126 Mr Browne did not advise the principal in his memo that he had instigated regular "counselling sessions" after the disclosure. Student IL said at these sessions Mr Browne made him feel very uncomfortable by giving him very long hugs, massaging his shoulders, clicking his back and asking whether the abuse caused him to have an erection.

6.127 In May 1999, Mr MacLean's response to Students IL's father, written on behalf of the school and Board, defended the failure to inform the parents on the basis the student wanted the school to hold his confidence and that from the point of disclosure he had received "expert counselling".[796] Mr MacLean noted that if the student appeared upset, the student had access to the chaplain and received counselling whenever he needed it.

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793 Letter from Student IL's father to the Dilworth Trust Board. Further details omitted to prevent identification.

794 Memorandum from Ross Browne to the principal, undated. The memorandum refers to events up to March 1999, so was likely prepared in response to the father's correspondence.

795 Memorandum from Ross Browne to the principal, undated.

796 Letter from D MacLean to Student IL's father. Further details omitted to prevent identification.

6.128 Student IL's account of the failures involved in the school's response to this disclosure, reflects our views:

> Now that I am an adult, I can see that how my situation was handled by the adults at the school was wrong. I have always found the aftermath of confiding in the chaplains at Group Life Lab far more traumatic than the abuse itself. My parents should have been notified immediately. The chaplains should not have had a night dedicated to requiring children to divulge secrets about themselves. I should have immediately been referred to a professional psychologist. I should not have been encouraged to talk to two chaplains who have since been outed as paedophiles. I was very open with staff members about the bullying that occurred and do not believe enough was done to stop it. Also, there should have been education about sexual abuse and how to report it. Sex Ed class at the junior campus would have been a good opportunity to do that, but Father Browne was too busy ordering my class to close our eyes while he read out a student's graphic account of what it felt like to masturbate and then ejaculate.[797]

6.129 The Inquiry notes that over the remainder of 1999 the correspondence and meetings between the school, the student and his family reflect a genuine willingness on the part of the school to support the student with an assisted and flexible return to school.

Ian Wilson, 1998

6.130 Mr Wilson's historic abuse continued to be raised with the school during this period. In February 1998, Student GT contacted the school asking for access to his school records. He met with the new principal, Mr MacLean, telling him that Mr Wilson had sexually abused him when he was a student in the 1970s. A file note prepared by Mr MacLean reflected a similar attitude to that taken by his predecessors. He stated his main concern was the impact it would have on the current school and "that it was very difficult for us to divert our energies to dealing with potential fallout from incidents that had occurred at least 20 years ago". He repeated this concern at the end of the meeting, "I once again emphasised to [GT] that it was vitally important that anything happening now did not reflect negatively on, or detract from, the excellent work that we are currently doing".[798]

6.131 Mr MacLean told the Inquiry, as a new principal at the time, he followed the Board's briefing in relation to the emphasis on the importance of the school's reputation.[799]

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797 Letter by Student IL to Dilworth. Further details omitted to prevent identification.

798 File note of meeting, 13 February 1998, Ian Wilson's personnel file.

799 Donald MacLean Inquiry interview.

6.132 The file note does not record any offer of support to Student GT or suggest that the school investigated whether there might be other victims of Mr Wilson's who had not yet come forward.

Complaints about Staff Member RZ, 2000

6.133 In 2000, former student, IM, contacted the school and spoke to Mr Owen, the deputy headmaster, and the general manager of the Board. He advised them that Staff Member RZ had abused him in late 1988 or early 1989 and that he had told his housemaster, Mr Wilson, at the time. He was not aware what Mr Wilson did with this information. He also told the school that the headmaster, Dr Wilton, had also been informed at the time by IM's grandmother. His grandmother was told by Dr Wilton there could be no truth in the allegation and that he had every confidence in RZ as a teacher.[800] IM told Mr Owen that his behaviour and attitude deteriorated after that and that at the end of 1989 his grandmother was encouraged to withdraw him from the school, before the Board ultimately terminated his scholarship.

6.134 Mr Owen prepared a file note of his conversations with Student IM. He records that his review of IM's file demonstrated that his account of his behaviour deteriorating after the abuse is made out. Mr Owen goes on to note "under the circumstances it is no wonder. These comments indicate a student under stress".[801]

6.135 The Inquiry put Student IM's account to Mr Wilson who said he couldn't recall specifics but he accepted IM's account.[802] A fellow student, EH, said he also recalled IM making a complaint to the principal around this time and being asked to leave on that date. Dr Wilton told the Inquiry he does not accept he was told about this complaint and maintains he was first made aware of Staff Member RZ's abuse in 1994.[803]

6.136 The Board was informed about Student IM's conversations with Mr Owen and the Board's general manager at the June 2000 Board meeting and the following record was made:

> The Board confirmed that they would not hinder [Student IM] in taking a criminal complaint against [RZ] but there was a dearth of information in the school's files. The Chairman will decide after consultation whether it is appropriate for him along with the Deputy Chairman, to meet with [IM].[804]

800 File note of telephone conversations between Student IM and Bruce Owen, 23 June 2000. In a later call, Student IM advised that he had told Dr Wilton himself and was told he was a liar: Summary document of telephone calls with Student IM prepared by Bruce Owen, 11 May 2005.

801 File note of telephone conversations between Student IM and Bruce Owen, 23 June 2000.

802 Ian Wilson Inquiry interview.

803 Murray Wilton Inquiry interview.

804 Dilworth Trust Board confidential minutes, June 2000.

6.137 Student IM continued to contact the school, in 2003, 2005 and 2006. Notes prepared in anticipation of a meeting with IM in May 2005, which ultimately did not proceed, record that "he could be taping the conversation" and "point him in the direction of counselling (at his cost)".[805]

6.138 A summary of the school's response over the years is outlined in the report prepared for the Board's June 2006 meeting.[806] It notes that Student IM is drunk or agitated each time he gets in contact. There is no reference to any support being offered or any attempt to ask what he might need from them. It records that IM had been told "to go to Police and … he should not be phoning us up every couple of years".[807] It also demonstrated a clear decision that no compensation would be offered, and there would be no follow up with him. The response to this former student indicates a failure to understand the significant impact of abuse. Had the school been aware of this, it may have reacted to assist him more proactively. To dismiss him as a nuisance indicated a poor understanding of damage from abuse and its ongoing trauma.

6.139 Limiting its financial exposure appears to be a key driver of the Board's contemporaneous handling of another complaint about Staff Member RZ, an assessment accepted by Mr Derek Firth.[808] A lawyer acting for another former student, IP, had contacted the school in 2006 advising of potential civil proceedings in respect of the abuse he suffered. School documents of the time show the Board seeking advice as to how it could mitigate its financial exposure such as by looking into the availability of accident compensation for the victim and considering the application of a recent Court of Appeal case (which is described in a report for the Board as providing that "perpetrators of crime who are prosecuted cannot be sued for damages").[809]

6.140 Student IP's lawyer advised the Board that her client did not wish to lay a police complaint. Despite receiving advice from police the previous year that it would not initiate an investigation on a referral from Dilworth in the absence of a complaint from the victim concerned,[810] the Board, through counsel, advised her that it was considering initiating a complaint with the police if her client did not intend to do so.[811]

805 File note, notes for a meeting with Student IM, 11 May 2005.

806 Dilworth Trust Board confidential minutes, June 2006.

807 A similar statement was recorded in a report prepared for a confidential Dilworth Trust Board meeting, 29 May 2006.

808 Derek Firth Inquiry interview. We note that Mr Firth reiterated that this focus was not at the expense of ignoring the students.

809 Report prepared for Dilworth Trust Board confidential meeting, 31 July 2006.

810 Report prepared for Dilworth Trust Board confidential meeting, 30 May 2005.

811 Correspondence to the Dilworth Trust Board, June 2006. Further details omitted to prevent identification.

6.141 In her first letter to the Board, Student IP's lawyer outlined allegations of sexual abuse by Staff Member RZ as well as an incident of physical abuse by caning by another staff member. The caning was alleged to have caused sustained bleeding and an injury requiring stitches.[812] A report was prepared for the May 2006 Board meeting and the section on the physical abuse by caning allegation is illustrative:

> [t]he caning issue would appear to have little relevance, would be difficult to prove and the general issues of caning etc in that era is very different to today's thinking. The issue of abuse could be a spurious claim to extract money, or it could be a genuine statement of what happened.[813]

Complaint about Staff Member TX, 2000

6.142 The first known complaint in respect of Staff Member TX arose in 2000 and was made by another staff member. An emotional relationship had developed between TX and the staff member's son (not a Dilworth student) and was demonstrated in email and online communications between the two. A subcommittee was empowered to investigate the complaint. The father, Mr MacLean and TX were interviewed.[814] The young person concerned was not interviewed but a written declaration was taken into account.[815] The Teacher Registration Board was also notified, and relevant material provided to it through the process.

6.143 The subcommittee reached the view that the relationship constituted "serious misconduct" covered by the Board's Disciplinary Rules and Procedures,[816] and recommended instant dismissal in response. The recommendations of the subcommittee were discussed by the full Board on 22 and 27 September 2000. A public relations consultant was engaged to manage how the outcome of the process would be relayed to the wider school community.

812 Dilworth School/Dilworth Trust Board continuing Disclosure and Update of Response by Dilworth School to Notice to Produce No 2, 7 October 2021, no 49.

813 Report prepared for Dilworth Trust Board confidential meeting, 29 May 2006.

814 Dilworth Trust Board confidential minutes, 18 September 2000.

815 Dilworth Trust Board confidential minutes, 18 September 2000.

816 The subcommittee determined that the relationship by analogy constituted conduct prohibited under clause 3, namely "any sexual misconduct or other misconduct with or sexual harassment of a school student or of a Board employee", as well as clause 8, being conduct that could bring the Board or school into disrepute: Recommendations to Dilworth Trust Board by the subcommittee in respect of conduct of TX a teacher/housemaster employed at Dilworth School.

6.144 Staff Member TX attended the second meeting on 27 September, presented submissions in support collected from students, parents and staff, and was able to persuade the Board to step back from instant dismissal. The negotiated outcome was for TX to remain as a member of the teaching staff but to resign from his housemaster role. He received a final written warning containing stringent non-negotiable conditions relating to behaviour and communication with staff and students.[817]

6.145 The staff and parents of students boarding in Staff Member TX's house were informed by the chair of the Board, Mr John Potter, that TX was resigning as housemaster to take his overdue sabbatical.[818]

6.146 The Teacher Registration Board was also advised of the outcome of the disciplinary process and, accepting the approach taken by the school, determined it would not cancel TX's licence to teach.[819]

6.147 Concerns about Staff Member TX's conduct, and in particular, the nature of his relationships with students continued. A second complaint was brought to the school's attention in December 2000. At this stage, the level of contact between a student and TX was raised informally by parents of the student with TY, an assistant housemaster, and a plan was agreed that the parents would return the following year for a meeting once further information had been obtained about the nature of contact between their son and TX. Meetings took place in February 2001 and the matter was elevated to Mr MacLean by way of a letter from the student's mother later that month. Her specific concerns were TX's provision of a cell phone to her son so TX could communicate with him while on leave from the school and the level and nature of contact that occurred between the two of them. Possibly out of a sense of loyalty to TX, the student denied anything else was occurring.[820]

6.148 Mr MacLean issued a memorandum to Staff Member TX, which noted that if the concerns raised by the parents were correct, "it is a very serious matter". TX was reminded by Mr MacLean that inappropriate definition of boundaries was at the centre of the Board investigation into his conduct the previous year and that process should have resulted in his exercising due care to keep "appropriate professional distance from all students at Dilworth". He received an instruction to cease all contact with the student concerned except as "strictly confined to matters relating to his education at the school, if this should be necessary".[821]

817 Dilworth Trust Board confidential minutes, 27 September 2000.

818 Letter from John Potter to teacher and supervisory staff and parents, 2 October 2000.

819 Correspondence with the Teacher Registration Board on TX's personnel file.

820 Student FW statement to the Inquiry.

821 Memorandum from Donald MacLean to Staff Member TX, 19 March 2001, on TX's personnel file.

6.149 The Inquiry could find no evidence that this complaint was raised with the Board; nor did Mr MacLean initiate any further enquiry as to whether other students were in similar personal relationships with Staff Member TX that fell outside that expected between a teacher and student.

6.150 The next documented concern raised about Staff Member TX's conduct with students occurred in 2017. Concerns were again raised about the nature of the relationship between the teacher and a student, and the blurring of boundaries. The parent in this case noted that her son had received special attention and gifts from TX and she was concerned about a general blurring of the teacher–student relationship.

6.151 The files record that Mr MacLean spoke to Staff Member TX but was satisfied with his account that no favouritism had been shown to the student. TX agreed he would distance himself from the student and be very careful around him.[822] Mr MacLean also provided TX with the "commitment to learners" section of the Code of Professional Responsibility, which dealt with establishing boundaries between learners and teachers. This teacher is no longer with the school.

Disclosures about Staff Member TU and Ross Browne

6.152 During Staff Member TX's disciplinary process, serious allegations about the conduct of Staff Member TU as well as Mr Browne came to light. On 26 September 2000, at a meeting with the chair of the Board, the principal and the Board's lawyer, a student and his father advised that TX had been telling students that Mr Browne was encouraging students to masturbate in his class and that while on an overseas school trip TU had had a physical relationship, observed by other students, with a named student who had just left the school.[823]

822 Donald MacLean, Informal meeting – TX, file note, 7 December 2017.

823 Memorandum prepared by school's lawyer covering the meeting at the Dilworth Trust Board offices, 26 September 2000. Attendees confirmed as the student, his father, Mr Potter, Mr MacLean and school's lawyer.

6.153 The making of these allegations against other staff members to students was raised with Staff Member TX, and he was reprimanded for this conduct. There is no sign from the records provided that any steps were taken at this time to establish the veracity of the allegations; rather Board records refer to a "staff member maligning colleagues/making defamatory comments".[824] The following month, the issue was discussed again by the Board:

> The Trustees discussed the issue of whether the staff who had been allegedly defamed by [TX], should be advised of the allegations. It was agreed that unsubstantiated allegations should not be passed on to the staff at this time.[825]

6.154 The Inquiry asked both Mr Firth and Mr MacLean why these allegations were not investigated.

6.155 Mr Firth was unable to explain why the allegation in respect of Mr Browne was not investigated. In respect of the allegation about Staff Member TU, the Board considered the fact the student concerned had left the school was a key factor in not pursuing it further.[826]

6.156 Mr MacLean told the Inquiry that the decision about how these allegations were dealt with was a Board decision, as advised by the Board's lawyer. In respect of Staff member TU, like Mr Firth, he considered the fact the student had left school was significant. He said, however, that the school then stopped allowing former students to tour with students.[827]

Further disclosures about Peter Taylor, 2000s

6.157 In March 2000, Student AM made a complaint to police about Mr Taylor's abuse. When interviewed, Mr Taylor told the officer in charge of the investigation, "oh no, not another one". As a result of this comment, early on in his investigation, the officer contacted Dilworth to see what further information it might have on Mr Taylor or his offending. He described Dilworth's response as professional but not forthcoming.[828]

824 Dilworth Trust Board confidential minutes, 30 October 2000, from Staff Member TX's personnel file.

825 Dilworth Trust Board confidential minutes, 27 November 2000, from Staff Member TX's personnel file.

826 Derek Firth Inquiry interview.

827 Donald MacLean Inquiry interview.

828 Officer SD statement to the Inquiry.

6.158 The officer obtained a search warrant to obtain all relevant evidence. He interviewed the school doctor and was told that there was a record of the students who were known to have been abused at the time. In response to his search warrant, the officer was given the relevant 1978 Board minutes and a statement from Mr Owen. The officer did not receive any documents to assist him in identifying other victims. He was also not told that there were members of the Board and former staff who had dealt with Mr Taylor's departure in 1978, who may have been able to assist with his investigation.

6.159 Instead, Mr Owen, as deputy principal, was asked to write to the police and relied on what others told him had happened. He had no personal knowledge of the circumstances surrounding Mr Taylor's departure from the school.[829]

6.160 He wrote saying that the school doctor had been involved in the investigation and the parents of the victims were notified and involved in deliberations concerning appropriate steps to be taken. They had met with the headmaster, and it was decided that a police complaint would not be made, Mr Taylor's resignation would be accepted, and he would leave the school immediately. As indicated in chapter 4, this information was patently incorrect.

6.161 On 21 October 2001, a parent of a former student, ES, wrote to the Board reporting that her son had been sexually abused by Mr Taylor during his time at Dilworth. The mother also reported that her son had experienced physical abuse by being caned across his kidneys and this assault occurred two weeks after arriving at the school. She wrote:

> If the school had done what any decent establishment would have done, prosecute this despicable man, offered the children and their families counselling, maybe all of this heartache the school had put upon not just me and my son, but other families as well, could have been avoided.[830]

829 Memorandum by Bruce Owen, deputy principal, 30 March 2000.

830 Letter from Student ES's mother to the Dilworth Trust Board, 21 October 2001.

6.162 On 12 November 2001, the general manager of the Board, responded with advice that when complaints about Mr Taylor were made, he was instantly dismissed, the matter was reported to police and he was prosecuted. Further, those students identified as having been abused were given counselling at the time. The general manager's letter also advised that the Bishop of Auckland was informed of Mr Taylor's actions and his licence to act as a minister in the church was removed. Again, this advice by the general manager was incorrect.[831]

6.163 The general manager offered Student ES an opportunity to meet the president of the Dilworth Old Boys' Association to whom they had previously referred former students who had also been bitter about their time at the school.

6.164 It is unclear from the file whether the parent took the complaint any further with the Board, as there appears to have been no response to the 12 November 2001 letter.[832]

Another disclosure about Peter Taylor, 2007

6.165 A parent of a former student wrote to the Dilworth principal and the Bishop of Auckland. He asked whether there had been any complaints or suspicions about sexual abuse by Mr Taylor while at Dilworth and raised a concern about his son.[833] Mr MacLean expressed regret and referred him to the police for information about Mr Taylor. The Bishop said he was sorry to hear of the parent's concern and referred the parent back to the school as Mr Taylor's employer. The Bishop advised that Mr Taylor had not been licensed as a priest since he was charged by the police in 1994.[834] This was not correct either. No offers of support for either the former student or his parent was made by the school or the Bishop, in their correspondence.

Disclosure to Ross Browne, 1999

6.166 A 13-year-old student disclosed to Mr Browne that he was in a non-consensual sexual relationship with a seventh form student. Both students were attending the Crypt during the time it was occurring. Mr Browne took no steps in response to this disclosure and the abuse ended when the senior student left school at the end of that year.[835]

831 As outlined in chapter 4, ongoing complaints about Mr Taylor were made soon after his arrival at the school in 1976. When he was finally dismissed, the matter wasn't reported to the police and his licence to act as a minister wasn't cancelled. He was moved into the role of Papakura vicar. His licence wasn't cancelled until 1987 after the church discovered Mr Taylor had engaged in further sexual misconduct with boys. Finally, there is no evidence of counselling having been provided to any of Mr Taylor's victims.

832 Dilworth School/Dilworth Trust Board continuing Disclosure and Update of Response by Dilworth School to Notice to Produce No 2, 7 October 2021.

833 Letter from a father to D MacLean, August 2007.

834 Letter from Bishop of Auckland to parent, August 2007

835 Student FQ, statement to the Inquiry.

Student IN, 2005

6.167 A year 10 student disclosed harmful sexual behaviour between himself and other students to an external counsellor engaged by the school. The counsellor made a referral to Child, Youth and Family Services.[836] Given the seriousness of the allegations, a multidisciplinary team involving members of Child, Youth and Family Services, New Zealand Police, SAFE,[837] senior school leadership and a member of the pastoral care team was involved in the investigation. From a review of the documentary record, it appears Child, Youth and Family Services ultimately determined that the sexual activity was not forced or coerced, but the student had wanted the behaviour to stop. The school co-operated with the investigation and worked with the student and his mother to facilitate a return to school, based on the advice of Child, Youth and Family Services and police. The return to school was also accompanied by a programme of counselling.

6.168 Child, Youth and Family Services further recommended that clear boundaries be put in place as to what is acceptable behaviour between peers and that training be given to staff about safe sexual behaviour. The school implemented this advice the following year. A programme focused on learning about "safe/unsafe, acceptable/unacceptable, legal/illegal sexual activity" was delivered to the senior campus staff and students.[838]

Student HV, 2005–2007

6.169 **Complaint to Ross Browne:** A 14-year-old student, Student HV, was forced to perform oral sex on an older student on a regular basis for about a year. The student confided in Mr Browne that he was being made to participate in sexual activity he did not consent to and didn't know how to stop it from happening. Mr Browne told him to enjoy it as it was normal and what students do sometimes. No further action was taken with the complaint and the abuse only stopped when the student moved out of his boarding house the following year.

6.170 **Complaint to sexuality educators:** Student HV's second complaint, two years later, to external sexuality educators about what had happened to him did initiate a response. Mr Owen was informed and made a referral to the police. Student HV was taken to the police station to make a statement without the school organising for any support person to attend.

836 Reporting letter from Child, Youth and Families Services to the Dilworth Trust Board, 10 August 2005. The referral had been made on 27 July 2005.

837 SAFE provides specialist services for concerning or harmful sexual behaviour towards or involving children and young people younger than 16 years old.

838 Principal's report to the Board, 31 July 2006, item 06/06/04.

6.171 **ACC counselling arranged by not followed through:** A staff member then arranged for Student HV to have counselling through the Accident Compensation Corporation (ACC) and the school organised transport. However, after two introductory sessions there were school holidays. The school told him that his mother would have to take him. Unfortunately, she was working and could not afford the cost of transport given the distances involved. Although he had cancelled two appointments, when he returned after the holidays the school, being annoyed with him for not cancelling the third, stopped organising counselling and he then had no further ACC counselling while at school, despite this being his legal entitlement as a sexual abuse victim.

6.172 Student HV said that later a member of the pastoral care team asked if he would attend a session with the student who abused him. They told him that the other student's counsellor had requested a meeting that would be mediated by the student's counsellor and said that he could refuse. HV was told that the student had had a hard time and wanted to apologise to HV and move on. HV got the impression the school wanted the meeting to take place. HV's immediate reaction was "absolutely no". He did not want to be in the same room with the student. He wondered "what about me", "who is thinking about me?". He felt he was being pressured to forgive the student who came from a popular family with connections, and he felt this was more important to the school than he was. The student had a counsellor, but HV did not, and the school knew this. HV declined the meeting but felt he had disappointed people by not agreeing and that it was his responsibility he was not up to the meeting. His overall experience of making the complaint had been a negative one, and he told the Inquiry that this has had a much longer-lasting impact than the abuse itself.[839]

Student BY, 2005–2006

6.173 Student BY told the Inquiry that in the course of a counselling session, he was pressed to talk about his attendance at the Crypt. Student BY had previously told two different teachers about what was happening in the Crypt. There are no records of these disclosures or any follow-up action as a result.[840]

6.174 Student BY said he reported that during his time at the Crypt he had witnessed Mr Browne's encouragement of students to engage in sexual activity with each other, and he had engaged in sexual activity with another student. Student BY was 16 and the other student was under 15. Reflecting on it, Student BY said he was concerned about what had occurred.

839 Student HV Inquiry interview notes.

840 Student BY statement to external agency.

6.175 The conversation was reported to the school leadership, and meetings were held with Student BY and his parents, KJ and JW, and school representatives.[841] At the first meeting, BY and his parents were told a referral had been made for BY to attend the SAFE programme, a programme for those who display harmful or concerning sexual behaviour. The mother told the Inquiry no other options were put forward for discussion. Attending the programme was presented to them as a "fait accompli".[842] At the second meeting, a SAFE representative was also present but BY was not. The parents said they were made to feel unwelcome.[843]

6.176 The Inquiry asked the acting principal, Mr Murray Reid, who attended the second meeting in place of Mr MacLean for his account.[844] He had not been involved in setting up the meeting so was taken by surprise to see a SAFE representative present. Mr Reid, said the meeting was tense, and he could not get specific details from the parents about what the concern with Mr Browne was. He did not feel at that stage there was sufficient detail to initiate a disciplinary process. He later handed over the matter to Mr MacLean and recalls being told by Mr MacLean that he had it under control.[845] JW, Student BY's mother, disputes that she was invited to speak at the second meeting and said she would have told the school her concerns if asked. Further, she said that at no stage did anyone call to apologise for what had happened to their son or to offer any assistance.[846]

6.177 Student BY initially attended the SAFE youth programme, but on turning 18, was transferred to the adult programme. An adult male on the programme, who had abused his own son, started acting in a predatory way towards BY. Shortly after starting in the adult programme, a SAFE counsellor apologised to BY and said that he should never have been placed in the adult programme.[847]

6.178 The Inquiry has spoken with the school who said the SAFE programme was the only programme that specialised in dealing with concerning or harmful sexual behaviour, and it felt there were proper grounds for making the referral. Further, it was for SAFE to determine whether acceptance on to the programme was appropriate, which it did.[848]

841 Mr MacLean told the Inquiry that he suggested the Student BY should contact the police. He believed that was discussed by the school with BY and his parents. Others told the Inquiry they do not recall this being raised.

842 Family Member JW statement to the Inquiry.

843 Family Member JW statement to the Inquiry.

844 Mr MacLean was away on leave at the time of the meeting.

845 Murray Reid statement to the Inquiry. Mr MacLean does not recall being given a handover from Mr Reid or telling him he had it under control.

846 Family Member JW statement to the Inquiry.

847 Student BY Inquiry interview notes.

848 Staff Member PW additional statement to the Inquiry.

6.179 We find that the school referred Student BY to the SAFE programme inappropriately, without consultation with him or his parents or discussion of other options. We were told by the school that as soon as Student BY advised that he, under Mr Browne's supervision and encouragement, had sex with a student who was a year younger than him, the conversation was stopped and the referral made. Despite the school knowing the background concerning Mr Browne's grooming and inappropriate encouragement of students to engage in sexual activity, the school viewed Student BY as an offender, rather than a victim. Student BY's parents were not involved in making the decision about BY's care or treatment nor was their consent as guardians sought. The fact he was accepted into the programme does not excuse the school's ill-conceived actions in referring him without consultation with BY or his parents. The SAFE programme did not know the full background of Mr Browne's involvement.

6.180 Of equal concern is the fact there is no suggestion that the school made any attempt to identify the other students involved in sexual behaviour in the Crypt sessions and make the same referral to the SAFE programme for them. In other instances, students who had disclosed abuse or were accused of abuse were referred for individual psychological assistance. We know of no others who were referred to SAFE, although we were told of instances of sexual behaviour between students that was encouraged by Mr Browne where the age difference was considerably greater. As described by Student BY's mother, it appeared to her that the student was made a scapegoat for Mr Browne's actions, and because no other student came forward about their involvement in these sessions, the student was left adversely affected by his decision to disclose. The referral also resulted in further harm for Student BY.

> By Dilworth sending [Student BY] to SAFE, [BY] was held to account for his behaviour, while Father Browne, the adult in the room who had been grooming and making this sexual behaviour appear normal to these young guys, just got moved on without consequence.[849]

6.181 Despite this occurring almost simultaneously with the employment process occurring in respect of Mr Browne (see below), extraordinarily, this disclosure of Mr Browne's conduct was not brought to the attention of the Board.[850]

849 Family Member JW statement to the Inquiry.

850 The Board disciplinary process involving Ross Browne took place in February 2006, although he did not return to the school in 2006.

Ross Browne

6.182 Mr MacLean told the Inquiry that he received no indication in his handover that there were any issues in respect of Mr Browne's conduct. In fact, he recalled he received very positive feedback as to the way he carried out his role as chaplain.[851]

6.183 However, complaints continued to be made about Mr Browne's conduct under Mr MacLean's leadership. Students complained, a parent complained, staff complained and even official visitors to his Christian Living class complained about Mr Browne's behaviour.

6.184 In 1998, two student teachers who observed a sexual education class taught by Mr Browne were concerned enough to discuss their observations with the principal of the junior campus after the lesson. During that discussion, the student teachers stated that Mr Browne had confirmed, in answer to a question from students, that he had caught students masturbating in class. The principal of the junior campus completed a file note of the conversation, and this was placed on Mr Browne's file.

6.185 Following the same lesson, another staff member wrote a file note of a conversation he was privy to between the student teachers about the sex education lesson they had observed. The conversation was overheard by an older student who expressed his shock that this was "still" happening. One of the student teachers and the student said they believed it was inappropriate. The file note states the student and student teacher were speaking from "personal experience". That file note was also placed on Mr Browne's staff file.

6.186 Following this, the principal of the junior campus had a conversation with Mr Browne concerning the contents of the file notes and subsequently sex education was removed from the year 8 curriculum. However, no other action was taken in respect of the disclosure that Mr Browne had caught students masturbating in his classroom.

6.187 A member of the pastoral care team said they had often raised their concerns about Mr Browne with Mr MacLean but he seemed uninterested unless there was a formal written complaint from someone. It came to the point where, having had no satisfactory response, the staff member decided, following the advice of their psychologist supervisor, to put their concerns in writing.

851 Donald MacLean Inquiry interview.

6.188 They wrote two letters to Mr MacLean raising their concerns about Mr Browne's behaviour and, in particular, his involvement in counselling students in respect of their sexuality. In the first, in August 2001, the issue of relationships between different aged students was also raised, and specific examples were provided, as well as the staff member's fears relating to "possible underage/overage relationships in a house with a member of the Dilworth staff". The staff member wrote:

> We walk on potentially dangerous ground. If I was a [parent] to a vulnerable 12 or 13 year old student here and aware of a fraction of the experimentation, that Ross tells me that goes on here, I would be very angry. There are others who share my concerns, as I am sure you are aware.
>
> Is there Preventive Education about unwanted touching? Is there a policy on this? Do students know where to go to talk safely about unwanted touching? What physical contact is okay between staff and students? Could I speak with other residential schools to find out what their policies are regarding these issues?[852]

6.189 The follow-up letter, written early in 2002, addressed both concerns about the continuation of the GLL camps and the suitability of Mr Browne to teach sexual education. The staff member wrote that "his role of chaplain and counsellor here is seriously impaired at Dilworth and therefore his students here have been missing out on functional teaching and Christianity for a long time".[853]

6.190 The staff member said that the letters were handed to Mr MacLean. Neither letter was responded to in writing. The Inquiry located the letters on file, as well as an undated diary note by Mr MacLean that appears to record the substance of a meeting with the staff member. The note records his agreement that the GLL camps need to stop. He goes on to note "that the school can't act on gossip and innuendo" and that it "only takes one person to come forward to open an enquiry".[854] The deputy principal told the Inquiry that in spite of repeated efforts by him and the headmaster to pin down the basis for the "gossip and innuendo" until a group of former students came forward with specific accounts, they remained very concerned about Mr Browne but felt unable to act decisively.

852 Letter to D MacLean,7 August 2001. This letter also addressed the inappropriateness of the GLL camps.

853 Letter to D MacLean, 31 January 2002. The Inquiry notes that in a subsequent review of the information and school's action in 2019 by the Board's consultant psychologist, Dr Blackwell, it was noted that the staff member had acted ethically and responsibly in the situation by raising the concerns in the two letters, and that those concerns were ignored.

854 This position was reiterated at his interview with the Inquiry.

6.191 In 2003, a parent complained of a sexually explicit joke her son repeated that he said came from Mr Browne. She also expressed concern about Mr Browne's "very friendly" and "familiar" relationship with her son and, as a result, she did not want Mr Browne to spend time with her son or give him sexual and religious instruction. She said she was also aware that Mr Browne was continuing to meet with a group of students despite Mr MacLean having earlier put an end to Mr Browne's meeting with students in "the Crypt".[855]

6.192 Mr MacLean met Mr Browne, who accepted that his conduct in telling the joke was "totally unacceptable".[856] Mr MacLean issued a formal written warning, and Mr Browne was told his conduct could "easily be defined as a form of sexual misconduct as defined in the Trust Board Disciplinary Rules and Procedures and any recurrence would mean a formal referral to the Dilworth Trust Board".[857] Mr MacLean also told Mr Browne he expected him to attend a workshop on "boundaries" that Bishop Paterson required all priests in the Auckland diocese to attend. The Inquiry has seen no record on Mr Browne's school personnel file to confirm that he ever attended. The Anglican church also has no record of Mr Browne's participation at the workshop and does not appear to have had checks in place to ensure he attended.[858] Bishop Paterson told the Inquiry it was up to individual priests to honour their responsibilities to attend such workshops. He said had he learned of a priest's failure to attend a workshop, that priest might have faced disciplinary action.[859]

6.193 The Board was informed of the incident, as was the Auckland Bishop, who issued Mr Browne an episcopalian warning.[860] It appears in the context of the handling of this complaint that there was an offer made by the church to Mr Browne to move him into another position within the diocese, but he rejected it. The Bishop also sent a letter to the parent of the student to offer a "very sincere apology for this most inappropriate behaviour" by Mr Browne.

6.194 In the same year as Mr Browne's first formal warning, Mr MacLean strengthened the sexual harassment policy. It expressly articulated, "In the case of students, all behaviour of a sexual nature between adults and students is by definition sexual harassment due to the age and power relationship involved".[861]

855 Letter from a parent to D MacLean, 8 May 2003.

856 Meeting notes, 27 May 2003.

857 Letter from Donald MacLean to Ross Browne, 28 May 2003.

858 Letter from the Anglican church to the Inquiry, 27 July 2023. The church told the Inquiry that its old practice was to maintain a spreadsheet that simply recorded the date of the last course attended. The church says the Diocese of Auckland is now keeping a record of courses actually attended.

859 Letter from the Anglican church to the Inquiry, 27 July 2023.

860 Dilworth Trust Board minutes of confidential meeting, 28 July 2003.

861 Dilworth School, Dilworth School Policies, 2003, cl 5.6 (policy for sexual harassment).

6.195 The policy stated that sexual harassment in any form was a breach of the mutual respect between members of staff and students and would attract disciplinary action up to and including termination of employment.

6.196 Staff disciplinary rules were also clarified, both in 2000 and 2003, evidently to ensure staff clearly understood the type of behaviour the Board considered unacceptable. The policy provided that instances of serious misconduct might result in instant dismissal. Specific examples of serious misconduct were given, including "any sexual misconduct or other misconduct with or sexual harassment of a school student or of a Board employee".

6.197 The next investigation into Mr Browne's conduct took place in May 2005. Three students had complained of a variety of behaviour, including his use of sexual innuendo and inappropriate joke telling, having students sit on his knee, giving hugs and a specific instance of "manhandling" a student. The last allegation was substantiated, and Mr Browne was warned again. In respect of the other conduct, Mr MacLean observed that the students had been unable to be specific, but that the complaint had raised "wider issues regarding the blurring of boundaries" and that Mr Browne's engagement with students had "become unsafe". Mr Browne was invited to offer practical suggestions for keeping himself safe.[862] There is no record on the file of Mr Browne responding in writing to this request. There is also no record of the Board being told about this disciplinary process.

6.198 **Final complaints leading to Ross Browne's resignation:** In December 2005 and then in January 2006, the school received letters from two former students, who wrote independently, to advise that during their years of sexual education classes in 1994 and 1995, Mr Browne had encouraged students to masturbate in his presence. A disciplinary process was initiated that resulted in Mr Browne's resignation from the school.

6.199 The substance of the allegation was identical to that first brought to school's attention in 1998 when the student teachers advised that Mr Browne had confirmed he had "caught" students masturbating in his class. In 2000, when the allegation was made in the course of Staff Member TX's disciplinary process, it was again brought to the school's (and particularly the Board's) attention and ignored.

6.200 As a consequence of receiving the letters in December 2005 and January 2006, six students, who were in either the 1994 or 1995 sexual education classes, were identified and spoken to by school and Board members and were able to corroborate the accounts.

862 Letter from D MacLean to Ross Browne recording the outcome of the investigation, 1 June 2005.

6.201 The Inquiry heard from one of the students interviewed. Student FY told the Inquiry that he recalled meeting with Mr MacLean, Mr Owen and other men from the Board. He told them about Mr Browne's conduct and that he had witnessed one person in class masturbating. The student was thanked and told they would handle it. He heard nothing more from the school and believed Mr Browne remained at the school.

6.202 Three staff members were interviewed, former headmaster Dr Wilton, Staff Member PR and Mr Owen. A subcommittee established in January 2006 investigated the complaint and reached the following interim conclusion, which the Board accepted:

> To allow or encourage masturbation to occur openly in class we are of the view would constitute serious misconduct. Such encouragement would amount to a gross dereliction of duties by a teacher, especially in a senior role of trust such as a Chaplain.[863]

6.203 Mr Browne sought to resign, rather than be dismissed, and despite reservations by senior staff[864] this was agreed to by the Board. It was agreed Mr Browne's resignation would be effective from 3 March 2006.[865] Having taken legal advice, the Board's expressed rationale for this decision was that it was not criminal offending, it was of a historic nature and there was no evidence of recurrence.[866]

6.204 **Deed of Settlement:** Mr Browne and the Board entered into a negotiated settlement. As Mr Browne had resigned, rather than been dismissed, he received three month's salary in lieu of notice as well as an additional 10 weeks of sabbatical leave. He was also allowed to remain in his school-provided house for a further three months.

6.205 The deed imposed a strict confidentiality clause on Mr Browne, while allowing the Board absolute discretion to make any disclosures it considered necessary. This allowed it to report the matter to the Teachers' Council as well as to the Auckland bishop.

863 Subcommittee report on investigation into letters of complaint by Dilworth School old boys concerning Ross Browne, undated; letter from John Potter to Bishop of Auckland John Paterson, 6 March 2006.

864 Murray Reid statement to the Inquiry.

865 Dilworth Trust Board minutes of confidential meeting, 17 February 2006.

866 Letter from the Dilworth Trust Board chair to Bishop of Auckland John Paterson, 6 March 2006.

6.206 **Mandatory report to the Teachers' Council:** In May 2006, the school sent a 'mandatory report' about Mr Browne to the Teachers' Council. It was referred to the council's Complaints Assessment Committee. The outcome was the issue of a letter of censure that Mr Browne was required to present to any school he applied to for employment.

6.207 Mr MacLean raised his concern with the Teachers' Council that this approach would not work in circumstances where Mr Browne was working at a school on a temporary basis or in a non-teaching capacity. The matter was resolved by agreement with Mr Browne that his name would also be put on the cancelled teachers' list.[867]

6.208 **Murray Wilton's reference:** In the course of the disciplinary process, Dr Wilton prepared a document for "the purpose of placing on record a summary of the qualities which made Ross Browne a valued senior member of staff from 1980 until my retirement in 1997". The document described in glowing terms the different ways in which Mr Browne had contributed to the school and reminded the Board of the "considerable credit balance of his contribution to Dilworth over a lengthy period".[868]

6.209 **Information provided to the school community:** As had occurred when each of the previous staff members left the school for sexual misconduct reasons, the community was provided with an alternative explanation for his departure.

6.210 In an email to staff, Mr MacLean announced that Mr Browne "has resigned as he did not feel able to carry out the role of an energetic and active Chaplain as he would like".[869]

6.211 Later that year, in *The Dilworth Legacy*, his retirement was described in the following way:

> After a tenure of twenty-six years, far exceeding the longevity of all his predecessors and of most school chaplains, Fr Ross Browne retired at the beginning of 2006. His contribution to the spiritual, pastoral and cultural life of the School was very significant. He continues his radio work and awaits the outcome of several applications for a new position in the church.[870]

867 Correspondence between D MacLean and the Teachers' Council, September 2006 to February 2007.

868 Murray Wilton, document addressed "To the members of the Dilworth Trust Board Re: Chaplain, Father Ross Browne".

869 Email from D MacLean to all staff and Dilworth Trust Board, 20 February 2006, from Ross Browne's personnel file.

870 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 929.

Another complaint about Ian Wilson, 2010

6.212 In August 2010, a former student spoke to Mr Reid, the acting principal, in person about sexual abuse by Mr Wilson in the 1980s. Mr Reid contacted Mr Firth and was told that Mr Wilson had already been convicted after Dilworth notified the police. This advice was incorrect. It was former students, not Dilworth, who made a complaint to the police. It was also not made clear to Mr Reid that the prosecution referred to did not relate to abuse of the student who had come to see him.[871] Mr Reid told the Inquiry that had he appreciated that fact he would have treated this disclosure as a new complaint and contacted the police.[872]

Sexual abuse by Staff Member TS, 2011

6.213 Staff Member TS was an overseas tutor who started employment as a tutor on 1 August 2011. Concerns about TS's behaviour with students began soon after his arrival. In October, a student told another tutor that TS had invited him into the common room, which was out of bounds to students, and that TS had told him that he wanted to touch him. The tutor told the student that he would keep an eye on TS.[873]

6.214 The tutor then discovered Staff Member TS drinking alcohol in the presence of students in the common room and continued to receive other disclosures from students, including that TS had shown a student his penis. The tutor raised his concerns with other tutors but was reluctant to escalate it further at that stage. One tutor in this group described the group's general disbelief that "this could ever happen".[874]

6.215 He was not the only one who did not act immediately on concerns. Another tutor, in a different boarding house, told police he received a disclosure in October from another student about being invited into Staff Member TS's room and common room and being shown pornography by him. The tutor described not taking it too seriously and not wanting to make a big deal out of it. He recalled TS regularly spending time in his boarding house, which was not TS's boarding house, and that TS came over for the purpose of spending time with the students while the tutors of that house were in their common room. Another member of staff described her discomfort at seeing TS wandering around the boarding house with only a towel on.

871 It was in fact abuse that had occurred in a different era.

872 Memorandum from Murray Reid to Rob Campbell, 30 August 2010; Murray Reid statement to the Inquiry.

873 Tutor statement to external agency.

874 Another tutor, statement to external agency.

6.216 The tutor's handbook at that time provided that if tutors had students in their room, the tutors' common room or another closed room, this would be deemed "serious misconduct".[875] Despite this policy, tutors did not consider, when they received allegations and, in some cases, observed Staff Member TS breaching this rule, that it was necessary to notify senior management.

6.217 It was not until the middle of November when the tutors received yet another complaint that they felt it should be escalated to senior leadership. The complaint was raised with a senior staff member, YE. TS was interviewed by staff member YE that day and accepted the complaint. TS was then taken to stay off campus, and the principal informed. Later that night, TS admitted that his offending went beyond what had been complained of by the student. Police were contacted the following morning and initiated an investigation.

6.218 As part of the police investigation, a second student victim was identified, and TS was charged in respect of offending against both students.

6.219 The Board was informed and first discussed the issue on 28 November 2011. Despite the known admission by Staff Member TS to senior leadership of his conduct going beyond propositioning, the matter is recorded as one of an "improper suggestion" having been made. Beyond noting that police had been informed, the only other matter noted in the minutes was the need to engage a lawyer to ensure the school obtained name suppression.[876]

6.220 The minutes from the next Board meeting on 19 December 2011 recorded that "affected parents" were invited to meeting at the school to outline "care arrangements". During this meeting with the parents, the principal apologised, and it is recorded that "the parents were thankful to have been kept informed".

6.221 **First student's experiences after disclosure (Student IO):** Student IO, the first student to disclose to the school, spent the year after the abuse at the rural campus where he was protected by the rural campus principal and recalls no reference to the abuse. When he returned to the senior campus in 2013, however, he was subjected to verbal bullying and name calling about being abused. He also discovered that the students in the senior school had been told what had happened to him and that no one was to pick on him. He told the Inquiry he was shocked to discover he had been "outed" and it had happened without him being asked whether he wanted that done. He recalled complaining about one specific bullying incident, but nothing happened as a result. He told the Inquiry of the significant impact of the bullying. He had counselling sessions at the school but does not recall being offered any external professional assistance while at school, although his mother was given forms to enable him to make application for assistance to ACC.

875 A Snodgrass first statement to the Abuse in Care Royal Commission of Inquiry.

876 Dilworth Trust Board minutes of confidential meeting, 28 November 2011.

6.222 UA, Student IO's mother, told the Inquiry that it took 24 hours after her son disclosed abuse for the school to tell her. He had already been interviewed by police without her knowledge, consent or support. When she questioned the delay in advising her, in another instance of the school assuming the role of the student's guardian, she was told it was an agreement reached between the school and police.

6.223 She wrote to Mr MacLean in January 2012 advising him of some of the early impacts of the abuse for her son and his brothers and sought reassurance that her sons were in the right place and that the school was doing all it could to address the matter. She noted that no one from the school had attempted to contact her, aside from mentioning the possibility of making an ACC claim. She also advised Mr MacLean that she was not happy about the school's response to the verbal bullying that had already occurred, and the current passive approach was not a very effective plan. She concluded by noting the "person he becomes will be shaped by how we handle it".[877] Mr MacLean responded by inviting her in for a meeting. She met with Mr MacLean and another member of staff and asked what measures were going to put in place to support her son. She recalled that the school did not have a plan, but she was told her son would be "looked after like everyone else". There was no specific support plan put in place at any stage.[878]

6.224 In February 2014, the school got in contact with UA to discuss her son's behaviour. She wrote back reminding it not to forget that Student IO had been abused by someone "recruited, placed in a position of authority and trust, and paid to look after my son by the Dilworth Trust Board" and that what he needed was support.[879] She told the Inquiry that during her son's time at the senior school she was aware of the bullying that followed his disclosure, but not the extent. She learned later about insensitive comments made by teachers, including one teacher who taunted him by reference to the abuse he had suffered, which a senior staff member described as unacceptable. In year 13, his final year at school, the school tried to convince her to remove her son as he wasn't doing well academically.

6.225 Mr MacLean told the Inquiry that under his direction the school took steps to support Student IO.[880] While this may well have been done, UA does not accept that they were effective to meet IO's needs or to prevent the bullying and harassment he faced. UA's request that a specific support plan be put in place was not implemented.

877 Letter from Family Member UA to Donald MacLean, 21 January 2012.

878 Family Member UA statement to the Inquiry.

879 Letter from Family Member UA to the school, February 2014.

880 The steps identified were funding counselling in year 9, having a year at a different campus (rural campus), and continuing professional support during the rest of his schooling and after he left the school: Donald MacLean correspondence with the Inquiry, 13 July 2023. The Inquiry notes that spending a year at the rural campus was a result of being a year 9 student, rather than a specific response to his abuse.

6.226 UA was left with the overall impression that her son, as well as his brothers who were also at the school, were punished for speaking up.

6.227 **Second student's experiences after disclosure (Student DE):** It appears the meeting referred to by Mr MacLean involved only the parent of the first student. Mr MacLean told the Inquiry that he did not know about the specific instances of abuse in respect of Student DE but did not see it as being similar to that of the first student.[881]

6.228 Student DE's mother said she was not invited to a meeting; nor was any apology made by the school. Her first meeting with the school came in the middle of the 2012 following receipt of a letter from the Board chair Mr Firth, indicating that the Board was postponing the decision as to whether her son could continue into year 9 due to concerns about his progress and development.[882] She said that at this meeting with Mr MacLean and Staff Member YE, there was no acknowledgment of the impact on her son of the abuse by Staff Member TS. In fact, Mr MacLean made it clear that he did not consider there was any correlation between the abuse and her son's behaviour. She said she left the meeting feeling let down, powerless and angry. The school's approach to providing any pastoral care was virtually absent. The mother was provided with details of ACC-funded counselling if her son wished to access support, but there was no offer by the school to help facilitate this.

6.229 **Board's approach:** The school records disclose that obtaining name suppression, and then ensuring there was no breach of the non-publication order was again the focus for the Board. In an email sent by the Board chair to Mr MacLean and the Board manager, referring to a recent New Zealand Herald article about the case, he expressed the need for "urgent advice" from their "suppression expert" lawyer and media consultant about how to ensure the suppression order wasn't breached. The email also reveals a serious mischaracterisation of the offending, "Everyone was fully briefed about this last year (although I was not expecting to see 'rape' mentioned – I must be out of touch with the present law because it used to mean without consent, even for underage people)".[883]

881 Donald MacLean Inquiry interview.

882 Family Member JD, statement to the Inquiry.

883 Email from Derek Firth to Donald MacLean and the Dilworth Trust Board's general manager, 12 February 2012.

6.230 The Inquiry has not been able to view the application for name suppression or the affidavit filed in support when Staff Member TS came before the court. We are advised they cannot be found.[884] We have, however, been able to review the submissions filed by the school's lawyer in support of the application. These refer to the adverse effect of publication of the school's name on the education and wellbeing of students, as well as on the school's reputation. One of the grounds submitted in support of suppression of the tutor's name was that it may lead to the identification of the victims as he was only in contact with "a very small number of pupils".[885]

6.231 In response to Staff Member TS's offending and prosecution, the school conducted a review and recommended to the Board changes to recruitment and supervision practices.[886] One of the changes agreed was the installation of cameras in the corridors of the junior campus boarding houses.[887]

6.232 However, rather than a new policy,[888] this appears to have been a continuation of a work programme started in 2008 when security cameras were installed in the corridors of the senior campus.[889] The purpose of the security cameras as confirmed in 2007 Board minutes was for the "monitoring of unauthorised movements especially during the night".[890] Mr MacLean told the Inquiry that installation of cameras at the junior campus was already planned before Staff Member TS's offending came to light.[891]

6.233 The school also developed a policy to cover the use of security cameras.[892] The wording of the policy makes clear it was developed to retrospectively cover the use of cameras in the senior campus,[893] rather than to address the new installation of the cameras in the junior campus. The policy states:

884 Email correspondence between the Inquiry and Dilworth's lawyers.

885 Submissions of counsel for Dilworth School in support of application for suppression orders, 29 May 2012.

886 Mr MacLean told the Inquiry that one of the changes was that the human resources manager would interview overseas applicants by Zoom, rather than rely on a reference: Donald MacLean Inquiry interview.

887 Dilworth Trust Board minutes of a confidential Board meeting, 27 February 2012.

888 As advanced in Dilworth's response to the Abuse in Care Royal Commission of Inquiry, Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

889 Dilworth Trust Board minutes, 21 April 2008 and 26 May 2008.

890 Dilworth Trust Board minutes, 29 October 2007.

891 Correspondence with the Inquiry, 13 July 2023.

892 Dilworth School, Protocols for the Use of Security Cameras, 2012.

893 The Board did not draft a protocol to cover the use of the cameras at the time of installation in the senior campus: Dilworth Trust Board minutes, 26 May 2008. The Inquiry has not been provided with any subsequent minutes that discuss the drafting of a protocol before 2012.

Security cameras operate at Dilworth Senior Campus as part of a security plan aimed at ensuring the highest levels of student safety. This plan, formulated as part of an extensive review, takes into account the requirements of safe residential care and the school's central city location. The plan involves alarms, security coded gates, regular security patrols by outside contractors and comprehensive supervision operated by the House Staff.

- Security cameras are located in the boarding houses and certain outside areas at Dilworth Senior Campus to address the following security concerns.
- The possibility of intruders entering the premises and compromising students' physical and emotional safety.
- The possibility of 'on site' staff and family's safety being compromised by intruders, particularly at weekends.
- The possibility of intruders entering the premises and removing students' property.
- The possibility of harassment compromising the physical and emotional safety of students.
- The possibility of a student removing another student's property.
- The possibility of wilful property damage going undetected.
- The frequency with which outsiders use parts of the school, especially the cloisters, as a thoroughfare.

As the students' home it is important that boarding houses are not 'fortified' with heavily locked and alarmed doors. Within the Dilworth context cameras are considered to be a less physically intrusive security measure than more alarms and security doors/gates. Because there are large periods of time when the students are not in the Boarding Houses, continuously recording cameras are not used. Sensors are activated by movement and the cameras only record for short periods of time.

6.234 We assume the policy was communicated in its original form to staff because it is marked "Confidential to Dilworth Staff Members". We have not received any information that shows whether or in what form the policy was communicated to students and families.

6.235 Of the seven justifications provided by the school in the policy, the predominant theme is protection from "intruders" and "outsiders". There is one oblique reference to "the possibility of harassment compromising the physical and emotional safety of students", but not one specific reference to protection of students from physical or sexual abuse by staff or other students. Despite part of the impetus for the development of the policy being a response to Staff Member TS's offending, this was a notable omission. In our view, this is yet another example of the Board keeping tight control on the narrative in response to issues of abuse.

Keith Dixon, 2012

6.236 Mr Keith Dixon's abuse was brought back under the spotlight in 2012 when former student, Student BV, contacted the school and subsequently made a police complaint about the abuse he suffered in the early 1970s.

6.237 Contact was made to the school initially by his lawyer and led to Mr Firth, on behalf of the Board, replying in part:

> You will appreciate that one has to be very careful about historical complaints because:
>
> - Many cannot be authenticated because of the passage of time
> - We are informed that a relatively high proportion tend to be made late as an excuse for difficulties which have arisen in the person's life – this is not to say that the abuse did not occur
> - We are informed that a number of late complaints are motivated by an intention to seek Accident Compensation.[894]

6.238 The letter also made clear there would no question of payment of any kind being made to Student BV.

6.239 The letter was obtained by the media and published. It led to public criticism of the school's response by representatives of victim advocacy groups.

894 Letter from Derek Firth to Student BV's lawyer, 15 January 2013.

6.240 It also caused another former student to write to express his concern at the school's handling of the complaint after reading the media coverage. In response, Mr Firth described the letter from Student BV's lawyer as a "bolt out of the blue" and appears to justify his "defensive" response on the basis they could not find any record of an assault, or complaint, in the school records.[895] Given the number of historic complaints of sexual abuse Mr Firth had dealt with over the course of his time as a trustee, and his understanding of the paucity of records made, or at least kept, by the school, this explanation is unconvincing.

6.241 Mr Dixon was prosecuted and pleaded guilty to the charges he faced in respect of Student BV. The school's response was again to seek a non-publication order and advice from their media advisor of the time.[896] In support of the application for a non-publication order, an affidavit was sworn by Mr MacLean. The affidavit asserts:

> [11] I consider that publication of the name of Dilworth in relation to the offending by Mr Dixon would compromise the safe and secure culture of the school and its pupils, many of whom are as young as nine or ten years of age. For example, some of the more vulnerable pupils may consider that there is the risk of such harm at present. There would inevitably be discussions between pupils about the offending. This would be distracting to the pupils at the very least. I consider such discussion would not be an appropriate topic of discussion for pupils. *There may be unwarranted speculation that the offending covered a wider period than is the case or that more pupils were involved.* There may also be teasing of the pupils by the students of other schools. In short, I consider that the education of the pupils will be compromised by publication ...
>
> [15] I am also concerned that the reputation of Dilworth will be detrimentally impacted upon by publication. Dilworth has been providing free education to underprivileged boys since 1906. In that time, it has built up an excellent reputation. That a sex offender had been in the employ of the school is something that I consider will inevitably adversely impact on the reputation of the school even though the offending was historical. Despite the fact that the school has for some years had rigorous background checks in place in relation to its employment policy, I consider the reputation of the school will be tarnished by the publication of the name of the school.

895 Response letter by Derek Firth, May 2014.

896 Various correspondence and Dilworth Trust Board minutes on file.

> [16] The offending took place over forty years ago and the circumstances of the school and society today, are entirely different from that era. I consider it would be of considerable detriment to Dilworth, its pupils and their parents for this matter to be published so long after the event. [Emphasis added]

6.242 When asked about this affidavit, and in particular the basis for the emphasised sentence, Mr MacLean told the Inquiry the school lawyer drafted the letter and that he was reliant on the information he had been provided and had no other personal knowledge. He was unaware of other potential victims.

6.243 Mr Dixon was one of the former staff charged again as a result of Operation Beverly in relation to three additional complainants.[897] He died before these charges could be determined.[898]

Staff Member SV, 2018

6.244 In 2018, Student DC contacted the general manager of the Board and disclosed an incident of abuse by Staff Member SV, a tutor. The general manager made enquiries of Mr Owen to ascertain details of SV's employment and advised he would look at SV's personnel file to see if there were any other records of similar complaints. He also suggested DC contact Mr Owen in his capacity as president of the Old Boys' Benevolent Trust to access some counselling.[899] The general manager followed up with DC, but DC said he did not want to do anything further with his complaint at that time.[900] The student re-initiated contact in February 2020 because of the distress he was experiencing from embarking on the counselling process and the emerging of previously suppressed memories. Although he was already engaged with the Listening Service,[901] the student was encouraged to talk to Dr Fred Seymour.[902] He was also advised of the possibility of engaging with both ACC and the Abuse in Care Royal Commission of Inquiry.

897 The Inquiry is aware of a further six students who were abused by Dixon

898 Confirmed in Court Minute dated 25 October 2022

899 Correspondence with DC, August 2018.

900 General manager, diary note, 18 September 2018.

901 A service established by Dilworth providing and paying for psychological therapy by an independent clinical psychologist.

902 As part of the Listening Service

Student DY contacts Dilworth, 2018

6.245 In March 2018, Student DY contacted the school, spoke with the Board's general manager and disclosed incidents of abuse by Mr Taylor and Mr Wilson. The following month he prepared and submitted a report to the Board outlining in more detail his experiences at Dilworth and suggested questions the Board needed to ask itself, particularly concerning identifying unknown perpetrators and victims. DY also identified principles he considered the Board needed to be guided by in developing its response to historical abuse, in particular that institutions should work with survivors on the resolution of historical abuse. He indicated his willingness to work collaboratively with the Board on its response. DY's report was later described by the general manager as "largely the catalyst for the actions we have taken in addressing the issue of abuse at Dilworth".[903]

6.246 In May 2018, Mr Aaron Snodgrass became chair of the Board and, as he told the Royal Commission, he received from the previous chair several documents that documented the school's knowledge of the abuse, and he shared these with the Board.[904]

6.247 The Board met on 28 May 2018 to discuss historical abuse. A record of that meeting confirms the Board held confidential files on 14 known perpetrators of abuse who were either teachers, tutors or people in positions of authority at the school. A decision was made to review all the files held by the school in relation to historical abuse. The Board also agreed to meet with Student DY to hear from him about his personal experiences and how to approach the issue of responding to abuse more generally. This meeting did not occur until the following year, on 26 August 2019, and an apology was made.

6.248 Dilworth told the Inquiry it believes it dealt sensitively and comprehensively with Student DY by meeting him, allowing him to read a copy of its draft paper on child sexual abuse, providing a full Board apology and listening to his suggestions. Unfortunately, DY does not see the experience in the same light, although he has acknowledged the professionalism and sensitivity shown to him by the general manager and the positive impact of the genuine apology given to him by the chair of the Board.[905]

903 General manager, Student DY board visit, report prepared in advance of Dilworth Trust Board meeting on 26 August 2019.

904 Abuse in Care Royal Commission of Inquiry hearing, 20 October 2022.

905 Student DY statement to external agency.

6.249 Student DY remains concerned that his proposals were devalued by the Board. It had been his intention to work closely with the Board so it could utilise his views and experiences as it developed its strategies to deal with the school's extensive history of child sexual abuse. Valuable suggestions made by him as a representative of survivors about how to deal sensitively with them were overlooked and ignored. He felt under intense pressure when, immediately before the Board meeting, he was given a draft paper prepared for the Board on protocols for dealing with child sexual abuse but not allowed to take time away from the Board offices to study it. He described the experience as being akin to sitting an exam. When he asked that some terminology be altered to meet survivors' sensitivities and perceptions, this was refused in favour of the Board expert's advice that was to him, completely inappropriate. He formed the view from this meeting with the Board's consultant, that the Board has no conception of the value of collaboration and that his offer to work collaboratively with the Board to help it understand and resolve survivors' concerns was dismissed. This has added to his trauma and forced him to take other actions to help protect and support other survivors.

6.250 In 2018, the Board started to focus on what steps were needed to respond to the growing awareness of the extent of historical abuse at the school. One of those steps was to engage the assistance of a clinical psychologist with expertise in sexual abuse to review the files and further develop the school's Child Protection Policy (see further analysis of this policy development in chapter 10). The school also reviewed its physical environment and developed an education programme for students, staff, parents and caregivers on abuse. The school described the focus of this programme as to ensure "boys could identify inappropriate abusive behaviour and discuss it with an appropriate adult".[906]

Inquiry assessment of the nature and extent of abuse

Former students' accounts

6.251 As in previous eras, the Inquirers had no difficulty in accepting the accounts of former students spoken to as credible and compelling.

6.252 While the school environment was not as harsh as in previous eras, and students suffered less physical abuse at the hands of staff, there was still an overwhelming sense of isolation reported by those who spoke to the Inquiry, especially for those students who were bullied.

906 Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

Serious physical abuse

6.253 We find there were instances of serious physical abuse in this era, in the form of serious bullying. Though fewer than in the earlier eras, the accounts were disturbing, could not be called isolated and have had a life-long, detrimental impact on the recipients.

Sexual abuse

6.254 We find there was extensive sexual abuse by Mr Browne, a senior staff member who abused his position as chaplain and had unchecked power in the school community. There were also disturbing sexual assaults and abuse by schoolboys, often directed towards students perceived to be different from the mainstream or who were homosexual.

6.255 The police prosecutions of two staff members for sexual abuse and predation while employed at Dilworth during this era and a review of Dilworth reports, records and other documentation provide strong confirmation that the former students' accounts are credible.

6.256 The number of staff who sexually offended was much lower than in previous eras but the persistent and abusive behaviour of students towards students who were different remained similar.

6.257 Mr MacLean told the Inquiry that to his knowledge, there was no massage table in the anteroom connected to Mr Browne's office when he took over. However, that is to some degree inconsistent with the multiple student accounts. The Inquiry considers, given the detail and number of student accounts, it is evident Mr Browne continued to massage and abuse students throughout his remaining time at the school, including during the nine years that Mr MacLean was headmaster.

6.258 As with abuse by staff, student-on-student sexual abuse had serious consequences for the survivors, who were usually as seriously affected as those abused by men in positions of trust within the school. Schoolboy abusers were themselves immature and possibly victims of grooming or sexual abuse by adults at the school.

Donald MacLean and Derek Firth – response

6.259 Mr MacLean told the Inquiry he is appalled by the reported abuses in the draft report and struggles to recognise the school being depicted in the examples of abuse and bullying provided. He acknowledges the serious and tragic effects of such abuse and is devastated that the policies and practices in place while he was principal ultimately failed to protect some students. With the benefit of hindsight, he acknowledges there must have been more that could have been done to prevent such abuse occurring and that students must be better protected.[907]

6.260 Mr Firth told the Inquiry that he bitterly regrets the abuse and the impact on the victims. He believes everyone connected with Dilworth has been devastated by it.[908]

School response to complaints

6.261 Aspects of the school's response to disclosures or complaints of abuse improved markedly during Mr MacLean's tenure. Some of the improvements were directly related to legislative changes (for example, mandatory reporting to the Teachers' Council) and some to policy work undertaken by the school leadership (for example, following Staff Member TS's offending). However, there remained some failures.

Ross Browne

6.262 It is apparent that the school leadership had increasing concerns about Mr Browne's behaviour and influence within the school during this era. Some of his activities came under greater scrutiny and some were curbed. Mr MacLean says he instigated what he has described as a "very thorough 360 review of Browne", and noted no allegations of abuse emerged from that process. However, given the review process involved feedback from staff, rather than students, that is perhaps unsurprising.

6.263 Mr MacLean told the Inquiry, based on legal advice the Board had received, the Board instructed him that the school required a specific complaint before an investigation could be undertaken into Mr Browne's conduct.[909] This approach meant that widespread, persistent rumours and expressions of unease about Mr Browne's behaviour from many quarters, including from the staff member in the pastoral care team, were not actioned, in favour of waiting for a specific complaint of abuse.

907 D MacLean correspondence to the Inquiry dated 13 July 2023.

908 D Firth, statement to the Inquiry.

909 Donald MacLean correspondence with the Inquiry, 13 July and 31 July 2023.

6.264 We make several comments about this approach. Waiting for a specific complaint, demonstrates a failure to appreciate the context in which sexual abuse of children in schools occurs and the school's responsibilities to its students. In itself, this is a failure of school leadership and governance.

6.265 The allegations of underage students engaging in sexual activity with the knowledge, and possible support, of Mr Browne, as outlined in the first letter written by Mr MacLean's staff member in August 2001, went beyond "rumours" and amounted to the necessary "complaint". The allegations should have raised significant concerns about unsafe behaviour.[910] The concerns raised required further investigation by senior leadership especially when the school was in loco parentis ('in the place of a parent').

6.266 The letters were received after the school had been made aware of the student teachers' account that Mr Browne had confirmed students had been masturbating in his class, accounts that had not been investigated in 1998. They were also after serious allegations against Mr Browne had been raised in the disciplinary process involving Staff Member TX in 2000. Again, these allegations were ignored. When the second letter was received from a member of the pastoral care team in January 2002, there was more than enough information for the school and the Board to have implemented an investigation. If a properly supported investigation, using an external investigator with expertise in sexual complaints, had been undertaken when the concerns were raised in 1998, 2000, 2001 and again in 2002, then there would have been an opportunity to uncover the more serious abuse being carried out by Mr Browne.

6.267 There was a further opportunity in 2005 and 2006 to uncover the extent of the abuse perpetrated by Mr Browne and to protect and provide students with care and support. Establishing an investigation led by those with expertise in the field of child sexual abuse, instead of one conducted internally by those with little or no experience in this field, may well have identified Mr Browne's sustained abuse, and led to a police referral and reporting to the church. Reporting his abuse would have demonstrated that the Board had the students' welfare and interests at the forefront.

6.268 When one former student met with Mr MacLean in 2018 to disclose abuse by Mr Browne, although Mr MacLean recalls encouraging him to report the abuse to the police, the student got the impression he was being discouraged from making a formal complaint.[911]

910 The Inquiry notes that the Board's consultant psychologist, Dr Blackwell, was also of the view that the concerns of the member of the pastoral care team should have been addressed by school management or leadership.

911 Student EU statement to the Inquiry.

6.269 The Board's decision to treat Staff Member TX's allegations as not requiring investigation demonstrates a cavalier attitude towards the protection of its own students. Had it made even the most superficial enquiries, the Board would have discovered that the allegations could be substantiated. It took five more years before Mr Browne was required to leave the school and over 10 for the other staff member. In the interim, other students were abused by Mr Browne and students could have been at risk from Staff Member TU.

6.270 We find the school leadership and principal failed to protect students from ongoing harm by not investigating and closely monitoring Mr Browne's interactions with students following persistent ongoing expressions of unease and concerns reported by many, including a member of the pastoral team.

6.271 It was wrong for the Board to conclude, during Mr Browne's disciplinary process in 2006, that he should be permitted to resign. It was wrong in the absence of enquiries of students to conclude that complaints were historical. It ignored persistent rumours and complaints and failed to discover the extent of Mr Browne's offending. It was wrong to resist reporting to the police. When considering Mr Browne's employment in 2006, the school and the Board, even armed with legal advice, were not qualified to decide that Mr Browne's clearly criminal behaviour could be dealt with only as an employment matter. Had Mr Browne been reported to the police, a proper criminal investigation would have followed, and survivors given the support they needed then, rather than 13 years after his resignation. The school did not consider that the wider school community, or even an affected group of former students and their whānau, had the right to know the truth behind Mr Browne's departure.

6.272 The decision not to provide the community with the real reason coupled with the decision not to report the matter to police, created yet another missed opportunity for Mr Browne's undetected victims within the student body at that time, as well as in the community of former students, to come forward and get support.

Inconsistent treatment of students engaging in sexual behaviour

6.273 The school's referral of a student who was encouraged by Mr Browne to have sex with another student who was a year younger (and underage) to a programme for those who display harmful or concerning sexual behaviour was difficult to comprehend and damaging for the student concerned. He was a victim of Mr Browne and did not fit the category. In contrast, the older student who abused Student HV and against whom HV specifically made a complaint was sent to external counselling. Student BY, against whom a complaint had not been made, should have been referred to private sessions with a psychologist to address any counselling and treatment needs he and the school felt he needed. The inconsistent treatment of two students both of whom had sex with younger students suggests a lack of any considered policy or principle about what to do in these situations. While the school points out that no punishment was intended in the referral to the SAFE programme, it was perceived that way, and in fact resulted in further damage to BY.

School handling of fallout from Student IL's disclosure in Group Life Laboratory

6.274 The practice of eliciting disclosures of sexual abuse students were experiencing at the school (whether by staff or peers) and then leaving it to the student to determine whether he wanted to make a complaint was dangerous and seriously misguided. It unfairly placed an enormous burden on a young student who had already been through a traumatic experience. The decision not to inform Student IL's parents in a timely way about the abuse he had reported, was a significant failure. The management of the consequential bullying and IL's seriously deteriorating mental condition, was inconsistent with the advice that his parents be involved, given by those who were consulted about his care. This failure is compounded by the subsequent stance taken by the school to defend its position rather than accept fault.

6.275 The school failed to provide adequate care for Student IL and his parents, and the outcome was a serious deterioration in the student's mental health. On anyone's interpretation, including Mr Browne's own, it was certainly incorrect to refer to Mr Browne as providing "expert counselling".[912] In spite of Mr Browne's lack of counselling qualifications and concerns about his interactions with students, the school told IL's parents he had been an appropriate person for this seriously affected student to be assisted by.

6.276 Nor were any serious attempts made by the school to stop the bullying of Student IL, continuing across the Wilton and MacLean eras. In the Wilton era, there was abject failure to develop policies to eliminate bullying and harassment. In MacLean's era, there was serious failure to properly implement newly developed policies to eliminate bullying.

6.277 The school failed in pastoral care duties to its students in two further ways. Although a review process was specifically provided for in its policy documentation in 2000,[913] there is no evidence of any review by the school leadership of the Student IL case to ensure the same mistakes did not occur again. More significantly, knowing the harm was attributable to the GLL process of eliciting highly sensitive disclosures, the school did not immediately stop the GLL camps, but allowed them to continue for six years after the date of disclosure by Student IL.[914]

912 It is noted that Mr Browne, in the undated memorandum to the principal, observed that what he was providing to Student IL "could not really be understood as 'Counselling' in the formal sense of the word".

913 Dilworth School, School Policy, 2000, cl 1.8. We record Mr MacLean's response that school policies are reviewed every three years by ERO. The Inquiry notes that the process is that the Board is required to complete a self-audit checklist in which it declares whether it has, since the last ERO report, reviewed the relevant policies. ERO does not necessarily review the specific policy contents.

914 School documents indicate that the last GLL camp was in June 2002, with the one prior in March 2001.

Staff Member TU

6.278 Mr Firth's belief there was no inappropriate behaviour when a teacher engaged in sexual activity on a school trip with a student who had just completed the final school year the month before shows a failure to comprehend his vulnerability and the imbalance of power between a teacher and very recent student. Further, the decision to take no action against the teacher shows a failure to understand that the teacher's behaviour might indicate a risk to current students and needed investigation.

Staff Member TS

6.279 Though junior staff delayed passing it on, the school acted commendably rapidly once it received a complaint about Staff Member TS. He was removed from the school within hours and reported to the police. These actions are fully in line with the school's pastoral responsibilities to its students. However, the school's approach to providing pastoral care to both students who were abused and their whānau was seriously deficient. Student IO's mother describes unsuccessful attempts to have the school implement a proper plan to assist her son following disclosure of the abuse and to address the bullying that followed. Student DE's mother had no communication from the school and was given no information about her son's experience. The first she learned of it was following her son's police interview when the police officer outlined his account. Both mothers were left to organise external counselling for their sons.

6.280 The failure of the school to take into account the potential impact of the abuse when each student's progress and future at the school was being considered in the years that followed, demonstrated a lack of understanding and care on the part of the senior leadership.

6.281 The Inquiry does not know what evidence the chair was relying on to suggest criminal sexual offending by the tutor involved "consent" by the student, but considers the statement demonstrates a failure to understand the dynamics involved in the sexual abuse of children by adults and its impacts. The same ignorance was seen in Dr Wilton's description of Staff Member RZ's abuse as a "lovers' tiff". For too long, given the extensive material prepared and disseminated by the state education authorities, the school and Board leadership were out of touch with contemporary knowledge and understanding in this area.

6.282 Whilst it is clear from Dilworth's response to the Royal Commission,[915] that the security camera policy was a direct response to Staff Member TS's offending, the school, with the benefit of suppression orders in favour of the school and TS, was able to articulate the policy change in general and potentially misleading terms, without specific reference to sexual abuse by staff.

915 Dilworth School: Response to Notice to Produce No 2, Schedule A(1) and Schedule A(2)(a) which references the confidential minute of the Dilworth Trust Board, 27 February 2012.

Name suppression applications, Staff Member TS and Keith Dixon

6.283 The factual basis for the legal submissions filed with the court were inaccurate, bordering on selective. In particular, reference is made to the submission that Staff Member TS was in contact with only "a very small number of pupils". The boarding houses each housed 48 students. Several members of staff spoke of TS's repeated night-time visits and close contact with students in another boarding house. This conduct had been raised with the housemaster concerned, and TS had been told to stop the evening visits with the students of that house. Given his contact with the students of two boarding houses, the submission that because contact was limited to a "very small number of pupils" publication may lead to the identification of the victims, lacked the necessary factual foundation to justify its being made.[916]

6.284 The affidavit prepared in support of the application for name suppression for Mr Dixon is also deeply concerning. In making it, the school knew it was not dealing with an isolated and historic issue as the affidavit implies. TS had been before the court for sexual offending two years earlier, and Mr Browne had been removed following a long history of complaints about his inappropriate conduct. The school was also aware of Mr Dixon's previous criminal history for similar offending and that Student BV had named other students who he believed may also have been abused by Mr Dixon.[917] The school must have appreciated there was at least a reasonable possibility that Mr Dixon's offending at Dilworth was greater than the charges indicated given their experience in dealing with previous staff members accused of sexual abuse.

916 Dilworth's submissions in support of name suppression application, 29 May 2012.

917 Letter from Student BV's lawyer to Dilworth School, 19 December 2012.

Reputational priorities

6.285 There was a deep-seated failure in the school and Board leadership to engage with the significance and extent of the sexual abuse problem in the school. The overriding concern throughout this period appears to us to have been to prioritise the school's reputation and finances. The reputational focus is demonstrated by the Board's failure to inform the school community, the school's routine applications for non-publication orders when the Board knew it was not dealing with isolated cases, and its failure to report Mr Browne to the police. A financial prioritisation was conceded by the then Board chair as being a motivating factor in how historical complaints were handled. All these omissions resulted in ongoing harm for students and, ultimately, far greater damage to the school's reputation.

6.286 Preferring to treat each complaint as an isolated case and as the full picture of a staff member's abuse was a short-sighted approach that led to the major scandal now engulfing the school. The Board cannot claim ignorance of its pastoral care obligations. It had its own legal advice from 1994 that it should consider the possibility of undetected victims, as well as evolving guidance from the Department of Education. The most egregious example of this abrogation of its responsibilities in this period to the children in its care was allowing complaints, rumours and indications of abuse-related behaviour about Mr Browne to go unchecked.

6.287 The Inquiry finds the Board failed Dilworth students and their families by not:

- referring the complaints about Mr Browne to police and checking whether there were other children affected by his or other staff members' offending
- providing adequate and ongoing support and care for abused students
- advising the school community honestly of the reasons for staff resignations and new security arrangements so parents could advise their children how to protect themselves against unwanted sexual behaviour and decide whether Dilworth remained a safe and trusted school for their children to attend
- understanding or seeking advice about the reasons for such widespread and lengthy offending against children in the Board's care so as to put in place protective measures
- prioritising student welfare over protection of the school reputation and finances.

Inquiry observations of the Anglican church's handling of Ross Browne

6.288 Two bishops were involved in responding to complaints about Mr Browne's conduct at Dilworth:

- John Paterson, Bishop of Auckland 1994–2010
- Ross Bay, Bishop of Auckland, 2010 – present day.

6.289 In earlier paragraphs, we described Bishop Paterson's response to the 2003 complaint about Mr Browne. The Bishop told the Inquiry he has no recollection of being told about the complaints raised by students about Mr Browne in May 2005.

6.290 In December 2005, when allegations of Mr Browne having encouraged students in his classes to masturbate emerged, Mr MacLean advised the church that an investigation was under way. In February, Mr MacLean reported on the outcome, and a few days later the bishop spoke with Mr Browne.[918]

6.291 On 6 March 2006, the Board chair, Mr Potter, wrote to Bishop Paterson describing the school's investigation into Mr Browne's conduct and its outcome.[919] He explained that the school allowed Mr Browne to resign because of legal advice that his conduct was not of a criminal nature, that it had taken place "some time ago" and "did not appear to have been repeated since".[920]

6.292 The letter included the letters of complaint from former students and the report of the school's subcommittee appointed to investigate the allegations and Mr Browne's responses.

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918 Report to the Anglican Diocese of Auckland on matters arising from the ministry appointments of Ross Browne, 28 April 2022, para 2.6.

919 Letter from John Potter to Bishop of Auckland John Paterson, 6 March 2006. Mr Potter wrote, "This investigation was necessary following complaints received from former students of Dilworth relating to alleged incidents in Ross Browne's classroom in 1993 and 1994, which, if true, amounted to unprofessional conduct, as well as dereliction of duty on the part of someone in a responsible position with young people".

920 Letter from John Potter to Bishop of Auckland John Paterson, 6 March 2006.

6.293 Bishop Paterson provided evidence to a 2022 inquiry commissioned by the Diocese of Auckland into the church's actions following Mr Browne's departure from Dilworth (the 2022 church Inquiry).[921] The Bishop's actions were described as follows:[922]

> On 9 March 2006, having received the letter of 6 March from the Chairman of the [Board], Bishop John met with Mr Browne. Mr Browne was accompanied by his wife who chose to remain.
>
> Bishop John delivered an oral reprimand but concluded the meeting by advising Mr Browne that he remained a priest in good standing. The reprimand was not administered pursuant to any formal process. It was not the admonition which may be delivered as one of the formal outcomes where misconduct has been established. Mr Browne was reprimanded by Bishop John as part of the pastoral relationship existing between bishop and priest.
>
> Bishop John's advice to Mr Browne that he remained a priest in good standing was similarly proffered as part of the pastoral relationship. It would have conveyed clearly to Mr Browne, however, that he would continue to be eligible for appointments within the church.
>
> The term "priest in good standing" is found in the schedule to Canon VI Title D. It is the operative part of the prescribed form of Letters Testimonial which is requested when a bishop, ordained minister or lay person seeks or is proposed for appointment to any office.
>
> The proposed appointee requests the Bishop of any Diocese where he or she has previously served to forward Letters Testimonial to the licensing Bishop for the sought or proposed appointment. In advising Mr Browne that he remained a priest in good standing, Bishop John was making it clear that his misconduct at Dilworth would not stand in the way of appointment to offices in the church.
>
> Bishop John's decision in that regard was based on his view that what Mr Browne had done was unlikely to be repeated. In reaching that judgment he took into account the time that had elapsed since the incidents had occurred and the assurance Mr Browne had given him that there had been no further incidents of that nature.

921 The 2022 church inquiry was limited to an examination of questions as to what was known by Bishop Paterson when he appointed Mr Browne as the vicar of Manurewa, and Bishop Bay's actions and the basis for them when he became aware of allegations about Mr Browne and the reason for his leaving Dilworth.

922 Report to the Anglican Diocese of Auckland on matters arising from the ministry appointments of Ross Browne, 28 April 2022, paras 3.1 – 3.6.

6.294 He assessed the conduct that led to Mr Browne's resignation as "isolated incidents unlikely to be repeated". Having made the decision to treat Mr Browne as a priest in good standing, Bishop Paterson supported his attempts to secure a position in the church. Following Mr Browne's resignation, the church received a complaint from JW and KJ, the mother and stepfather of a former Dilworth student, Student BY, who was also interviewed by the Inquiry. The stepfather said he was "really angry at how Browne's departure had been managed".[923] He rang and spoke to someone from the church office about it. He said the person from the church, who he thought was the Bishop, told him Browne left for medical reasons and wouldn't discuss what had happened to their son because that was not church business. The mother recalls the speaker gave an assurance that Mr Browne would no longer have "anything to do with children."[924] No record of this call appears to have been kept by the church, and later enquiries could not find anyone in the office of the Auckland diocese who recalled speaking with KJ.[925]

6.295 KJ told the Inquiry that the church did not advise him of his right to lay a complaint against Mr Browne using the church's Title D process.[926]

6.296 Subsequently, the church helped Mr Browne secure positions as priest in charge at the parish of Bombay–Pokeno (2007–2008) and as vicar of the parish in Manurewa (2008–2020). The Bishop told the 2022 church Inquiry that a factor in his decision to appoint Mr Browne to priest in charge, was Mr Owen's support of Mr Browne. By then, Mr Owen was himself an ordained priest. According to the 2022 church Inquiry, Mr Owen's endorsement of Mr Browne was taken as fairly strong affirmation that what happened at Dilworth "was a school-related issue and not a parish related problem"[927]. Mr Owen was not interviewed as part of the 2022 church Inquiry but says while he did support the application, he was not involved in Mr Browne's disciplinary process and did not know the full detail of Mr Browne's misconduct at Dilworth.[928] The terms of Mr Browne's resignation were confidential and not disclosed to Owen.

923 Family Member KJ statement to the Inquiry.

924 Family Member JW statement to the Inquiry.

925 Report to the Anglican Diocese of Auckland on matters arising from the ministry appointments of Ross Browne, 28 April 2022, para 6.6.

926 Family Member KJ communication to the Inquiry, 6 May 2023.

927 Report to the Anglican Diocese of Auckland on matters arising from the ministry appointments of Ross Browne, 28 April 2022, para 4.3.

928 Bruce Owen statement to the Inquiry, 18 May 2023.

6.297 A former senior member of the Bombay–Pokeno parish told the Inquiry they were never told by the church about Mr Browne's past, and had they known there was "no way" they would have supported Mr Browne's appointment. In his role, he took regular services at which children and adolescents were present. This person was "appalled" to learn that the church appointed him priest in charge despite what it knew of his conduct at Dilworth and believed the church had preferred Mr Browne's denials over the testimony of vulnerable students. The bishop needed to "hold the difficult task" of caring for both his priest and the students, now adult men. They asked "in what universe was it acceptable for a teacher to allow actual or simulated masturbation in a classroom and not stop it".[929]

6.298 The Manurewa parish committee overseeing the appointment of a vicar had asked the Bishop about Mr Browne's resignation from Dilworth and been told it was a "case of discipline at the school", that the police had not been involved and that Mr Browne had been at the school for too long.[930] The Bishop explained to the 2022 church Inquiry that he had not disclosed all he knew because he was conscious Mr Browne had signed a confidentiality agreement about which the Bishop had to be very careful and he was concerned about damage to the school's reputation. He was conscious of his pastoral obligations to support Mr Browne and noted that disclosure would have been fatal to his prospects of appointment as the vicar of the Manurewa parish.[931] The Bishop did require Mr Browne to undergo monthly professional supervision once he became vicar of Manurewa and did this as "a sense of general caution".[932]

6.299 We are aware that the following comments are not strictly relevant to Dilworth and they are not required within the Inquiry's terms of reference. When meeting representatives of the church, however, we were urged to provide it with as much assistance as possible as it works to improve the ambiguous relationship between school and church in the appointment and supervision of Dilworth chaplains.

929 Church representative SM statement to the Inquiry.

930 Report to the Anglican Diocese of Auckland on matters arising from the ministry appointments of Ross Browne, 28 April 2022, para 4.6.

931 Report to the Anglican Diocese, 28 April 2022, para 4.7.

932 Report to the Anglican Diocese, 28 April 2022, para 5.6.

6.300 Out of respect, also for the several people who registered concerns with this Inquiry about the church's handling of Mr Browne's licensing and employment after he left Dilworth, we make the following observations in the hope they will provide future guidance to the church in its handling of these types of complaints:

- Given its separate and independent role of licensing chaplains, the church should have conducted its own investigation instead of relying on the school's inquiry and made its own independent assessment of the need to report Mr Browne's conduct to the police.[933]
- The description of the 2006 allegations as "isolated incidents unlikely to be repeated" was inappropriate given the episcopal warning Mr Browne received in 2003. Browne's behaviour was not isolated.
- The church should have written to each complainant and apologised on behalf of the church (as was done for the parent who made a complaint about Mr Browne in 2003).
- The church placed its obligations to one of its licensed clergy, and its need to provide pastoral care to him, over its obligations to children and young people in its parishes. Given the vulnerability of these children and the church and community's fundamental responsibility to place their welfare at the forefront of all its activities, this is a serious failure, not excused by a non-disclosure agreement. It is vital the church reorients itself in all future handling of sexual abuse claims to take account of its dual obligations.
- The complaint by KJ should have been recorded, investigated and records retained. KJ should have been told of his right to make a Title D complaint under the church's procedures. These were additional allegations to those resulting from Mr Browne's resignation and would have given the church a fuller picture of Mr Browne's risk to its parishioners after Dilworth.
- While the parish subcommittees may not have been entitled to see documentation concerning Dilworth's handling of Mr Browne's resignation, it should have been told the truth as to the reason for his departure from the school, even if that would have been fatal to his employment prospects. The committees had a right to make their own decisions as to how to protect the children and young people in their parishes.

933 Letter from the Anglican church to the Inquiry, 21 July 2023. Bishop Bay has said that the one thing that has been learned is that the church must conduct its own investigation and come to its own assessment of a person's fitness to minister. Bishop Bay told the Inquiry that unquestionably Mr Browne's conduct breached canon law.

6.301 **Ongoing complaints about Browne's later employment:** JW said that in 2013 she spoke with the new Bishop of Auckland, Ross Bay, to check Mr Browne was no longer in a pastoral position. She was horrified to learn that the new bishop did not know what she was talking about and that Mr Browne was working in a parish in Manurewa.[934] She also provided Bishop Bay with a letter advising him formally that she was dissatisfied with the school's handling of complaints against Mr Browne. She said Mr Browne had actively encouraged older students to interact with younger students sexually, that she had been assured by the church that Mr Browne would not have access to children and young people, and was dismayed to learn he was a parish priest.[935]

6.302 The Bishop consulted both the headmaster Mr MacLean, and a Queen's Counsel, and then he responded to JW saying the school was unaware of her son's complaint of misconduct by Mr Browne and that "the circumstances around Mr Browne's departure from Dilworth school had been the subject of much conjecture and hearsay. As they related to Mr Browne's employment they rightly remain confidential to Mr Browne and the School... if there was anything of a criminal nature involved that would have been reported to the appropriate authorities at the time."[936] JW told the Inquiry she was "totally gobsmacked and distressed" by the bishop's response but didn't feel she couldn't take it further.[937] The bishop told the Inquiry that at the time of his contact with JW in 2013 and 2014, he did check to ensure Mr Browne did not have unsupervised contact with children or young people at his Manurewa parish.[938]

6.303 We believe the church should have initiated an investigation on the basis of what JW had disclosed, despite the fact JW told Bishop Bay that her son did not want to complain at that stage.[939] The issues were wider than those her son had experienced and potentially affected many other children.[940] A broad enquiry without direct reference to his complaint could have been undertaken. Student BY also told the Inquiry if the church had proactively contacted him in 2013 and 2014 to offer him the option of making a formal complaint, he would have done so.[941]

934 Family Member JW statement to the Inquiry.

935 Letter from Family Member JW to Bishop of Auckland Ross Bay, 13 December 2006.

936 Letter from Bishop of Auckland Ross Bay to Family Member JW, 17 April 2014.

937 Family Member JW statement to the Inquiry.

938 Letter from the Anglican church to the Inquiry, 21 July 2023.

939 Transcript of Bishop Bay's interview with Rodney Hansen KC for purposes of the 2022 church Inquiry, 9 March 2022.

940 Family Member JW communication to the Inquiry, 24 July 2023.

941 Student BY communication to the Inquiry, 24 July 2023.

6.304 Following Mr Browne's arrest, in early 2021, Bishop Bay met with JW and apologised for how he had responded to her concerns in 2013 and 2014. The bishop said he told JW the matter could have been placed before a church tribunal when she first disclosed what she knew about Mr Browne.[942] A tribunal may have come to the same conclusions that the bishop reached in relation to the evidence but, whatever the outcome, there would have been a more transparent and objective process applied. The bishop told the Inquiry he had learned from the experience and again wished to apologise to JW for not pursuing this possible action at the time and for any resultant harm caused to her and her son Student BY.[943]

6.305 Again, in the interests of improving the church's future handling of complaints of sexual misdemeanours by its chaplains we make the following observations:

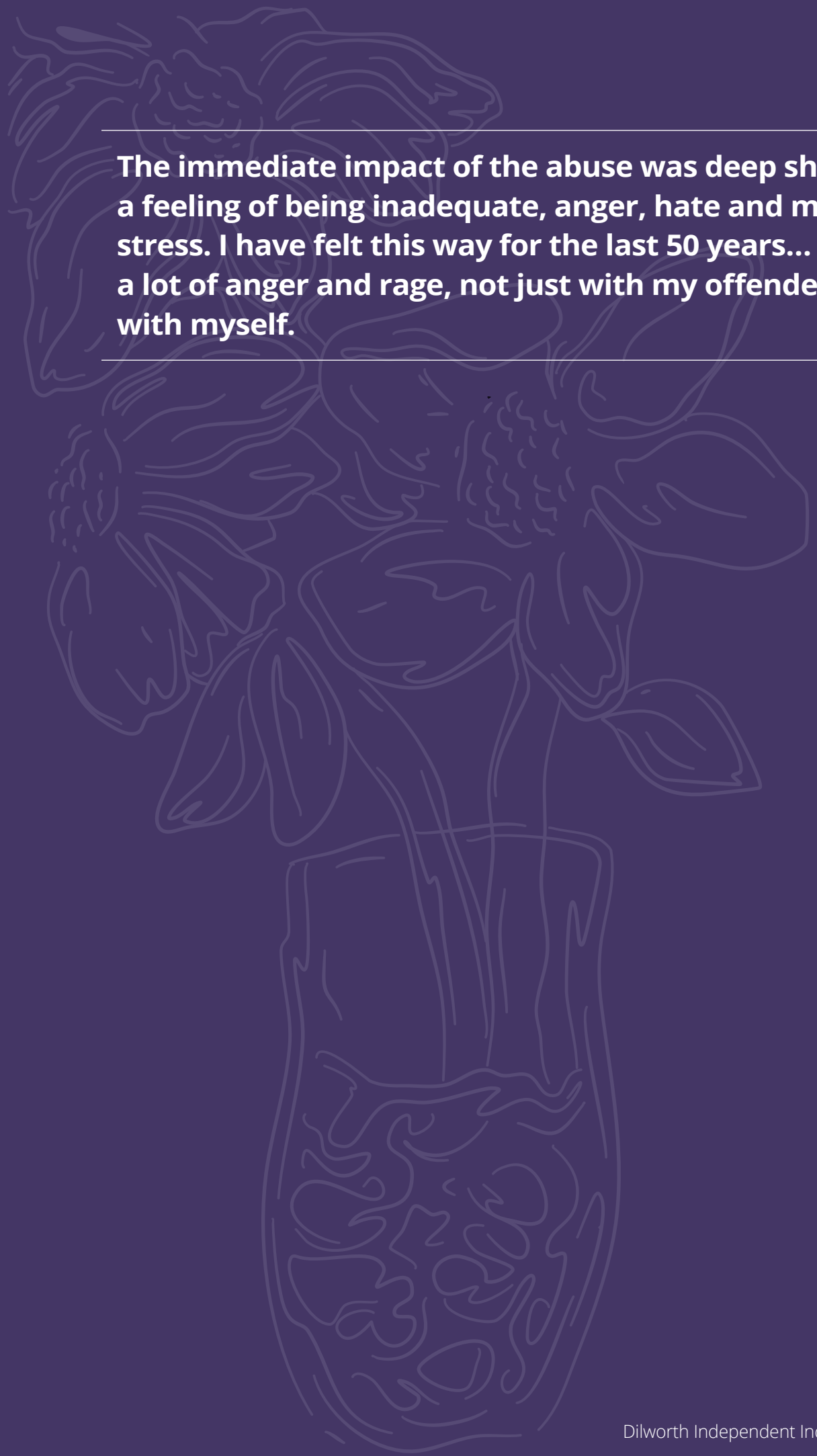
- When a person writes a letter disclosing allegations of serious misconduct it should be treated as a complaint. In this instance, the content was not 'conjecture', but actual information JW had received from her own son.
- The church should have recognised that all these complaints represented a pattern of seriously inappropriate conduct by Mr Browne at Dilworth to a number of students.
- Instead of taking the investigative steps the situation demanded, Bishop Bay seems to have accepted at face value his predecessor's 2006 response to the original investigations. The additional information in the complaint makes it clear it was wrong not to re-open the matter.

6.306 Bishop Bay says the church has now reformed its disciplinary process to ensure in the future a bishop would have no choice but to refer allegations, such as those made about Mr Browne by JW and KJ, to the church's Ministry Standards Commission. The commission is an independent body appointed by the church to oversee the church's ministry standards and complaints process. We acknowledge this represents a significant improvement to the process that existed when KJ and JW raised their concerns about Browne.

942 Letter from the Anglican church to the Inquiry, 21 July 2023.

943 Letter from the Anglican church to the Inquiry, 21 July 2023.

The immediate impact of the abuse was deep shame, a feeling of being inadequate, anger, hate and mental stress. I have felt this way for the last 50 years... I had a lot of anger and rage, not just with my offenders but with myself.



Chapter Seven
Impacts of abuse

Introduction

7.1 Before entering Dilworth School, the former students we spoke to were very young students, often aged only 8 or 9, who came from a wide variety of backgrounds where many had experienced trauma and loss.

7.2 Regardless of their background or the era in which they attended the school, those young students carried many strengths into Dilworth – courage, resilience, intellect, hope, optimism, and, for many, the love and aspirations of their families. We heard of some who thrived at the school and graduated confident, well-educated young men. For a significant number, however, Dilworth failed them, and the qualities they had when they entered the school were lost or weakened. Lack of safety, care and protection created a void that was filled by grooming, sexual abuse, bullying and serious physical abuse.

7.3 In spite of these experiences, the adult former students we met during this Inquiry have mostly remained resilient and have retained or developed new attributes, as have the family members we spoke to. These have helped them through life after Dilworth, however difficult it has been. On the other hand, many have experienced ongoing pain, and family and friends have suffered profound grief. Some of the saddest accounts we heard were of lost hopes and opportunities: the failure to fulfil early intellectual promise, the change in personality from a happy confident child to a sad and angry adult, and the difference between one sibling's adult path (who was not abused at Dilworth) and that of the Dilworth student who was abused and ended with a major addiction, unable to trust, failed relationships and even prison.

7.4 In this chapter, we summarise the varied impacts of abuse on the former students and their whānau.[944] We note the observations of the Abuse in Care Royal Commission of Inquiry in its interim report:

> The consequences of abuse in care can be profound and lifelong. Some are more visible – damaged health, drug use, alcoholism, crime – and some are less apparent although no less real – emotional disconnection, poor relationships, damaged mental health, anger and grief. These effects reverberate beyond survivors to their families, whānau and society generally.[945]

7.5 The analysis of the Australian Royal Commission into Institutional Responses to Child Sexual Abuse is also apt:

> For many victims, the abuse can have profound and lasting impacts. They experience deep, complex trauma, which can pervade all aspects of their lives, and cause a range of effects across their lifespans. Other victims do not perceive themselves to be profoundly harmed by the experience.
>
> Some impacts on victims are immediate and temporary, while others can last throughout adulthood. Some emerge later in life; others abate only to re-emerge or manifest in response to triggers or events. As victims have new experiences or enter new stages of development over their life courses, the consequences of abuse may manifest in different ways.[946]

944 This chapter focuses on those who were sexually abused and may have been physically abused as well. It does not focus on those who were only physically abused. The large majority of those reporting serious impacts had been sexually abused. In this chapter we have not attributed the quotes to specific students as to do so could potentially identify the former students when information in this chapter is combined with information from other chapters. Additionally, many former students said very similar things, so we often selected only a representative quote.

945 Abuse in Care Royal Commission of Inquiry, *Tāwharautia: Pūrongo o te Wā – Interim report* (vol 1), 2020, p 85.

946 Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Impacts (vol 3), Commonwealth of Australia, 2017, p 9.

Harm caused

7.6 Below, we summarise aspects of the harm done to former students because of the abuse they suffered. Impacts were both immediate and ongoing. Many former students we spoke to have experienced a combination of adverse consequences in their lifetimes. The impacts felt by former students are all-encompassing. There is a compounding impact. The depression suffered means being less able to deal with emotional needs, and the response is anger or shutting down. This then causes a relationship to break down, which further affects mental health, which then affects the ability to work. Those impacts can, as described to us, make life feel like walking through wet sand – tougher every step.

7.7 Impacts are sometimes circular. If the survivor cannot hold down a job, he has no money. The hidden costs of getting well become even more difficult to bear if he cannot pay for therapy to get well enough to hold down a job. Or the impacts cascade, addictions developed by a former student as a coping mechanism to deal with trauma may lead to physical and mental health complications, financial difficulties, criminal behaviour and relationship problems. Two students capture these effects succinctly:

> The result that came out of Dilworth was an angry child, who did not know who to trust or turn to. Dilworth has destroyed my life. Every single aspect of my life has been affected by my time there – emotional, mental, and physical. It has never left me. I have been left with depression, anxiety, a low self-esteem, alcohol and drug misadventures, aggression, social anxiety, insomnia and trust issues. I have been on anti-depressants for nearly 20 years and require counselling.

> I left school with a perception of myself as being disgusting and a bad person and I never knew myself as anything different. I was worthless and my body did not belong to me.

7.8 Abuse also affects individuals differently. As we read or listened to accounts of abuse suffered at Dilworth, we observed that there is little correlation between what we might consider to be the severity of the abuse and its consequences. Some students, viewed objectively, seem to have endured less abuse than others but the impact on their lives has been much more profound than on those we would have considered more extensively abused. We infer from this that no abuse – physical, sexual, psychological or emotional – should be dismissed as 'minor'. The effect of abuse is unpredictable, but almost always will affect the survivor's life detrimentally. We agree with comments made in other reports that a holistic view of the impacts of abuse on the former students is important.[947]

7.9 In chapter 10, we note the school's current focus on hauora (wellbeing) with reference to Professor Sir Mason Durie's Te Whare Tapa Whā model. This is a holistic model that "uses the symbol of the wharenui (meeting house) to illustrate the four cornerstones of wellbeing: taha wairua (spiritual health), taha hinengaro (mental health), taha tinana (physical health), and taha whānau (family health)".[948]

7.10 As the Abuse in Care Royal Commission of Inquiry commented in *He Purapura Ora he Māra Tipu,* its report on redress:

> The model emphasises balance and interconnection between all the dimensions. Should the wairua, hinengaro, tinana, whānau or whenua be missing, neglected, or damaged in some way, the person and their collective or group may become unbalanced and unwell.
>
> Te Whare Tapa Whā provides a framework through which puretumu torowhānui for purapura ora, or survivors, can be viewed holistically, as a process that restores, reconnects, empowers, and builds mana.[949]

947 For example, Abuse in Care Royal Commission of Inquiry, *He Purapura Ora, he Māra Tipu: From Redress to Puretumu Torowhānui* (vol 1), 2021.

948 Government Inquiry into Mental Health and Addiction, *He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction*, 2018, p 22.

949 Abuse in Care Royal Commission of Inquiry, *He Purapura Ora, he Māra Tipu: From Redress to Puretumu Torowhānui* (vol 1), 2021, p 60.

7.11 The same can be said of the Fonofale model of wellbeing we also refer to in chapter 10, which was raised with us by current Pacific families. The Fonofale model conceptualises wellbeing as a fale,[950] which sits on the foundation of family, is supported by pou[951] of mental, spiritual, physical and other wellbeing. Culture provides shelter in the form of the roof, and the fale is surrounded by context, time and environment, relational matters encompassing the Pacific concept of the vā.[952]

7.12 Regardless of the framework used, this holistic approach not only informs the assessment of harm done but is also required to address that harm and will be important for the school to consider when completing redress. We apply that lens below as we discuss the impacts former students shared with us across each area of their lives.

7.13 In each impact section, we share a small selection of quotes from the former students and other individuals we spoke with. These quotes are representative of the range of experiences expressed by students.

Mental health

7.14 Mental health difficulties were commonly experienced by almost all the former students we heard from. Almost all suffer or have suffered from anxiety and/or depression. Many spoke of suicidal attempts and ideation and of chronic insomnia, nightmares, feelings of guilt and shame, and low self-esteem.

7.15 Some former students have been diagnosed with psychiatric disorders. The most common of these appears to be post-traumatic stress disorder (PTSD). Other diagnoses have included complex PTSD, major depressive disorder, dissociative amnesia, bipolar disorder, and borderline personality disorder or other personality disorders. Some have spent time in psychiatric institutions. While it is impossible to isolate the reasons for psychiatric disorders, those we spoke to all attributed their illness to their abuse, bullying or lack of care at Dilworth.

7.16 Students also described having body image and confidence issues arising from the sexual abuse imposed on them and the bullying (from students and teachers) relating to physical appearance.

7.17 Students described developing phobias that prevented them from being able to leave the house for extended periods, having debilitating panic and anxiety attacks.

950 Pacific meeting house.

951 Posts.

952 Relationality.

7.18 Students described self-harming (often starting when they were at school). Some spoke of a self-hatred because they 'allowed' themselves to be abused.

7.19 For some, because the abuse happened in a counselling-type environment, this has prevented them from seeking counselling assistance.

7.20 Others spoke of having to avoid certain places (changing rooms, small offices, public pools, the Dilworth campus) or triggers such as a particular number (their Dilworth student number). A student saw The Dilworthian recently and that triggered a "crazy bender" for him that lasted 60 days. A former Board member described the reaction of two adult, highly successful brothers who attended Dilworth as students and who, years later, were unable to walk up the drive of the school without holding hands for support, such was the memory of their time at the school.

7.21 Students described this impact:

> In the years directly following the [attack], I suffered anxiety and subsequent panic attacks. As the abuse happened when I was 13, this anxiety has been with me for most of my life. I have been hospitalised as a result … I carry around an overwhelming feeling of shame and fear.
>
> I have to live with what happened all those years ago. It is painful and it hurts. It's done irreversible damage. I don't think people understand how being sexually abused as a child affects you in your adult life.
>
> The self-harming started in Form 3, as a result of Dilworth. The scars on my wrist from the cigarette burns are still visible. The second time I was sexually abused, I was ready to be washed down the drain. It made me loathe myself … I just wanted to be invisible.
>
> All I remember are the shadows, the faces, the breath, the fear of being 'got' or abusers coming to get me at night. I have experienced lifelong recurring nightmares about escaping MacMurray House, running from it.

Suicide

7.22 The Inquiry spoke to many students and family members who had attempted or considered suicide and to family members who had lost a former Dilworth student to suicide. The pain inflicted on these friends and family members is immeasurable.

7.23 The Inquiry heard of over 40 students who had attempted suicide.[953] Some former students described attempted suicide while still at school, and we heard multiple accounts of a particular student's attempt that was well known within the school community and had a significant impact on each individual who spoke to us about it. We heard of several students who died by suicide within a year or so of leaving Dilworth.

7.24 Many former students attempted suicide multiple times, resulting in hospital stays, lasting injuries and scars. Many students spoke of welcoming death, as one said, "because then the pain and hurt that Dilworth did would go away". Others said:

> The thing that hurts me the most about my time at Dilworth is that I was a child who was suffering, particularly with having suicidal thoughts, and no one offered support.
>
> A big part of why I came forward is I haven't made it through a day where I haven't wanted to die and it's really difficult.

Addiction

7.25 Turning to substances or external stimulus was a common form of coping mechanism for formers students. This frequently led to addictions that had significant effects on the lives of those we spoke to and of their family and whānau.

953 The Inquiry collated evidence from former students, the families of former students who have passed away, including a list noting students who had died by suicide or were believed to have died by suicide compiled by Mr Bruce Owen while he was still employed at the school.

7.26 Most commonly, students disclosed turning to alcohol and/or other drugs and sniffing glue from relatively early ages to cope with what had occurred. This often led to stronger substance abuse later in life. Students described using alcohol or other drugs to dull the feelings and memories from the abuse suffered, and as a result of heavy substance abuse have lost years of their lives. Some described addictions to pornography because of their exposure to it by adults at Dilworth and the abuse that followed. Some used food as a coping mechanism, which had health implications and led to further self-esteem issues due to their weight. Others have become addicted to gambling, which has caused major financial distress. Many students suffered multiple addictions.

> Psychologically it has really messed me up. I turn to things like alcohol and drugs and sex to try and cope and repress certain emotions and feelings that I don't want to let out.
>
> For the entire time from when I was 16 years old [and a student at Dilworth] to December 2021, I was on a form of some substance or another. It started off weekly, weekend drinking, and progressed to being on meth from 2012–2021.
>
> I don't have an addiction to drink, drugs, or gambling. But my sexual addiction issues and porn are much more shameful.
>
> Gambling helped me escape from the bullying at Dilworth. It gave me an immediate high, an escape from the low self-esteem. My gambling and alcohol problems became particularly bad when I was 18 … At my worst I was gambling every day … I have lost [millions] on gambling. I have been bankrupted. My addiction was responsible for the breakdown of my marriages.

7.27 Addiction has cost some students their careers; for others, it has cost the loss of a relationship with partners and family members, including their own children.

7.28 Some former students who spoke to us had taken their own steps to address their addictions. For those who had made progress in addressing their addictions through therapy, it was evident how important that was to their process of healing.

Anger and guilt

7.29 While a significant number of students spoke of having anger and rage, the coping mechanisms adopted were different for each survivor. Some withdrew from family members and loved ones and some became involved in violent crime, but nearly all told us that the anger affected their ability to function properly. Students also spoke of guilt – guilt at not speaking up and not doing more to help their fellow students. Some spoke of shame for not being able to fight off their abuser or for "freezing" during the abuse.

7.30 One student described how he thought he was responsible for the abuser losing his job and that he was heartbroken over this, "I thought … he had lost his job because of something I had said. I knew his [family]. I felt extremely conflicted". Others said:

> The immediate impact of the abuse was deep shame, a feeling of being inadequate, anger, hate and mental stress. I have felt this way for the last 50 years … I had a lot of anger and rage, not just with my offenders but with myself. I struggled even to function properly at times.
>
> I have walked around life with a 'mask' on to hide the hurt and pain I have … I feel like I let my school mates down by not having the courage to say something knowing what happened if you did speak up.
>
> I didn't speak to anyone about this experience for about 35 years. It was my secret alone. I felt ashamed for not defending myself, fighting back or fending off [abuser]. But, how could I fight off a man? I was only a boy. I was ashamed of being scared and powerless.

Relationships

7.31 Almost all former students spoke of the difficulty they had experienced in forming or maintaining healthy relationships, whether intimate or platonic. Students spoke of being afraid and distrusting any friendship or relationship. Of those students who had gone on to marry, most of those marriages had broken down, with the reason for that breakdown often relating to the abuse suffered by the survivor. Reasons included being unable to be emotionally available, not being honest, suffering from addiction, including to pornography, or anger issues. Many spoke of having no friends.

7.32 Many also spoke about their inability to trust others, particularly romantic partners. They described a deep suspicion of why anyone would want to be acquainted with them and questioned the motivation of their partners or potential partners, often ending relationships prematurely.

7.33 Former students spoke of having tense and difficult relationships with their partners due to being unable to regulate emotions especially in stressful situations. The stresses and fatigue caused by maintaining a façade would result in him lashing out verbally or physically.

7.34 Others spoke of not being able to show physical affection or reacting impulsively when certain body parts were touched. One student told the Inquiry he could not hold hands with his partner due to years of being made to hold hands with boys at school. Another student said he impulsively reacts violently if his buttocks are touched due to the abuse he survived.

7.35 Some older former students have managed to settle into relatively stable relationships later in life, after one or more failed long-term relationships. Some spoke of recent counselling, disclosure of the abuse and Operation Beverly as being factors improving an ability to sustain relationships. Some have not been able to sustain one:

> I have not had a romantic or sexual relationship … I don't feel comfortable touching anyone, I don't feel comfortable being close to anyone and I don't feel comfortable being naked.
>
> My intimate relationships and personal ones have been dysfunctional and tended to the unhealthy. I thought I had to subsume myself and my needs to my detriment.
>
> I have massive body issues, self-esteem issues [due to the abuse]. My time at Dilworth has affected my ability to have relationships, including business, physical relationships.
>
> Being abused in those circumstances has meant that I have been left with this idea that if someone is interested in you it means they want something from you. That you're not being loved for who you are.

Specific impact of abuse by chaplain

7.36 Students also spoke about having anger issues and/or an enduring distrust of authority figures (especially men). This was particularly concentrated in the students who had been abused by a chaplain as they had actively adopted him as a "father figure". Students spoke of how they felt taken advantage of by the abuser, feeling he had preyed on them due to their vulnerable state. Many described a confusion they could not reconcile where the person that they looked up to or idolised was also their abuser.

7.37 Other students have said they left the Anglican (or indeed any) faith, because of its close connection to the abuse they suffered at the hands of the chaplains.

> The one adult who I thought would finally look after me actually robbed me of what little hope or trust in people remained.
>
> I was devastated by these supposed role models' actions and felt like I could trust no one – especially those people in authority. My innocence had been destroyed by those that were meant to aid in our development and be upstanding role models to us.
>
> He was a father figure to me and I looked up to him. Then he used my respect for him to abuse me and now as an adult I realise how he affected my life permanently … Every day I think about what he did to me.

Relationships with their own children

7.38 The Inquiry heard of the intergenerational impacts the abuse has had, particularly the former students' relationships with their own children. Some spoke about being avoidant and emotionally disconnected with their children. Some former students, due to relationship breakdowns and mental health struggles, have no relationship at all with their children. Others have found their ability to participate in all aspects of parenting is limited. Some students have no access to their children due to addiction issues. Students spoke of the impact their addiction and mental health struggles had on their children and the guilt and shame associated with that.

7.39 Many former students spoke of their hypervigilance around their children. They struggled to show affection to their children, and this escalated when the children reached the age the student had been when he was abused.

7.40 Some former students told the Inquiry that as a result of their experiences at Dilworth, and the abuse suffered, they decided not to have children.

7.41 Former students said they found themselves doubting themselves around children, worried that they would turn out to be a "groomer or paedophile". It has caused them to avoid volunteer work (such as coaching their child's sports team) or going on school camps.

> The abuse also led to difficulty hugging and physically touching other people, especially children and women … that difficulty has even extended to my own sons … as they became young boys – around the age I was when [named person] offended against me – I could no longer hug or touch them for fear this was inappropriate and wrong. Sadly, this is still the case today … the assault on me has damaged my bond with my sons.
>
> My abuse has damaged my kids as well. It's very far-reaching and has rippled down the generations. I [was an] angry man and they copped it.
>
> I realise now that it has affected the quality of my parenting. I materially provided for my children, but I didn't give them the time I should have. I am ashamed of that now.

7.42 A wife of a deceased survivor, spoke of the generational impact:

> The flow-on effect of having a father who was traumatised as a child has caused the children to have emotional and abandonment issues. They learnt that their father could trust no one and were taught to do the same … several times they witnessed their father answer the door with a machete.

Relationships with parents

7.43 Former students spoke about the negative impacts on their relationships with their parents, particularly mothers. They often felt unable to tell their mothers about what was happening. Some felt their parents were partly to blame for what happened to them. Many told us they had not spoken to their mothers in decades. Those who had discussed the abuse with their mothers, said it has sometimes led to distancing in the relationship. Some feel guilty about that and a responsibility to ensure their mother does not blame herself.

7.44 Others are very concerned to ensure their mothers never learn of the offending, wishing to protect them from the inevitable guilt they would experience. Many of the students' mothers are very elderly now, and their sons do not believe they are physically or emotionally strong enough to cope with any such disclosures. Some students have had their mothers die before they were in a place where they could discuss the abuse.

7.45 One student said leaving Dilworth was shameful for him, he couldn't explain to his mother why he was leaving, and he was "bearing the weight of the burden placed back on his mother's finances" by him leaving the school in addition to the processing of the sexual abuse he had suffered. Others said:

> My mother is still with us and lives close to me she is 89 years old and only knows about what happened to [my brother]. She is totally devastated and feels massive guilt for sending us to Dilworth. I cannot bring myself to tell her what happened to me I think it would only make things worse and crush her spirit, I just change the subject when she asks me about Dilworth, she is very much a victim as well.

> My parents were distraught when I told them what happened at Dilworth and when they realised they had forced me into that situation … That caused a strain on our relationship … part of me blamed my parents for forcing me to stay at Dilworth … I have a lot of resentment towards them for that. I still don't 100% forgive them but we are getting there with repairing the relationship … my father asked me why I hadn't told them at the time. I thought how the fuck could I describe this sort of stuff to my parents when I was that age?

Loss of self

Disconnection from culture

7.46 For the few Māori students who provided statements, the monocultural nature of the school and their physical separation from their families and culture negatively affected them. During their time at Dilworth, there was no exposure to tikanga, which was a significant change from the deeply Māori environment some students had been raised in. Any representation of culture was heavily controlled by Dilworth. We heard of the racism present in the school, and this caused some students to reject their culture for fear of being "different" (and therefore a target for bullying).

> I didn't come from a perfect home, but my mother was gentle, my Grandmother made sure I understood Tikanga and was exposed to it. There was none of that when I went to Dilworth. It was a very white school, and it was the opposite of the aroha and manaakitanga that I felt from my mother and my grandmother.
>
> There was no Māori Tikanga at Dilworth, no kapa haka group or anything like that. The only context in relation to my heritage was being called names … I can recall my Mum saying to me if anyone asked what nationality I was, I should tell them I am European. I felt stripped of my Māori culture.

Confusion of sexual identity

7.47 Three themes presented here. The first was that many students spoke of being confused as to what was happening to them due to their age (pre-pubescent) when the abuse occurred. Students spoke of not understanding what erections or ejaculation were. They did not understand what was happening – other than it did not feel right to them. The second was that their first sexual experience was not a consensual one and the impact that had on their future sexual experiences and relationships.

> I will forever feel the shame, embarrassment, and menacing of that big fat man who emotionally, physically and sexually took advantage of me. Breaching my trust in my innocence in taking away so many of the things that a young boy should be true to himself … What Ross Browne did to me made it hard to trust people and to feel safe in a relationship, it confused me about my sexuality.'

> I carried a lot of shame that my first sexual experience was with a man with a beard.

> My identity and sexuality have been destroyed by the abuse. What I'm told is one of life's great pleasures (sex) has forever been tainted by this abuse of not only my body but my trust.

7.48 The third theme was that the abuse by a male adult caused years of confusion about sexual identity.

> I was struggling with my sexuality after Dilworth. I feel like it put me back a few years in terms of discovery because I was sort of locked in this identity crisis thing.

> I have questioned my own sexuality and whether I am this way because of what had happened to me … It has caused confusion and anxiety … it has greatly impacted my ability to form long-term relationships with partners.

> After leaving school I often found myself in situations where I allowed myself to have sexual physical contact with older men which led to a lot of confusion and guilt afterwards. Because of my confusion with respect to my sexuality I often feel the sense of guilt after having a physical interaction with a male. I consider myself a straight man.

Lost opportunities

Loss of education

7.49 Many students spoke about the impact on their education, both at the time of the abuse and later in life. Many students who suffered abuse did not feel able to report it[954] and felt trapped at the school. Some withdrew into themselves, many disengaged from their schoolwork. Students spoke of trying to get expelled by engaging in behaviour at school they knew would not be tolerated (usually stealing, drinking alcohol or leaving school premises). Students also spoke of running away or pleading with family members to pick them up. Students spoke of stopping the hobbies and extracurricular activities that had brought them joy and an escape (such as Scouts or music) because it was where they had suffered abuse. Some spoke of staying awake at night fearful that they would wake up to their abuser touching them.

> I had always had a mischievous streak, but my behaviour was markedly worse after Mr Taylor's abuse. My school reports over my years at Dilworth show this decline. Eventually, I was asked to leave the school several years before my education should have ended … I am also angry that I didn't get the education that I was entitled to.

> I enrolled to pursue my dream of becoming a physiotherapist and was accepted in [omitted] physiotherapy program after leaving school … [d]uring attendance of one of my first classes, when asked to practice manual massage on a classmate to illustrate some physiotherapy treatment, I panicked, excused myself and could not stop sweating. I could not explain this at the time and could not attend the course any further. My dreams of becoming a physiotherapist were shattered.

7.50 Students who left Dilworth and went on to other high schools spoke of the struggle of fitting in as their Dilworth experience was so different in comparison. One student spoke of the differences and his difficulty at fitting in, using as an example, "I thought masturbating in class was normal". Another student said that due to his anger issues and disrespect for authority, consequences of his time at Dilworth, he did not and could not fit into his new school. Instead, he just stopped going and started spending his days wandering the streets and drinking. This experience was not unique to him, and we heard several similar accounts.

954 The reasons for this are discussed in chapter 8.

Failure to achieve to expected level

7.51 Another theme that arises is that of former students failing to achieve what they, and often their families and whānau, had hoped for them. Dilworth was supposed to provide them with the opportunity of a lifetime and an education they could never otherwise dream of. Many of the students were accepted because of the academic ability they had already displayed. However, time and time again students told us the abuse experienced meant they were unable to concentrate on school work or spent their entire time trying to escape. The education promised was not delivered, and their potential was not realised. Students spoke of being robbed of their ambition, self-esteem and drive. They became shadows of their former selves. Some compared their lack of success with the success of a brother, who also attended Dilworth but was not abused:

> My siblings have done well in life. I haven't. That is ironic because my mother and teachers identified my skills and abilities when I was young, and I was sent to Dilworth to develop those. My siblings stayed in [named place] then moved with mum to [named place]. They had hopes I might be a doctor or a lawyer or some other successful profession. The difference between my siblings and I is that I got sent to Dilworth and was abused there. They didn't. I have never been the same since and my life has suffered as a result.
>
> In my family I was the one who was supposed to succeed: go to university, have a career. But I didn't get a chance to do any of that: no family, no career, no kids, nothing.
>
> When I left the school, I had absolutely no self-esteem whatsoever and it wasn't helped by my parents thinking I was a total failure. They thought I had wasted all this time and money and had not made the most of attending such a prestigious school.

Loss of work and/or career opportunities

7.52 Many former students spoke about their inability to maintain stable employment or make progress in their careers due to the impact of the abuse. This may be a cascading impact from an addiction and being unable to regularly attend work or deal with workplace stress in a healthy way. For others, the inability to emotionally regulate has caused them to be confrontational when challenged and respond with inappropriate aggression in professional settings. Some former students have developed a deep distrust for authority and management that has affected their ability to progress within corporations. Other students simply never gained the necessary qualifications in order to obtain skilled roles. A few former students spoke of wanting to pursue a career in education (and specifically teaching), but being unable to fulfil this ambition because of the close connection between the abuse suffered and the school environment:

> My work history has been marred by periods of mental unwellness, which has caused me to lose more than one job, which given my work as a [health] worker, has impacted on the lives of people in my care. Ultimately, my ability to work has been affected from the abuse, and while I can work for periods, my mental health begins to suffer, and I require more support than most to stay well.

> My teenage years were influenced by drugs and alcohol, and I had no will to do well at high school. This later impacted on my ability to pursue certain career opportunities.

> My porn addiction has had an impact on my career. I lost quite a senior role. I crossed the line ethically, but at the end of the day I sensed that my judgement and performance was being undermined. That had quite a traumatic impact on me.

> It wasn't until my mid 30s that I reluctantly accepted a role in senior management, and this only lasted 6 months. The company changed directions and I was so enraged to be let down by people I had grown to trust, that I quit on the spot. An emotional overreaction that cost me my first decent salary and career prospects at [workplace].

Financial loss

7.53 In addition to the financial loss associated with loss of work or career described above and the cost of addiction, students also spoke to the financial cost of funding their own counselling and mental health professional consultations. Students have required regular (often weekly) appointments for prolonged periods. Limited, if any, funding assistance has been provided.[955] This cost has had a compounding impact on those students who were also unable to hold down a job or unable to complete a qualification that saw them earning above a minimum wage.

7.54 One student said as he was not able to finish his secondary school education and go on to tertiary education, he had been affected financially. He has had to fund many sessions of counselling and has gone into significant debt from substance and alcohol abuse.

7.55 The wife of a deceased former student said, "[he] only ever felt safe at home … He never wanted to go to hospital or respite which meant I had to look after him. This caused financial hardship as [he] had been the main breadwinner".

Homelessness

7.56 Some students ended up homeless as a direct result of the abuse suffered. After one student left school at 15 because of the abuse he was suffering, he felt he could not return to live with his mother due to shame and embarrassment. He ended up living on the streets.

7.57 Other examples include a student who survived by stealing and breaking into spaces in order to sleep; another student who was also homeless after he left school at 14, living in cardboard boxes in hollow trees; and another student who is currently homeless, going out of his way to avoid talking to anyone other than his psychologist (and more recently the Inquiry).

Criminal justice involvement

7.58 Several students spoke to the combination of addiction, isolation from family (and therefore financial) support and their lost self-identity, leading to criminal activity and gang connections. Several of those who left Dilworth early (usually due to having their scholarships withdrawn) became homeless and joined gangs, which often led to offending and borstal and, soon after, imprisonment, while still in their teens. Criminal sentences have had a restricting impact on students in terms of careers, travel and social integration.

955 While the Accident Compensation Corporation (ACC) provides funding for victims of historical sexual abuse, several men reported they were not given sufficient counselling or were not funded to cover the addictions or anger problems they developed as a result of the sexual abuse. For men living in Australia, sexual abuse–funded counselling by ACC was not available.

7.59 Many students likened prison to Dilworth:

> My time in Borstal was easier than Dilworth. There was no fear involved, Dilworth was just about fear!
>
> I ended up in a street gang at about age 16. This led me to spend time in [the] Boys' Home … by 17½ years old, I was in … Prison.
>
> The rest of my life thus far is a long story of anger, violence, depression, self-harm, suicide attempts, addiction, broken relationships, bankruptcy, crime and gaol. I am finding it hard to break the cycle of addiction and crime even now.[956]

Bystanders to abuse

7.60 Several former students who spoke to the Inquiry and had not been sexually or seriously physically abused also reported negative life consequences that they attributed to having been a Dilworth student. They believed the negative life effects were the result of spending years as children in a boarding environment of fear and terror, witnessing violent physical abuse of their peers and hearing persistent rumours of adults sexually abusing students.

Lack of response by Dilworth

7.61 Dilworth's response to complaints of abuse and to known bullying has also had an impact on former students. Former students told us how Dilworth failed to respond to their direct and indirect complaints about abuse or perpetuated abuse by punishing students for disclosing it. They were left feeling betrayed and isolated. Some former students have since learned they were not the only ones to be abused by a particular individual (staff or student) and are devastated that the school could have stopped that abuse, but chose not to do so. This has left them with deep anger. The response by Dilworth allowed preventable and known abuse to continue. Former students have felt patronised and discarded by the school, especially by suggestions that the student made up the abuse in order to benefit financially. Former students frequently spoke of the feeling that the school valued its reputation over their wellbeing. This was illustrated by Dilworth taking no steps to assess the impact on the wider student body of disclosed abuse or to determine whether other victims existed.

956 This former student wrote to the Inquiry from prison.

7.62 Below are quotes from six students about the impact of the Dilworth response on them:

> All I ever needed was support. Not to be dismissed and left with my whole world broken. I think the way my situation was handled was extremely unfair. I have had a lifetime of depression and am very socially awkward preferring to not engage with others and just stay at home waiting for life to pass.

> I have been dealing with the re-emergence or either anger or resentment or a combination of both at the school for the last twelve months … The school has been so self-serving for its own needs it has abrogated its responsibilities to the very people it was pretending to look after.

> I do feel angry towards Dilworth for not fixing the problems in the school when they were there, they had the opportunity to fix it and they didn't.

> After I disclosed the abuse, instead of talking to me and trying to help me … I was given detention for an entire term. I was not allowed to leave the school, not allowed to return home on Sundays … nothing happened to my abuser.

> [The offender] really did a number on me. I think about it a lot. I don't think I am ever going to forget it. Every time I have a shower, I see the scar on my stomach [from a suicide attempt] so it's a reminder. It was something that should never have happened. There could have been safeguards in place to stop it.

> The most distressing and reprehensible thing about this whole mess is if the school had actioned the complaints about [the offender] or [another offender] when they first surfaced, multiple boys including myself, … would not have been abused. Their lack of action is indefensible.

Mothers' voices

7.63 It is not only former students who have been affected by the abuse that occurred at Dilworth. The students' mothers have also been greatly affected. The Inquiry received accounts from 22 mothers of former students. Several spoke of the pain of losing their son to suicide.

7.64 The three topics common in the mothers' accounts were the:

- breakdown in the relationship with their sons
- change in personality of their son
- guilt they felt for sending their sons to Dilworth.

7.65 JG told the Inquiry her son suffered from many mental health issues following his time at Dilworth, including depression, anxiety, PTSD and obsessive-compulsive disorder. He spent time in a mental health unit. While he was able to obtain a job, "the negative effects of what happened to him at Dilworth dogged him. He couldn't work full time due to mental health. He continued to suffer from severe insomnia and psychiatric treatment didn't help". JG said, "His relationship with me was severely damaged. He blamed me for sending him to Dilworth. I have suffered huge emotional damage over 20 years, with worry, anxiety, now enormous sorrow at the pain he suffered".

7.66 JP said, "[my son's] experience at Dilworth has undermined his view of me as the mother. I have never forgiven myself for not doing more".

7.67 KR sent her son, to Dilworth because his academic ability had been realised by his primary school and she wanted to provide the best academic opportunities for him. Within months she noticed her son change, and he was eventually suspended and asked to leave. The son returned to her was angry, confused and detached. KR said:

> He has had significant drug addiction, mental health and health problems. He has spent time under the Mental Health Act, received drug and alcohol counselling … While [student] has spent long periods in and out of prison, I think we, his whānau have always been in 'prison' since he got back from Dilworth. It really has had a major impact on our whānau, and [student's] life since Dilworth has meant his relationships with his siblings have broken down.

7.68 KS's son confided in her about the abuse suffered at Dilworth. He has suffered from psychiatric issues for over 20 years. She said:

> Their father and I had no idea of the stress and mistreatment our boys were subjected to at Dilworth School. We had enrolled them, hoping they would have a really good education and caring staff. No way we could know some masters and teachers were sexual deviants ready to prey on innocent young boys … I feel so much guilt about this. I am 80 now and cannot keep [from] thinking about it.

7.69 KQ told the Inquiry of the hope with which she sent her son to Dilworth and the trauma that followed. She noticed her son's behaviour change from loving and cuddly to angry and difficult. He developed a drug addiction. She said:

> All this links directly back to the abuse he suffered at Dilworth. [student] told me he wanted his brain to stop thinking about what happened to him at Dilworth and meth was the only thing that would numb his brain … The abuse [student] suffered at Dilworth has destroyed his life, and consequently mine. It has also destroyed his relationship with his sister. I cannot adequately put into words the level of anger I continue to feel about what happened to [student].

7.70 JV withdrew her son from Dilworth because she suspected he had been abused:

> Seeing the changes in [student] … hurts and I don't want to see him suffering. A few times more recently he has said that he has been thinking about taking his own life. I hate seeing him in pain and want him to be released from that pain.

7.71 JT recalls her outgoing, popular and academically talented son changed dramatically a few months into his time at Dilworth. He became reluctant to return to Dilworth from weekend leave, and JT had to coax and encourage him to get into the car. On the third Sunday he refused to return, she could not persuade him. He flatly refused to get into the car. JT couldn't get an answer from him about what was wrong. She rang the school and said he wouldn't be returning. The school never contacted her to ask why. While he refused to ever speak of Dilworth again, after his death, JT found a small book in his possessions that had notes written in it from during a Group Life Laboratory camp. Four of the notes are by Mr Ross Browne and Mr Ian Wilson, indicating that they "hope to get to know him better". JT said her son was a different child after returning from Dilworth. He became angry with no respect for authority. He never settled in school again. He turned to drugs and ultimately died from a drug-related condition having never been able to participate in his own child's life due to his drug addiction. JT has been left with many questions and no answers, including the complete lack of interest from Dilworth as to why he left the school so abruptly after only a few months. When she heard news of Operation Beverly in the media she and other family members immediately realised what must have happened to him.

7.72 JH noticed her son become more introverted, depressed and reluctant to return to Dilworth on Sundays, despite doing well academically. To this day, she does not know if he was abused. Both JH and her daughter noticed that over time his behaviour changed, he became withdrawn and began to shut down. JH recalls trying to get help for her son, and she recalled Dilworth's communication with her about her son was almost non-existent. He died by suicide a year after leaving Dilworth.[957] JH asked the school for any photos it had of her son, and received a reply from Dr Murray Wilton that the school had only one photo and stating, "The lack of any pictorial record of [student] is a sad commentary on the fairly anonymous existence he led".

957 Finding of the Coroner.

Final words

7.73 There was no discernable difference in the impact of abuse, depending on whether the abuser was a staff member or former student. Those who were abused by other students of Dilworth while students at Dilworth have suffered, and continue to suffer. The abuse has had emotional, physical and financial impacts. The information we have collated through interviews and by reviewing relevant material has satisfied us that much of the disturbing behaviour by students at the school up to the early part of the 21st century was due to the abuse perpetrated on the student, the environment that fostered it and the failures of school leadership to confront it. In terms of causation, we have not distinguished between staff abuse of students and former student abuse of students because in our view the factors are the same and the abuse was able to occur and continue due to the school environment created by Dilworth.

7.74 It is difficult to capture comprehensively the impact on former students and their families and whānau. We have summarised and grouped the impacts for the purposes of this report, but acknowledge that the effects do not sit neatly in boxes. There are a handful, at most, of former students who feel they come out unscathed following abuse at the school. They may have suffered a less serious degree of abuse or extricated themselves very early. For the vast majority, each student, family member or individual we spoke to has had to deal daily with far-reaching impacts of the abuse in ways that those who have not been in the situation cannot imagine.

7.75 We adopt the statement of the Australian Royal Commission:

> We learned that child sexual abuse has intergenerational effects, affecting children and grandchildren of victims. Most of what we heard about the effects of child sexual abuse on children – in private sessions and public hearings – came from survivors of abuse, speaking as adults about their fears for their own children. However, we also heard from some children of survivors, now adults, about how the impacts of the child sexual abuse affected them and their children.[958]

7.76 We too are satisfied that there has been and will continue to be an ongoing impact from the sexual abuse of former students that their children, grandchildren and wider family will bear.

958 Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Impacts* (vol 3), Commonwealth of Australia, 2017, p 216.

The factors that contributed to abuse at the school are:

- **The vulnerability of Dilworth students**
- **Disempowerment of parents**
- **The existence of sexual abusers in staff and volunteer roles**
- **Failures in school leadership and governance**

Chapter Eight
Factors that caused or contributed to abuse

Introduction

8.1 The Inquiry is required to consider and report on causative or contributing factors to the abuse with reference to:

- structural, systemic or cultural causes
- the actions (or omissions) of Dilworth School, its trustees and staff in committing, allowing or encouraging the abuse
- the vetting recruitment, training, development, performance management, and supervision of staff and others involved in the provision of care
- the school's policies and procedures available at the relevant times to raise concerns or make complaints about abuse
- the culture of the school at relevant times, including the kinds of conduct allowed, enabled or encouraged between students of the school.[959]

8.2 We have identified six major factors contributing to the abuse at the school, each of which has several sub-factors. These factors are discussed in this chapter in turn. The factors are:

- the vulnerability of Dilworth students
- disempowerment of parents
- the existence of sexual abusers in staff and volunteer roles
- failures in school leadership and governance
- failures in school leadership alone
- failures in governance alone.

959 Inquiry into Abuse at Dilworth School, *Terms of Reference,* 2022, cl 4 (set out in appendix 1 of this report).

Vulnerability of Dilworth students

8.3 Some of the practices and the environment described to us by former students would have been common to other boys' boarding schools of the period. Where relevant, we have referred to these practices when we consider they contributed to the abuse of Dilworth students.

Students

8.4 The school describes its purpose as providing educational opportunities to "disadvantaged boys".[960] All students admitted to Dilworth have to meet the criteria set in the will of Mr James Dilworth, namely that they are destitute orphans or their parents, who are of sound moral good character, are in straitened circumstances. The one exception provided by Mr Dilworth was if they were sons of Anglican clergy.

8.5 Particularly in the earlier years under review, many students who spoke with the Inquiry had been admitted to Dilworth after a family trauma such as parental separation or desertion or the death or serious illness of a parent. Sometimes a parent was not coping. All boys admitted came from families who were in "straitened circumstances" as required under the will.

8.6 Students had been removed from their family unit and placed in a boarding school with limited parental contact. For most of the period under review, boys came into boarding school from under the age of 10 years of age and the separation from their family affected most of them acutely. Some students told us they were not aware they would be living at the school, and this came as a shock to them. They were living in a communal environment with much larger ratios of children to adults than they had experienced at home.

8.7 While at the school, particularly in the eras of Mr John Conolly, Mr Peter Parr and Dr Murray Wilton, the inherent vulnerability of the boys spoken to was heightened rather than reduced by elements of the school environment, discussed below.[961]

960 As stated in the School's mission statement, "The Vision of the Dilworth Trust Board and School is the education of as many boys as possible from families in disadvantaged circumstances".

961 The vulnerability of students was acknowledged by the school in its internal documents, demonstrated by reference to staff policies. In 1965, the Dilworth document "Some information for staff", which is the earliest staff policy the Inquiry was provided with, contained the statement, "The school contains an above average number of boys who come from broken homes or homes where the relationships between adults are undesirable". The staff handbooks dated 1994, 2003/4, 2005 and 2018 each contain this statement about Dilworth students, "They are the innocent victims of some kind of disruption to normal family life and must make a further adjustment to their lives by leaving the often tattered remains of their family to come and board full-time at this school".

School environment

8.8 As is evident from chapters 3 to 5 in particular, the school environment played a significant role in creating an opportunity for sexual offending and severe bullying to occur. It did this in two ways: it eroded the confidence of already young and vulnerable boys, and it enabled sexual abusers.

8.9 Certain features of any boys' boarding school are likely to act as a magnet to staff who have a sexual interest in children or are inclined to take an opportunistic approach to sexual contact with them. The boarding component of school life enabled access to children and young people around bed, showering and leisure times. Dilworth enrolled young boys, many pre-pubescent, and this has been another risk factor. Our own conclusions that these are risk features are reinforced by research undertaken for the Australian Royal Commission into Institutional Responses to Child Sexual Abuse, which found that the vulnerability risk and situational risk of a boys' boarding school or boarding house in a day school could reasonably be assessed as "very high".[962]

8.10 The school lacked a culture where there was care and warmth shown to every student, where differences of race, ethnicity, sexual orientation or interests were respected and celebrated, and where students felt supported and empowered to speak up about any unwanted or sexualised attention from anyone. These safeguards were introduced from the late 1990s. Only in the last few years can it be said that the school has implemented a culture change.

8.11 Below we identify particular aspects of the school environment that heightened the vulnerability of students to sexual abuse and serious physical abuse in the periods under Mr Conolly, Mr Parr and Dr Wilton and, albeit to a lesser extent, Mr MacLean. We have based these conclusions on the statements of the students and staff we spoke with and the documentation provided by the school.

962 P Parkinson and J Cashmore, *Assessing the Different Dimensions and Degrees of Risk of Child Sexual Abuse in Institutions*, Royal Commission into Institutional Responses to Child Sexual Abuse, Commonwealth of Australia, 2017, p 25. Parkinson and Cashmore's research was undertaken at the request of the Australia commission to establish a means of differentiating between types of institutions in terms of the level of risk of child sexual abuse.

Cold and uncaring environment with inadequate supervision

8.12 Former students often described the school environment as frightening and uncaring, and some felt there was no structure for integrating new students.[963] Students also spoke of a lack of pastoral care, which left them feeling abandoned and unsupported.[964] Students said they felt the school environment was regimented, with many staff members being unapproachable.[965] Students described being punished for things out of their control such as bedwetting and crying with homesickness. Minor transgressions or stepping out of line resulted in punishment and, until 1990, this usually involved the cane.[966] In the Wilton era, boys who were overweight were sometimes treated in a way that caused them to be humiliated in front of their peers.[967]

8.13 In general, the harsh regime that focused on punishment, silenced the students, leaving them unwilling to report serious matters and created mistrust and resentment of school leaders.[968] Many students reported that the inability to obtain help meant they entered a cycle of acting out and being punished.[969]

8.14 In the Parr era in particular, many students we heard from spoke of being in a continual state of fear, due to the regular violence and bullying and the brutal, apparently uncaring environment, and they felt powerless to control or prevent what was happening to them. There were good staff, but opportunistic staff or those with a sexual interest in children and young people felt able to sexually abuse boys, aware they were not being watched or controlled by other adults.

Suffocating intensity of school life and macho, homophobic culture

8.15 In all eras students described critically the insular school environment.[970] If they were unhappy, being bullied or being abused, they felt trapped. Their impression was that there was no escape and no respite. They could not go home after school. The unwritten no narking and no pimping rules that were particularly dominant in the Conolly, Parr and Wilton eras, made it nearly impossible to report serious matters without repercussions from their peers.

963 As noted in chapters 3–6, this sentiment was most commonly expressed in the Conolly, Parr and Wilton eras.

964 For example, Student GQ, Student AP, Student BC, Student ET, Student AF, Student CW, Student HN, Student GE and Student BX statements to the Inquiry. Several examples referenced in chapters 3–6 are not repeated here.

965 For example, Student CB, Student AP, Student AF, Student CD, Student FJ, Student ET, Student EF, Student FZ and Student EU statements to the Inquiry. Several examples referenced in chapters 3–6 are not repeated here. We also note that students did acknowledge there were individual teachers and housemasters or tutors who provided support or guidance to them, and for that they were grateful.

966 For example, Student HR, Student HA, Student BU, Student BZ, Student CL, Student CO and Student FM statements to the Inquiry; see also references in chapters 3–5. Student AF statement to the Inquiry; see also references in chapters 3–6.

967 For example, Student CR, Student BA, Student GF and Student GO statements to the Inquiry.

968 For example, Student EY, Student EH, Student BU, Student BZ, Student CU, Student GE and Student DA statements to the Inquiry.

969 For example, Student AF statement to the Inquiry.

970 For example, Student EN, Student BL, Student CJ, Student HL, Student EG, Student CI, Student BK, Student ES, Student ED and Student EU statements to the Inquiry.

8.16 A macho-homophobic culture was commonly described throughout the period under review. If it were known by other students that a boy was being sexually abused, then the boy himself would be the target of relentless homosexual taunts. We heard from several former students about the physical violence and cruel taunting they endured when word got out they had been sexually abused. Seeing and hearing the bullying that was happening to their peers often made victims very afraid that it would be discovered they were being sexually abused and then they would be labelled a "homo". Homosexual taunting of anyone effeminate or who had come out as gay or was thought to be gay continued into the MacLean era.

Imposed nudity

8.17 Until recently, nudity in some of the boarding houses[971] was imposed on boys by the practices around showering.[972] Many former students relayed their deep discomfort with having to be naked, especially during puberty, both in a communal shower setting and on the walk between the showers and their dormitories.[973] Throughout their walk and showering they were under the watchful eyes of matrons, tutors, housemasters and even visitors.[974] Students who tried to wear togs or a towel on their walk said they would be punished.[975] One student who attended in the mid-90s said he raised his discomfort with the practice and was told "not to worry about it, it's normal".[976]

8.18 Boarding house staff confirmed that students were expected to walk naked between their dormitories and the showers. At least some staff were conscious of the need the students had for greater privacy.[977] Staff Member UJ said he tried to ensure dignity and respect for boys. In his boarding house, boys would have been permitted to cover themselves, although communal showering was normal in early years. Another staff member described the steps he took to prevent other staff "visiting" boys during shower time, a practice he did not think was appropriate.[978]

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971 We note the senior boarding houses had dividers or curtains installed in the showers to provide separate cubicles from around 2000. A 2003 Dilworth Trust Board report makes reference to the cubicles installed in one boarding house.

972 The routine changed from baths for junior students to showers in the early 1970s.

973 For example, Student BK (attended 1993–1999), Student BQ (attended 1997–2002), Student HV (attended 2000–2008), Student FQ (attended 1995–2003), Student HU (1986–1992), Student FZ (1993–1997) and Staff Member QP (attended 2010–2017) statements to the Inquiry. Some staff members also expressed their discomfort with the nudity in the boardings houses, for example, Staff Member PI statement to the Inquiry.

974 For example, Student HV (speaking of 2000–2002), Student DA (1990–1992), Student FB (1981–1982), Student EG (1977–1983), Student BK (speaking of 1996–1998), Student FZ (1993–1997) and Student CT (1952–1959) statements to the Inquiry;

975 For example, Student EH (1987–1993) statement to the Inquiry. The Inquiry notes that in MacLean era there were different practices in each boarding house, and staff said in at least two boarding houses students were allowed to walk to the showers either clothed or with a towel.

976 Student AO (attended 1995–1998) statement to the Inquiry.

977 For example, Staff Member QA, Staff Member QC, Staff Member TC and Staff Member RN statements to the Inquiry.

978 Staff Member PR statement to the Inquiry.

8.19 We also heard from a parent who saw boys walking naked along the hallway in the boarding house. While she was uncomfortable with what she had observed, she did not feel she could speak to the school.[979]

8.20 These practices created a normalcy of nudity that sexual abusers domiciled at the school used to their advantage.[980] A few students said they had no problem with being naked, and the school has pointed out communal showering was a common practice in boys' boarding schools at the time. Nevertheless, it remains a factor that made some students unnecessarily uncomfortable and exposed them to risk from adults. The practices changed gradually when shower curtains were introduced to partition the communal showers, then open cubicles and now cubicles with doors.

Racism

8.21 Although te reo Māori classes and aspects of tikanga Māori began to be introduced during the Wilton era, several students spoke about the racist culture of the school.[981] Some directly experienced the racism and others observed it. Māori students said they were spoken down to for being Māori, and other students confirmed this. Others were called abusive names based on their race such as "chink" for Asian students. This erosion of their dignity, as in other factors, weakened their self-esteem and ability to complain.

Hunger and poor-quality food

8.22 Students, particularly in the Conolly, Parr and early Wilton eras consistently complained of poor-quality food and being hungry most of the time, some to the extent that they could not focus in class. Some punishments involved the withdrawal of food. Student CH's food allergies were not catered for, so he went without.

8.23 Dr Wilton does not accept that any student during his era would have been hungry as improvements to food quality and quantity took place throughout and he never heard any complaints.[982]

979 This occurred in about 1999: Family Member JW statement to the Inquiry.

980 For example, Staff Member PR, Student BF, Student CI, Student CM, Student CR, Student DG, Student DX, Student AD, Student AC and Student AZ statements to the Inquiry.

981 For example, Student EU, Student FB, Student GK, Student FN and Staff Member RN statements to the Inquiry.

982 The Inquiry notes that during Wilton's era in 1989 the catering manager was found to have been stealing food (specifically chicken) from Dilworth and on-selling it. This resulted in students missing out on the chicken in their meals, resulting in complaints about this.

8.24 Nevertheless, we were told that the temptation of the prospect of food treats opened a black-market currency, enabling offenders to groom students by luring them to their accommodation. This led the student to a one-on-one situation with his abuser. Some older students and tutors offered biscuits or milo in exchange for performing sexual favours on them. Some students said they were also lured by adult offenders with the promise of hot chocolate and biscuits.[983]

Absence of necessary safety education for students

8.25 While the school was always aware of the risks,[984] it was not until 1998 that the school, under Mr MacLean's leadership, undertook targeted work through the introduction of the Harassment Elimination at Dilworth School (HEADS) programme to improve physical and psychological safety for students.

8.26 The Keeping Ourselves Safe programme[985] implemented in state schools from 1987,[986] was not introduced at Dilworth until 2002. Before this, students were not supported and encouraged to speak up about any unwanted or sexualised attention, and nor did they learn how to stop unwanted behaviour. There was no information for them or their parents about the risks of a boarding environment and ways to protect themselves. The lack of education represented a particular risk for new students who could be as young as seven but were often only eight to nine years old and unfamiliar with a boarding or communal living environment.

Disempowerment of parents

8.27 Parents were disempowered and cut off from any role in their children's welfare and education in two major ways, discussed below. This disempowerment significantly heightened the vulnerability of boys to abuse.

Assumption of guardianship of Dilworth students

8.28 While the legal guardianship of students admitted to Dilworth remained with their parents or other guardians, in fact Dilworth assumed informal guardianship in a number of ways, so controlled most aspects of the students' lives.

983 For example, Student HJ, Student HU, Student HR, Student BQ, Student CW and Student BP statements to the Inquiry.

984 Demonstrated by successive headmaster's reports to the Board about the co-relation between overcrowded boarding houses, insufficient supervision and bullying in particular: see chapters 3–6. It was also acknowledged in certain policy documents. For example, from the Conolly era on, there were instructions prohibiting staff other than a matron from washing a boy.

985 Described as a child abuse prevention programme, Keeping Ourselves Safe aims to help students develop the necessary skills and understanding to keep themselves safe in their contacts with other people: Department of Education, The Sexual Abuse of Children and Young People, circular 1989/5, 1989.

986 F Briggs and RM Hawkins, Follow-up data on the effectiveness of New Zealand's national school based child protection program, Child Abuse and Neglect, 18(8), 1994, pp 635–643.

8.29 The legal definition of guardianship[987] does not fully explain what the "duties, powers, rights, and responsibilities" that a parent of a child has in relation to the upbringing of the child. It is generally understood to include all aspects of the care of a child (defined as anyone aged under 18), including their housing, clothing, feeding, education, health, spiritual or cultural guidance, and general welfare.

8.30 New Zealand's legislation, in so far as it affects guardians' responsibilities, is guided by United Nations standards such as the Convention on the Rights of the Child,[988] which New Zealand ratified in 1993. Even before the Guardianship Act 1968, the guiding principle in domestic policy and legislation followed one primary rule, namely, that the welfare of the child was the paramount consideration in all matters.[989]

8.31 Mr Dilworth was ahead of his times when, in his will, he anticipated many of the themes, articulated a century later in the convention. The convention emphasises the importance of raising a child "in an atmosphere of happiness, love and understanding" and for the child to be prepared for life as an individual in society, "in the spirit of peace, dignity, tolerance, freedom, equality and solidarity".[990]

8.32 Mr Dilworth and his wife, Mrs Isabella Dilworth, clearly intended providing boys from financially disadvantaged homes with a first-class education and all necessary material support to equip them to enter adulthood as useful members of society. As this report records, this objective was frequently not achieved or even aspired to by those to whom the legal guardians entrusted their children.

8.33 While there was never a formal transfer of guardianship to Dilworth school, there are many indications that this was the practical reality. The assumption of responsibility for all aspects of a Dilworth student's care, on the face of it, was benign and, perhaps, practical. On entry to Dilworth, students were provided with education, accommodation, clothing and food, and, although these are the subject of some criticism above, these responsibilities were generally discharged.

8.34 However, on the assumption of these practical responsibilities, the school historically took the approach that parents were less able to decide what was in their sons' interests than it was.

987 Care of Children Act 2004.

988 United Nations, Convention on the Rights of the Child, adopted 20 November 1989 by General Assembly resolution 44/25.

989 Section 23 of the Guardianship Act 1968 enacted this principle into legislation.

990 Convention on the Rights of the Child, preamble.

8.35 Particularly before this century, students and parents who spoke to the Inquiry told us that parents were rarely consulted about their boy's education and welfare. For example, medical and psychological treatment or counselling was often arranged without consultation with or advice to the parent or guardian.[991]

8.36 One example of this was provided by Student CH's mother who contacted the school to express concern that medication was prescribed to her son to treat an ongoing condition, without her knowledge, and suggesting that if he was quite unwell, he should be sent home. She asked that, in future, before the medication was administered, CH be able to see his regular doctor for a second opinion. When she called into the school to see her sick son, she was turned away. Dr Wilton's reaction was to rebuke CH's mother for questioning the medical care her son was receiving and to advise her she had no business in requesting a second opinion. He went on to tell her that the care the school could provide was "superior" to that which could be provided at home and, if she thought otherwise, she was welcome to withdraw her son from school altogether.[992]

8.37 While the Inquiry found records showing there were annual parent days from the Conolly era on and some parent–teacher reporting started in the Wilton era, parents and students who spoke with the Inquiry from all eras said parents were not welcomed as valued participants in their sons' care. Many who were solo mothers, reported feeling dismissed as irrelevant to the care and education of their sons.

8.38 This attitude could be seen in the 1978 school handbook, which described mothers in a way that implied their sons were or would become superior to their mothers:

> Also, he may well have a mother who finds that she is ill prepared to deal with the young man she now sees once a week. On his part, he will, in common with most boys of his age, regard her as possessive, inquisitive, over-protective and possessing a set of standards quite unlike his own.[993]

991 The Inquiry was made aware of several cases where the parent of the student was told of a diagnosis of a medical condition or of medical treatment being given to their son, for example, Family Member JW, Family Member JM, Family Member KG and Family Member JD statements to the Inquiry.

992 Correspondence on Student CH's student file, 1992.

993 Dilworth School Staff Handbook, 1977-1978

8.39 One former student in the Wilton era put it this way:

> From early on at Dilworth, the message we received repeatedly from the staff was, "we are now your new family". Even at a young age, I thought this message seemed weird – even for country boys who were term boarders or those who had a lost a parent, we still had our own family. I recall my mother did not like the motto either or its implications for her role and that of my real family. School leadership, including many teachers, encouraged an almost stiflingly close relationship between boys and the school and individual teachers. This culture was strongly encouraged by Deputy Principal Bruce Owen, Assistant Principal Ian Wilson, and the Chaplain Ross Browne. They were not just the leaders within Dilworth but also seen as the moral fibre of the School.[994]

8.40 Although headmasters' newsletters invited parents to contact them if they wished to discuss their son's progress,[995] few parents managed to discuss concerns over their son's welfare or progress with the headmaster or housemaster, and none with the Dilworth Trust Board. Apart from standard school reports, which focused on academic matters, there was no discussion of a boy's welfare.[996] Parents said that before 1998 there were no regular parent–teacher interviews.[997] Communication about their son's health or welfare was poor, and they might find out by chance that their boy had been sexually abused or physically injured or they were not told at all. Indeed, we have located very few references to incidents of bullying, sexual abuse, illness or accidents on any student files. Either that material has been excised or it was never included. One mother, UT, said she had no idea her son had run away from school and been picked up by police, and she was never told about any disciplinary action the school took. She said, "I didn't feel I had any right to ask about it".[998]

994 Student CX statement to the Inquiry. Mr Wilson and Mr Browne are now convicted of sexually offending against Dilworth students.

995 The Inquiry viewed several examples in Mr Parr and Dr Wilton's eras and, more frequently, in Mr MacLean's newsletters to parents.

996 For example, Family Member KK, Family Member KQ and Family Member JW statements to the Inquiry

997 For example, Family Member JH, Family Member JV and Family Member KQ statements to the Inquiry. The Inquiry acknowledges that parent–teacher interviews were introduced before 1998.

998 Family Member UT statement to the Inquiry.

8.41 Student AP, stating the view we heard from many former students, said:

> Parents did not really have a role at Dilworth. Once a child was enrolled at Dilworth, they had very little input and our parents were very secondary in the decision making about us. I think the school considered that by us being enrolled, that gave them permission to do what they wanted.
>
> My mother still talks about how she and the other mothers were treated like "silly little girls". They were effectively told by Dilworth that they should just shut up because Dilworth was doing us children a solid favour by providing opportunities that they could never provide. Dilworth had a very patronising attitude towards the mothers.[999]

8.42 The reality of the assumption of full responsibility for a child enrolled at Dilworth is illustrated by a letter written by a mother in 1994 to question the extent of the "consent" she was asked to give. After her son had been selected for admission to Dilworth, she asked to view the school's rules and regulations before she signed a consent form agreeing to abide by them. This request was refused, and she was told she would receive a booklet setting them out after the consent form was signed. She was subjected to pressure to sign through a relation, known to the headmaster, who transmitted his message to her, "Does she want her son to go to Dilworth or not?".

8.43 When she spoke directly to Dr Wilton, he expressed himself as "quite perturbed", and said, "in all my years at Dilworth nobody has ever questioned the consent form". Even then, the mother was unable to find out the extent of the rules as "[Dr Wilton] was unable to clearly state the rules and regulations of the school but made it quite clear that there were a lot of good applicants waiting for a place".[1000]

8.44 Parents were told, should they have the courage to complain or to raise an issue with the school, that they were welcome to take their boys elsewhere to be educated.[1001] Many guardians were similarly fearful that if their children misbehaved, did not achieve or complained of mistreatment, the scholarship might be withdrawn.[1002] So, they did not complain or if they did, it was couched in submissive language. We discovered letters on student files which say, "I sincerely hope that my bringing this to your notice does not affect" and "the last thing I want to do is make waves".[1003]

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999 Student AP statement to external agency.

1000 Letter to Staff Member PR, 31 March 1994.

1001 For example, Student CH and Family Member JP statements to the Inquiry.

1002 For example, Family Member KK and Family Member JW statements to the Inquiry.

1003 Letters on students' files. Other examples of this type of communication from mothers have been included in this report in chapters 3-7.

8.45 It was not until the MacLean era that consistent efforts were made to improve the involvement of parents in their sons' education by a greater emphasis on reporting to parents.

Exclusion of parents from school and student life

8.46 Parents across the Parr, Wilton and MacLean eras, have said they felt discouraged from coming to the school except for the church service on Sunday night, or to attend sporting or school events such as prize-givings. Sons reported the same about their parents.[1004] One parent from the MacLean era, who has an education background, described the relationship as being kept at "arm's length the whole time".[1005] Parents from the current school community told the Inquiry this approach continued right up until the present leadership of Mr Dan Reddiex, describing the approach as a "drop off and pick them up" expectation.[1006]

8.47 Parents commented on how they did not get to see the school beyond the chapel or assembly hall. Several parents, one from the MacLean era, described not even seeing the dormitory where their son slept.[1007]

8.48 The Inquiry was told that attending chapel was often the only opportunity for parents to communicate or connect with the teachers or to ask the matron a question. However, they would need to wait do so among the many other parents who were also wanting to speak.[1008]

1004 For example, Staff Member QA; Student GD statement to the Inquiry; See also the parent handbooks, for example, the 1997 handbook notes that "the routines of School and House must not be disrupted by visiting … regular leave is generous and it is not possible for parents [and others] to make casual visits in between times." An exception was provided for country parents on an occasional visit to Auckland. Parents instead were encouraged "to visit the school to watch mid-week and Saturday sports, attend chapel or for special occasions during term".

1005 Family Member JW statement to the Inquiry. "Being kept at arm's length" was also the way a former boarding house staff member described the relation with parents in Parr's era: Staff Member RC statement to the Inquiry.

1006 Members of the Māori and Pacific parents' groups, hui and fono, April 2023. This was also how it was described by a boarding house staff member in the Wilton era: Staff Member QC statement to the Inquiry.

1007 For example, Family Member JH and Family Member KK statements to the Inquiry.

1008 For example, Family Member KK statement to the Inquiry.

8.49 Parents said that once their sons were at school, they were limited in their ability to contact their sons until they came home on weekend or holiday leave.[1009] Parents said they did not have easily accessible contact with the boarding house, which would allow them to raise any concerns with the matron during the week.[1010] Students' ability to contact their parents was initially monitored as well. The Inquiry was told that in the Parr era student letters were read and edited by matrons before being sent.[1011] The Inquiry saw documentation that showed in 1980 "country boys" were given an allowance of one paid letter per week.[1012] All other boys had to pay for their own postage, a financial hurdle that some families could not overcome.

8.50 Initially, students were at school full time, all term. Later in the Parr era, weekend leave was brought in to relieve staffing shortages. However, from then it has always been brief, with students leaving after sporting commitments on Saturday and returning for chapel on Sunday evening. Students whose homes were at a greater distance from the school or whose parents were not able to pick them up or students who had been 'gated' as a punishment, would not see their families on weekends.

8.51 Dr Wilton told the Inquiry that in the early 1980s a phone was installed for students to use in an emergency only. Later, a payphone was installed in the boarding houses for students to use. However, all students in the boarding house were required to use that one phone.[1013] A student who attended after 2010 described the frustration and upset caused by trying to call home using a phone card when the card ran out of money. He questioned why the school made it such a barrier for students to contact home.[1014] Another student, who attended in the early 2000s, mentioned the financial barrier such a system imposed:

> Dilworth isolated us, it cut us off from our parents and manipulated us. Dilworth knew we were from low socio-economic families but it still made them buy $15 or $20 phone cards every week if we wanted to speak to our families. They used this to minimise the contact.[1015]

1009 The 1991, 1994,1995 and 1997 parents' handbooks tell parents to call and leave a message for their son and that the student will be able to return the call only after obtaining permission and by using the pay phone. The Inquiry notes that this did change in the mid-2000s as more students had access to mobile phones, and the school allowed students to have access to their personal mobile outside school hours.

1010 For example, Family Member KK and Family Member UT statements to the Inquiry. The Inquiry also saw correspondence from parents on school files that noted they had no way of contacting their sons and asking for a message to be passed along. Family Member JD was told by the school not to call her son during the week (even though he had a mobile phone).

1011 For example, Student HA and Student AX statements to the Inquiry. A student in the Wilton era also commented that correspondence was read and censured by house staff: Student DA statement to the Inquiry.

1012 House Staff Manual, 1980.

1013 Correspondence with the Inquiry, 29 June 2003. A mother recalled having to buy her son phone cards to ring her: Family Member UT statement to the Inquiry.

1014 Student GD statement to the Inquiry.

1015 Student GA statement to the Inquiry.

8.52 A former boarding house staff member in the Wilton era echoed the views of parents and students. He described it as "akin to a monastic community" where there was "virtually no contact" with parents during the week. He noted that with just one phone for more than 40 students and restricted times for calling, it was not easy for students to contact their parents.[1016] Staff confirmed that parents could not stop in at the school and ask to see their son, as visits had to be arranged beforehand and permission granted.[1017]

8.53 While Dilworth has told the Inquiry that many former students had a different experience of parental involvement to those cited above, access to telephones was freely available, and "their mothers regularly talked with staff about how they were progressing at school, in the boarding house, and medically", the statements from students and parents who spoke with the Inquiry described significant communication barriers between parents and students and parents and the school.

8.54 Dr Wilton also refutes the suggestion that parents were discouraged from being part of school life in his era. He referred the Inquiry to the meetings he held with the Friendship Club, which he described as an opportunity to both give and receive feedback to parents. He said parents were actively encouraged to participate in a wide variety of school activities, including attending and assisting with transport to sporting activities and cultural performances and providing food.[1018]

8.55 Parents did not dispute that that they had been able to attend or provide transport to sports games and attend other events at school such as prize-givings. They noted, however, that that level of interaction did not give them the opportunity to understand the realities of day-to-day life for their sons and to confirm their wellbeing needs were being met. Of the Friendship Club, JP, a mother, told us:

> There was a mother's committee at Dilworth. There was no opportunity to go and observe our sons … There were a number of mothers that had been involved in the committee for a while. I was a newbie and could tell that we were all hanging on to the little crumbs of engagement and participation that the school offered up … Dilworth's ideas of what mothers could do to contribute was to make sure that all the costumes were sewn in good time for the play.[1019]

1016 Staff Member QA statement to the Inquiry.

1017 For example, Staff Member QP statement to the Inquiry. This was confirmed in school policy documents such as the Parent Handbook 1997.

1018 Murray Wilton correspondence with the Inquiry, 29 June 2023.

1019 Family Member JP statement to the Inquiry.

8.56 Finally, the punishment of 'gating' students also acted as a barrier to parents and was used more intensively as an alternative to caning after caning became unlawful. Gating could mean some students could not see their families for weeks on end. In the 1980s, gating was announced late on Friday afternoon, and some parents had travelled long distances only to be told the student was not permitted to leave the grounds, causing stress and distress in what often was an already fractured familial relationship as well as unnecessary expense to the family.[1020] Gating is referred to in school-produced documents until June 2010,[1021] and former students and some family members told the Inquiry it was still in use as late as 2017.[1022] The Inquiry has not seen any policy or recorded decision that prohibited or ended the use of this form of punishment.

8.57 Students described the threat of gating as constantly hanging over them,[1023] and felt that in those formative years, it demonstrated to students that they were powerless against the school.[1024] It had a significant impact on students, who consequently did not report abuse perpetrated by authority figures for fear of being gated and losing contact with their families. Gating was imposed for what was often a minor infraction[1025] and isolated students from the comfort and safety of their homes and respite from Dilworth.[1026] This was succinctly put by Student EY, "the punishment of gating prevented me from speaking out or questioning any decisions of authority in fear of getting punished and not being allowed to leave".

Presence of sexual abusers on the staff and among volunteers

8.58 In the period under review (1950–2023), police have charged 12 former staff and one Dilworth volunteer in relation to 65 students.[1027] The first charge was laid in 1994. This number includes two former staff members and one volunteer connected with Dilworth[1028] who were charged following Operation Beverly but died before trial.

1020 For example, Student DA statement to the Inquiry. Dr Wilton has apologised for any students and families affected by the late announcement of gating and indicated it was not meant to happen.

1021 The school has said that from the 1980s gating was rare and did not occur after the middle of MacLean's era. However, there are references to gating in the 2003/4 Staff Guidelines, 2005 Junior Campus Staff Handbook, 2005 Tutor Guidelines, Staff Member UR's file note of gating imposed in 2008; Discipline Policy 2009; and headmaster's reports up to mid-2010.

1022 For examples of gating after 2000, see Student ER, Student AL, Student BE, Student GD, Family Member JD (whose son attended the school between 2011 and 2017) and Staff Member QP, talking about the use of gating up to 2017, statements to the Inquiry.

1023 For example, Student DA, Student DJ, Student EY, Student EF and Staff Member QP statements to the Inquiry.

1024 For example, Student DG and Student CC statements to the Inquiry.

1025 For example, Student CC statement to the Inquiry.

1026 For example, Student DG statement to the Inquiry.

1027 This number includes pre-Operation Beverly prosecutions and victims. The Inquiry was also told of other offending committed by known abusers that, for a variety of reasons, has not been the subject of police investigation or charge.

1028 Mr Keith Dixon, Mr Rex McIntosh and Mr Richard Galloway.

8.59 In total, 11 former staff have been convicted of various sexual abuse offences against 55 Dilworth students.[1029] Significantly, 10 of those 11 offenders pleaded guilty and one was convicted following a jury trial.

8.60 Below we discuss what we have learned of the behaviour of those who sexually abused students.

Knowledge shared among abusers

8.61 Many staff named by former students as having sexually abused them, appear to have acted alone and were probably unaware that other staff were also grooming and abusing boys. However, it is clear that several of the staff in the Parr era and into the Wilton era knew other staff were abusing students as well.

8.62 Mr Ian Wilson told the Inquiry that by the end of the 1971 summer holidays, before he started working at Dilworth, he knew Mr Rex McIntosh and he were both sexually attracted to boys. They had lived in the school accommodation over summer, socialised together and discovered they had this in common. In his discussion with the Inquirers, Mr Wilson said it was Mr McIntosh who introduced him to the idea that it was acceptable to have sex with boys, "if the boys came back for it a second time". This is consistent with what he said at sentencing, namely that he was introduced to sexual offending while employed at Dilworth.[1030]

8.63 Mr Ian Wilson said he was also aware that Mr Keith Dixon, a MacMurray House tutor who came to the school two years later, was sexually attracted to boys. When they both lived in a boarding hostel, Mr Wilson had caught Mr Dixon in a compromising situation with a boy. Again, he was aware Mr Ken Wilson liked boys and that boys, including Dilworth students, visited his home in Remuera. He was also aware that Mr Richard Galloway, a friend of his, was sexually interested in boys.

8.64 Mr Ken Wilson, Mr Ian Wilson, Mr McIntosh, another Dilworth tutor, and Mr Galloway, all of whom sexually abused Dilworth boys, partied together at Galloway's flat and at the homes of other adult men.

1029 Mr Leonard Cave, Mr Ian Wilson, Mr Ross Browne, Mr Alister Harlow, Mr Graeme Lindsay, Mr Keith Dixon, Mr Howard Wynyard, Mr Johnathan Stephens, Staff Member RZ, Staff Member TS, and Mr Peter Taylor. Mr Dixon's convictions relate to offending prosecuted in 2014.

1030 Submissions by Mr Wilson's lawyer at sentencing, reported on in E Binning, Dilworth abuser Ian Wilson to remain behind bars for at least another year, RNZ News, 8 November 2022.

Collusion among abusers

8.65 Two abusers who had access to private offices after school hours, shared one boy for the purposes of sexual abuse. A message would be sent to the boy in the boarding house after hours or on the weekend to go to the teacher in an identified office. The teacher abused the boy and then sent him to his friend (also a teacher) at another office who then sexually abused him.

8.66 One student who was being abused by Mr Dixon said Mr Dixon had "bragged" to him about what Mr Dixon and Mr McIntosh were doing with MacMurray House boys.[1031]

8.67 We were told of situations where staff who were abusing boys, facilitated access to a boy for another staff member. A former student described being sent at night by Mr McIntosh from MacMurray House to Mr Ian Wilson's home. Mr Wilson then tested the boy's willingness to engage in sexual behaviour with him. Mr Wilson confirmed this incident, saying that prior to it, Mr McIntosh had asked him if he had "got your own boy yet?". When he said no, Mr McIntosh said he would sort it out for him. Mr McIntosh also sent a boy late at night to Mr Peter Taylor's home where he was abused.

8.68 We also learned of situations where staff introduced non-staff friends to students and those friends went on to abuse them. Mr Taylor took boys to a model aircraft group where one was abused by an adult man in that group. Mr Ian Wilson brought Mr Galloway into Scouts as an assistant scout leader. Mr Wilson also took young teenage Dilworth boys to visit Mr Galloway at his home, where they were warmly invited back by Mr Galloway at any time they wanted a break from school. When they visited his home, Mr Galloway sometimes had other friends there who abused boys. One of these was Mr Ken Wilson. Sometimes Ian Wilson would tell a boy that Mr Galloway wanted to see him.

8.69 Finally, a teacher, TR, who lived on-site often had a student in his home until the early hours of the morning. Several students, including the victim, told us about TR's behaviour with a particular student. We consider it likely Mr McIntosh, the student's housemaster, would have also known this was occurring and chose to ignore TR's actions. The student said a house tutor came up behind him, pushed his arm up his back and whispered in his ear "in an evil tone", "We know about you and TR".[1032]

1031 Student CW statement to external agency.

1032 Student CJ statement to the Inquiry.

Abusing staff receiving complaints against other abusers

8.70 When complaints were made to a staff member who was an abuser about another staff member who was also an abuser, the recipient of the complaint often protected the abuser, usually by telling the boy "he was lying, it wasn't true, and he was threatening a man's reputation and livelihood". Mr Browne, Mr Taylor, Mr McIntosh and another teacher each did this more than once when receiving complaints.

8.71 Sometimes the recipient of the complaint took advantage of this knowledge to attempt to abuse the boy himself. Examples of this are in chapters 4 and 5.

School leadership ignorance about reality of sexual abusers

8.72 School leaders were frequently naïve and held onto unexamined myths about the incidence and nature of sexual abuse in the community, even when confronted with specific complaints within the school. They did not know how sexual abusers operated and, in the absence of professional development, education and exposure to contemporary knowledge and teaching on these subjects, failed to act on the overt signals in the school. This thinking was another contributing factor in the abuse being undetected for so long.

8.73 Dr Wilton and the school have emphasised the need for the Inquiry to consider and apply society's knowledge and understanding of sexual abuse at the relevant time the school was responding to complaints and not by today's standards. We readily accept that society's understanding has developed over time, and we have been careful to consider what was known and understood in educational settings at the time.

8.74 The 1984 and 1989 Department of Education circulars and an associated paper, discussed in chapter 5, provide a contemporaneous and direct insight into the level of understanding that was held within education sectors, on both sexual abuse, including the impact of abuse on students' behaviour, as well as what was expected of schools in responding to it.[1033] Dilworth should have had no less of an understanding of its obligations than any other school in New Zealand at this time. Dr Wilton says he did not receive these particular circulars. However, even if he did not, information he asked for and received from Scouts in 1994 was consistent with the department's approach. It is significant that Scouts in preparing its document sought assistance from the department despite not being subject to its oversight. Finally, the school also received advice from its own lawyer to establish a policy or procedure for response. The Board and school leadership had ample material available to enable them to understand what was required to provide a safe environment for their students, but failed to act on it.

8.75 While the school points out there were and are still deep-seated misconceptions about child abuse in general society, this is not relevant to our assessment. Knowledge of sexual abuse and the appropriate response to it within education is the relevant benchmark to apply. Schools have special obligations of care for children, boarding schools even more so. It was the school's responsibility to keep up to date with such knowledge and, in this case, from 1994 it had the information it needed to act.

8.76 One of Dr Wilton's reasons for not suspecting members of his senior management team who turned out to be abusers was that they were "married men with children".[1034] Mr Derek Firth, long-standing Board member and chair, confirmed the fact Mr Taylor was married was important in the Board's consideration of his suitability for the role.[1035]

8.77 In fact, the more prolific staff abusers were all married men with children.[1036] Some of these were first employed and started their abuse as single men, continuing after they married. The other group of abusers were young tutors, usually in their first job after leaving school and at an age where they would not be expected to be married. They appeared to raise no suspicions in adult bystanders' minds. It appears that the prevailing belief was that abusers were older, single men.

1033 Department of Education, *The Sexual Abuse of Children and Adolescents*, circular 1984/48, 20 July 1984; Department of Education, *The Sexual Abuse of Children and Young People*, circular 1989/5, 1989; Department of Education, *Sexual Abuse and the School,* 1989.

1034 Murray Wilton Inquiry interview, and statement to the Inquiry.

1035 Derek Firth Inquiry interview.

1036 Mr McIntosh, Mr Wilson, Mr Taylor, Mr Browne, Mr Cave and Mr Wynyard.

8.78 Another myth was equating homosexuality with child abuse. We viewed a list of historical "deviants" drawn up by the school in the early 2000s. Dr Wilton confirmed that one of the men on it was there for no other reason than that he was openly homosexual.[1037] In fact, the Inquiry heard positive student and former staff feedback about this staff member. We received no complaints of any abuse or "deviancy" in relation to him.

8.79 Another myth was that 'men of god', namely chaplains, could not be sexual abusers. As is now known, two of Dilworth's chaplains, were prolific sexual abusers of Dilworth boys for a combined period of almost 30 years. The deference and broad leeway given to Mr Taylor and Mr Browne because they were 'men of God' was another significant factor that enabled abuse.

8.80 Mr Taylor was allowed into the boarding house of the youngest boys (Prep House) when they were already in bed and going to sleep to "say evening prayers". He was permitted to take older boys out of the boarding houses late into the evenings for spiritual counselling, well outside the hours the boys were required to be in the dorm. The annoyance this caused tutors and housemasters is evident in the house records. However, Mr Taylor was not stopped.

8.81 Mr Browne was allowed to be alone with boys as he was "counselling them in spiritual matters", although not a trained or otherwise qualified counsellor of children; nor was he a trained physiotherapist or otherwise qualified in massage. Yet he was allowed to give boys massages and continued to have a massage table in his room and massage boys even after he was told to remove the table.

Abusers' ability to deceive, charisma, and grooming

8.82 Mostly staff who abused had a well-developed ability to behave publicly as respected and, sometimes, well-liked members of staff. Several were reported to us as good teachers, another factor that appears to have helped disguise their abuse. Notably, some former students who had not been abused by a particular convicted staff member spoke of their shock and initial disbelief when they learned of his offending. They had admired and respected the person as a teacher. To some he was one of their favourites. A few had kept in touch with a now convicted staff member into their adult years and visited when they were in the same town. One felt he had lost his best friend when the charges were laid.

8.83 Often a staff member or school volunteer was able to continue to abuse by means of grooming and disarming the entire network of people around the child. In the 1970s in particular, staff who were abusing boys visited parents and family members, winning their trust to have the care of the boy for a weekend or overnight. Parents reported a staff member might be personable, caring and interested in their son or brother and in the whole family. Some were relieved their son had an adult, male mentor prepared to spend leisure time helping him.

1037 Murray Wilton Inquiry interview.

Failures in school leadership and governance

8.84 Many combined failures of school leadership and governance contributed to the sexual abuse and serious physical abuse of Dilworth students. They are discussed below.

Failure to investigate complaints

8.85 In chapters 3 to 6, we set out the repeated failures of the school leadership to respond appropriately to complaints of abuse made by students, their parents or staff. Of the failures and contributing factors for enabling abuse that we identified in those chapters, decisions made not to investigate abuse complaints properly and not report abuse to police were the most serious and influential.

8.86 The repeated failures to act on complaints of abuse allowed abusers to continue, and create further victims. Many of the sexual offenders at Dilworth were long-standing teachers who had multiple victims. For example, Mr Rex McIntosh was employed for 8 years, Mr Leonard Cave for 13 years, Mr Ian Wilson for 25 years and Mr Ross Browne for 25. Even though Mr Peter Taylor was only at the school for 2 years and 9 months he also had multiple victims and was the subject of many complaints. If complaints had been handled properly when the school first had notice, then many more students would have been saved the terrible damage caused to them by later abuse by these staff.

8.87 Mr Conolly failed to investigate complaints, to support the boy complaining and to report the complaints to police. Mr Parr failed to investigate all complaints against the chaplain, largely failed to investigate other complaints, and always failed to support the student and report complaints against staff members to police.[1038] Both actively suppressed complaints against staff by severely punishing boys who complained. Both are dead, so we cannot ask them about their motivations when they ignored so many complaints.

8.88 Although a misbelief was circulating in New Zealand society, which may have endured into the 1980s, that children made up complaints of sexual abuse against adults and it was easy for them to do so, we cannot accept this was the school's sole or even primary motivation for rejecting complaints, particularly in the Parr era. The number of complaints made and particularly the number about Mr Taylor must and should have raised Mr Parr's suspicions. Mr Parr's active suppression of complaints and severe punishment of the boys in the latter part of the 1970s is difficult to explain.

1038 As set out in chapters 3 and 4.

8.89 Further, we note that by 1984, the knowledge and understanding of this type of abuse in education settings was sufficiently widespread in the state sector that the government formally notified schools of the indisputable evidence that a significant number of children were sexually abused and gave advice on how to handle complaints.[1039] This knowledge was recognised by Dilworth staff in 1986 when it was noted in feedback to the Department of Education on proposed reforms to teacher training that boys were also subject to sexual abuse "probably to a greater degree than is generally understood".[1040]

8.90 Concerns and complaints about Mr Browne, who joined the school in 1980 were raised from at least 1989 but were not taken as seriously as they should have been. Mr Browne was a trusted and loyal confidant of Dr Wilton and a member of his senior management team, as was Mr Ian Wilson. Mr Bruce Owen was training to be an ordained minister and was assisted in that by Mr Browne. All four men were friends and long-standing colleagues. Senior colleagues spoke of the observed closeness of the relationships among them.[1041] We conclude that the loyalty and friendship among the four reduced Dr Wilton's and Mr Owen's abilities to act appropriately on the rumours about Mr Browne or on what they each knew about Mr Browne's behaviour.[1042] Dr Wilton, in retrospect, believes he was deceived by Mr Browne and Mr Wilson in particular.[1043] We consider that he appears also to have been blinded by loyalty and friendship with long-serving senior staff and disarmed because they were married men with children, so, to his mind, could not be abusers.[1044]

8.91 Mr MacLean and his deputy were told by the Board, following legal advice, that they required a "concrete" complaint rather than expressions of concern before the school could act. This shows an ignorance of the dynamics of sexual abuse and its impact on the ability of a student to complain. Persistent rumours and concerns raised by staff, particularly between 1998 and 2002, should have been acted on by Mr MacLean by properly resourcing an investigation into Mr Browne's conduct and relationships with students.

1039 Department of Education, *The Sexual Abuse of Children and Adolescents,* circular 1984/48, 20 July 1984.

1040 Dilworth staff comments on the Department of Education curriculum review, November 1986.

1041 For example, Staff Member PI, Staff Member PX and Staff Member PR statements to the Inquiry.

1042 Dr Wilton describes his relationship with Mr Browne as a "warm professional relationship" but disputes they were close friends: Murray Wilton correspondence with the Inquiry, 29 June 2023. Mr Owen accepts that they were colleagues and he appreciated Mr Browne's support but denies that he was beguiled by Mr Browne out of loyalty and friendship to him: Bruce Owen correspondence with the Inquiry, 7 July 2023.

1043 Murray Wilton Inquiry interview, and correspondence with Inquiry, 29 June 2023.

1044 Dr Wilton refutes the conclusion drawn by the Inquiry.

Failure to report to police

8.92 The failure to report Mr Taylor to police in 1978, after he had personally acknowledged there were other boys he had abused, had drastic consequences for boys at Dilworth. It sent a plain message to the staff who were abusing boys at that time that there would be no repercussions apart from, possibly, having to leave the school. Mr Wilson told us that as a staff member, this is what he understood from the way Mr Taylor was dismissed. Rather than create a deterrent, the school actively enabled sexual abusers by failing to report known abusers to police. This message was reinforced by the failure to report Mr McIntosh, Mr Wynyard and Mr Cave to police.

Failure to report teachers to the Department of Education and professional regulatory entity

8.93 While not required to notify the Department of Education or relevant teacher registration board by law before 1997, the decision not to notify them about Mr Taylor, Mr McIntosh, Mr Wynyard and Mr Cave compounded the failure not to report these individuals to the police. They all went on to teach at other schools. The school's failure to reciprocate by advising the department of Dilworth's own "unsuitable" teachers, when the Board had determined this was necessary information for the headmaster to obtain from the department, is inexplicable and a serious failing.

8.94 In 1997, discretionary reporting of retrospective cases to the Teacher Registration Board came into effect. Dilworth took no steps to report the teachers involved in historical abuse, despite one of the now convicted offenders (Mr Wilson) having left Dilworth's employ only weeks earlier.[1045]

8.95 The first time the school reported unsatisfactory or potentially criminal behaviour was in 1998 when Mr MacLean saw that Mr Wilson, who had resigned in December 1996 and been convicted in 1997, was still registered as a teacher. Mr MacLean suggested the Teacher Registration Board contact the court to obtain details.

8.96 While notifications have been made about members of staff in 2000 and 2006 by Dilworth as required by law,[1046] we have found no evidence that the decision not to report earlier teachers was revisited.

1045 The four other staff members who had left the school's employ earlier following complaints of sexual abuse could also have been reported under this mechanism.

1046 Staff Member TX; Mr Browne.

8.97 We note the Inquiry's review of historical teacher disciplinary cases in state schools dating back to the early 1900s found that sexual offending by teachers has often resulted in cancellation of their teaching registration. In one case, from May 1902, four years before Dilworth opened its doors, the registration of a school principal, found to have engaged in "grave improprieties" with students, was cancelled. The local Education Board determined he was unfit to associate with children.[1047]

8.98 This firm response to sexual offending continued throughout successive decades. For example, between 1951 and 1982, 44 teachers had their registrations cancelled by the Department of Education for offences listed as including "Indecency", "Indecent Assault" or an "Indecent Act".[1048] Action was also taken by local Education Boards. Records are not available for all years, but between 1962 and 1973, Education Boards referred seven teachers involved in sexual indecencies or interference with students for placement on the Department of Education's list of "teachers not to be employed without prior consultation with the Department". These actions were consistent with the department's advice, as stated in July 1969, that any complaint to a school about a teacher regarding allegations of criminal conduct should be "immediately" notified to police and the department.[1049]

8.99 Dilworth's failure to notify the relevant teaching authority, particularly when combined with providing glowing references for teachers known to have abused students, is another factor likely to have emboldened abusers before 2000. The clear message was that they need not be concerned about any restrictions on their teaching careers after Dilworth.

Failure to support students who had been subject to abuse

8.100 We outlined in chapters 3–6 occasions where students complained of abuse and were provided with inadequate or no pastoral care as a result. This was a feature present across the eras.[1050]

8.101 We also heard or read of abused students whose academic achievement or behaviour fell below the standard the school required and had their scholarships withdrawn or their parents asked to withdraw the student. We have focused only on those examples where the school was either aware that a student had been a victim of sexual abuse or their behaviour changed so significantly or abruptly that the school ought to have further investigated the reasons for that change.[1051]

1047 Department of Education list of teachers' certificates cancelled 1880–1922, also reported in *Poverty Bay Herald,* 1 May 1902.

1048 Department of Education index of individual files of cancellation of registration cases 1951–1982.

1049 Letter from Superintendent of Education to Southland Education Board, 2 July 1969.

1050 We note the accounts provided by the students and their mothers in relation to pastoral care following the identification of Staff Member TS's offending in 2011.

1051 For example, Student DE, Student BP, Student FH, Student AM, Student DZ, Student CZ, Student AQ, Student CB, Student IV, Student DX, Student IM, Student IO, Student EC, Student AO, Student BQ, Student FB, Student FZ and Student HY.

8.102 Where a student left the school due to behavioural issues and a subsequent discovery of sexual abuse was made in relation to the student such that the behaviour issues would, at least in part, be explained, limited support was provided to him by the school,[1052] despite an acknowledgement by the school that there may be a moral duty to assist.[1053]

8.103 In all these circumstances, there did not appear to be any recognition by the school that the impact and damage of that abuse might manifest itself through a change in attitude or academic performance; instead, the student was blamed for having a poor attitude and categorised as not being suitable for Dilworth.

8.104 By failing to recognise the student's behaviour as being related to possible sexual abuse, the school lost an opportunity to address the problem. By removing these students, it also silenced the survivors' voices and protected the abuser. Another, perhaps unintended, consequence was that other students saw their friends being removed and were less inclined to speak out for fear of also losing their place at Dilworth or being punished.[1054] Removing a student for poor behaviour when he had been abused often penalised him severely by a break in or loss of education, while his abuser continued as before. This has created a real sense of injustice and been a source of grief for many we met.

Misleading communication with the school community

8.105 The school repeatedly engaged in misleading communication with staff, students, parents, guardians and caregivers about the reasons for teacher departure following misconduct. Examples include allowing offending staff members to resign, without reporting them to police, and allowing communications to be sent to the wider community about offending staff members' departures that suggest the departures are benign. This kept parents in ongoing ignorance about the risks to their sons, and to students the risks to themselves, and denied parents the ability to support and educate their sons about what might happen in a dormitory or residential school setting and the need for self-protection if situations were to arise.

1052 For example, Student ES, Student AP, Student CU, Student DZ and Student BY.

1053 For example, Student AP.

1054 For example, Student BU, Student BZ, Student BC , Student CW and Student EW statements to the Inquiry.

Failure to implement a complaint policy for over 50 years

8.106 The Inquiry was told by Dilworth that although there was not a formal complaints policy there was an informal arrangement that concerns could be raised with superiors. The failures of such an arrangement to properly address complaints of sexual abuse is indisputable. In June 1987, Staff Member UJ suggested the Board incorporate into staff contracts a code of ethics that had been drafted by the Independent Schools Association.[1055] That code prohibited staff from having any sexual relationship with a student and outlined a complaints process. It is not clear whether the Board adopted this code,[1056] and no policy was implemented that was specifically directed at protecting students from any form of abuse or that established effective complaints procedures.

8.107 The first complaints policy was drafted only in 2000. It was rudimentary, and it is unclear if it was implemented then. In 2006, the school adopted the first formal process for student complaints, set out in a flow chart entitled "How to handle a complaint". It was not a policy; instead, it set out the steps to be followed by a student before making a complaint. It is notable that the flow chart was designed to address complaints of any nature and did not provide information about what steps the school would take to address a complaint.

8.108 In fact, the flow chart may have actively discouraged students from making complaints. Visually, it suggested there were several hoops a student had to jump through before being able to lay a complaint. Questions supplementing the flow chart complicated the chart, and acted as further barriers to the laying of a complaint. The "some questions to ask yourself" section is an example of this:

> Am I over-reacting?
>
> Should I "sleep on it?"
>
> Am I just trying to get out of doing something I don't like?
>
> What part did I play in the situation?
>
> What am I actually complaining about?
>
> Is this a reasonable complaint?
>
> Am I prepared to put my name to this complaint? (anonymous complaints are not accepted).

1055 Draft Independent Schools Association standard contract of service for teachers, 12 June 1987

1056 The documents were included in the meeting materials, but there is no record of any discussion of them in the Dilworth Trust Board minutes, 15 June 1987.

8.109 The questions are completely inappropriate for a complaint of sexual abuse. Given the school's knowledge of the extent of sexual misconduct by staff, brought back into focus by Mr Browne's resignation, the failure to tailor a complaints process for students focused on abuse by staff is difficult to understand. That this could be the only information available to students in 2006, when Dilworth had been alerted to the prevalence of staff sexual abuse within the school indicates how out of touch Dilworth was from everyday school life and accepted protocols for student protection.

8.110 This is also borne out by the statement from a student who attended in the later part of the MacLean era and who referred to the complaints process that was put up in the boarding houses. He noted that, as it did not allow for anonymous complaints to be made, he did not feel safe to make one.[1057]

Inadequate development and implementation of policies[1058]

8.111 Between 1950 and 1970, documented policy and procedures for the school were minimal. Between 1970 and 2000, staff handbooks were issued and sporadically updated and covered a wide variety of topics.

8.112 Development of the policies to address sexual harassment and staff misconduct started only in 2000, despite the school receiving its own legal advice to initiate a policy as far back as 1994. The school's first child protection policy was drafted in 2013, but not formally approved by the Board until September 2018.

8.113 There are poor records of policy implementation and review. From the documents provided to the Inquiry, it appears many policies were not reviewed for long periods of time or, if they were reviewed, no changes were made.[1059] Policies were either not developed and implemented in accordance with legislative requirements or there was a failure to record the development and implementation of policies.

8.114 We emphasise that Education Review Office (ERO) reviews of private schools rely on self-reporting checklists completed by school managers. These checklists require the managing board to declare all policies are in place, have been reviewed and are compliant with relevant legislation. ERO does not review the policy itself,[1060] so has never been in a position to know that the school had inadequate policies.

1057 Student GD statement to the Inquiry. This has been remedied by the introduction of the Stymie application that allows for anonymous reports to be made.

1058 In this section, we do not distinguish between the Board and the headmaster and senior staff when using the term "school leadership".

1059 For example, the staff handbooks remained unchanged between 1977 and 1994. The document Dilworth School Policies, while reviewed, is almost unchanged for most of the 2000s.

1060 The Inquiry requested the self-audit checklist of the 2015 ERO review, and the school said this document was not available. The Inquiry asked for this particular self-audit checklist because it was relevant to determining when the child protection policy was first implemented.

Making policies confidential to staff

8.115 Until 2000, a consistent theme to the development of policies was that they were marked "confidential to staff". After 2000, it appears that practice was less frequent, with the last example of a confidential policy being the 2012 Protocols for the Use of Security Cameras (following Staff Member TS' prosecution).

8.116 By keeping policies confidential to staff, students and their parents were not alerted to health, safety and welfare concerns that the policy was intended to address, and nor were they aware of the school's approach on almost all matters concerning their care, welfare and discipline. If they had no knowledge of the rules, they could not play their part in abiding by them or advise the school when they were breached.

Failure to keep up to date with contemporary policies and training

8.117 As a private school, Dilworth was under no statutory obligation to follow circulars and guidance issued regularly by the Department of Education. However, these documents are reflective of contemporary educational thinking, research and best practice (including international best practice).

8.118 While we were assured that Department of Education legislation and policy directives for state and integrated schools were reviewed by successive headmasters, significantly, Dr Wilton told the Inquiry the school did not receive the department's guidance on sexual abuse provided to schools in 1984 and 1989, as outlined in chapter 5.[1061]

8.119 We asked Mr Firth, whether he had been aware of the Department of Education guidance circulars on sexual abuse. He had no recollection of their existence. When pressed, he conceded that they contained material of which the Board, in its school governance role, should have been aware.

1061 The Inquiry found Department of Education circulars in the school archives, which confirms the school did receive such circulars, at least at times.

8.120 Both Mr Firth and Dr Wilton told the Inquiry they placed reliance on trustee Mr Ron Taylor to alert them, and the Board, about any educational developments they needed to be aware of.[1062] As Mr Ron Taylor, who was then chair of the Auckland Education Board, is dead, this arrangement cannot be confirmed. It is doubtful whether, in this role, he would necessarily have been abreast of Department of Education contemporary guidance in the area of sexual complaints. In any event, it would be unusual for a school headmaster and Board to rely on a Board member to keep the school up to date with contemporary educational guidelines and norms. Although it was not bound by them, the school leadership should have ensured it was receiving regular updates from the department so it could keep abreast of all relevant developments and report to the Board on what needed to be done in light of them. The Board should have ensured this was happening.[1063]

8.121 A consistent account from former staff members who spoke with the Inquiry was that they received no training relevant to their positions.[1064] Further they received or attended minimal external training. Dr Wilton told the Inquiry there was little professional development for teachers, although this did increase as resources improved. He acknowledged that staff were not plugged into the state school system of professional development.[1065] Hence, staff were not up to date or educated on the major changes that were happening in relation to child abuse prevention which would have alerted them to the need for policies in this area and enabled them to detect possible signs of abuse.

8.122 Failing to attend external training also denied staff the opportunity for discussion and learning from peers as to how other schools were operating in this sphere, what systems were in place and what issues were arising.

8.123 We conclude that the failure to ensure staff attended professional development training, particularly concerning issues to do with the sexual abuse of children and bullying, demonstrated a lack of educational professionalism in the school operation and a serious failure of school leadership. It also contributed to the school's failure to detect serious physical abuse and sexual abuse.

1062 Derek Firth Inquiry interview, and correspondence with the Inquiry, 16 June 2023; Murray Wilton correspondence with the Inquiry, 29 June 2023.

1063 Educational expertise on a school board is vital but it is for governance and oversight purposes.

1064 Staff members from across each of the Parr, Wilton and MacLean eras made comment about not having any training for their positions and, in particular, not receiving training about student safety, wellbeing or recognising sexual abuse. This was not restricted to teaching staff. The following staff were employed for various periods between 1973 and 2019, many serving for several years and across more than one headmaster era. For example, employed in the 1970s, Staff Member QV, Staff Member RF, Staff Member QW, Staff Member RN, Staff Member QZ and Staff Member PY statements to the Inquiry. For example, employed in the 1980s and 1990s, Staff Member PZ, Staff Member RL, Staff Member PR, Staff Member RJ, Staff Member QC and Staff Member QF statements to the Inquiry. For example, employed after 1997 to 2018: Staff Member QM, Staff Member PI, Staff Member PK and Staff Member TE statements to the Inquiry; Bruce Owen statement to the Inquiry, 18 May 2023, which noted he completed training in the 1990s through the Anglican Church's Diocesan Training Programme with respect to recognising signs that a child was being abused and applied this to his work at Dilworth as he had not had any guidance from Dilworth on the subject. The Inquiry notes that there was some clear movement towards understanding the need for training as evidenced by Staff Members PF, PX and PM, who told the Inquiry that from mid-2000, more training and professional development processes became available.

1065 Murray Wilton Inquiry interview.

Inadequate supervision and improper reliance on senior students for supervision duties

8.124 A consistent thread through the headmaster reports from Mr Parr, Dr Wilton and, on at least one occasion, Mr MacLean, was the issue of inadequate supervision of the boarding houses and the risks that presented for students, particularly in relation to bullying. Another common thread was the issue of staff burnout caused by managing full teaching loads and boarding house supervision duties after school.

8.125 Where staff were on duty, they were often inexperienced tutors, sometimes just out of school themselves. The Inquiry was told by former students that the vacuum left by too few supervisory staff in the boarding houses, particularly in the Parr and Wilton eras, was filled by senior boys. Power asserted by senior students was structurally embedded in school culture through the strong emphasis on hierarchy and authority and reinforced by prefect's policies.[1066] As late as 2018, school policy still provided that "prefects have authority over all boys at all times".[1067]

8.126 Prefects were expected to help manage and supervise the younger boys. This served a dual purpose: to develop leadership skills in senior students and as a way of saving money by not having to employ more boarding house staff.[1068] At one point in the Parr era, there was a trial relying on prefects instead of tutors to supervise the younger students, but when the bullying escalated, the school reverted to using tutors for supervision.[1069] The Inquiry saw house diary entries that refer to treating fourth formers[1070] as tutor's assistants having "equal seniority" with tutors.[1071] Another diary entry refers to the fourth formers as being "considerably more on our side than on the boys' side, they are quasi staff".[1072]

1066 School handbooks and guidelines throughout the eras refer to the prefect's authority being equivalent to that of a staff member..

1067 See, as a recent example, the 2018 staff guidelines, which state, "School Prefects have authority over all other students at all times. Their authority is equivalent to that of a staff member in that students are expected to obey reasonable instructions during the course of your duties". These guidelines were in place until at least 2019.

1068 Staff Member UJ statement to the Inquiry.

1069 Staff Member QR statement to the Inquiry.

1070 Now year 10 students.

1071 MacMurray House diary, 5 October 1983.

1072 MacMurray House diary, 23 May 1984.

8.127 We found little evidence of training being given or checks being applied to the wielding of this significant power by senior students. Despite having no authority to do so, we heard of prefects caning younger boys and requiring them to perform tasks for the senior student's benefit such as making beds or cleaning shoes. They were seldom monitored by adults for their behaviour, and former students spoke of the adults turning a blind eye to the abuses of power it engendered. As we outlined in chapters 3–6, there are credible accounts of sexual and serious physical abuse by prefects and other senior students against the younger children under their supervision.

8.128 The school has advised the Inquiry that this practice was common to other private boys' boarding schools as demonstrated by the English public boarding school model. Again, the Inquiry was not asked to investigate the practices in other private boys' boarding schools. We have concluded, however, that the practice was one of the contributing factors to the abuse of children at Dilworth.

Dangers in the scholarship model not identified and addressed

8.129 From Dr Wilton's time on, the Board operated a "scholarship model" without recognising the dangers inherent in it.[1073] It also allowed the school to use the threat of losing a scholarship for all sorts of matters such as student behaviour and performance. The dangers in this should have been obvious to school governance.

8.130 Many former students spoke of being constantly reminded by staff that they were lucky to be at the school, it cost many thousands of dollars to support them, and there were plenty of boys waiting to replace them.[1074] These threats led to students being afraid to complain about any aspect of life at Dilworth or to disclose any abuse. As one student said:

> There was a feeling that my place in the school could be affected by making a complaint [about sexual abuse] and I was worried about the effect that would have on my mother if I had to leave. My brother and I were aware we were at Dilworth to help reduce financial pressure on my mother.

1073 The Inquiry notes that the 1965 document "Information for staff" records that "The charitable nature of the Trust is never to be emphasised to the boys by the staff".

1074 As set out in chapter 6, we note Mr MacLean's position, supported by a staff member, that he issued a direction to staff that they were not to threaten scholarship withdrawal, that was a decision the Board made.

8.131 Students and parents spoke in depth about the constant threat of having the scholarship withdrawn. Mere disagreement with the school could result in a suggestion that the parent was free to withdraw their child, resulting in a reluctance to 'rock the boat'. Staff members have told the Inquiry that this threat was regularly used, throughout the Wilton era and, although Mr MacLean made real efforts to reduce the emphasis, it continued in his time.

8.132 Its status as a private school with no fee-paying parent 'stakeholders' meant Dilworth was in a unique position when it came to removing students from the school roll. It was not required to comply with any statutory regime for removing students, and nor did parents have any contract with the school that they could use to seek recourse. Until Mr MacLean introduced some structure to the process, students and their families were dependent on the school's decision for the students' ongoing attendance,[1075] with no right of challenge.

8.133 There was no need to expel any student, as Dilworth could simply 'withdraw' the scholarship at will, and it did. Notably, the Law Commission, in a 2009 report,[1076] recorded a response from a school that we can infer was Dilworth, which indicated that its students were provided with a full scholarship and that as the scholarship was simply withdrawn, its students were never subjected to suspension or expulsion.

8.134 Under successive Education Acts, there has been a strict and evolving regime for suspension or expulsion of students, involving the principal, school board, student, and parent or guardian. Actions taken to exclude the student must be notified to the Secretary for Education and the student must now be registered with an alternative school with certain exceptions. Reasons for the action taken to suspend or expel a student must be notified to the Secretary for Education. This process provides the opportunity for a thorough investigation into the reasons for the student's offending behaviour and the school's role in it and for close communication between family and school.

8.135 In many instances, the trigger for withdrawal of a student's scholarship was the abuse he had suffered, which led to a deterioration in attitude or educational achievement. However, at Dilworth not only were students and their families silenced by the threat of scholarship withdrawal, but, as noted above, the school missed an opportunity through a formal disciplinary process to learn that sexual or physical abuse was often behind the student's poor behaviour.

1075 The school reviewed each student's scholarship at set milestones and confirmed (or withdrew) the student's scholarship as a result of the review.

1076 New Zealand Law Commission, Private Schools and the Law (report 108), Wellington, 2009.

8.136 Development of more formal procedures for discipline and scholarship removal started under Mr MacLean and are now formalised under Mr Reddiex. The absence of these procedures at Dilworth before that, enabled the school to remove students without any principled oversight, consultation with parents was at the discretion of the school and, in many examples we have seen, the parent had no input at all into the decision to remove the scholarship. The Board should, well before this century, have developed a principled, formalised and well-understood policy for the exclusion of students as part of its governance role.

8.137 We acknowledge that serious efforts are being made by the school to remove students' and parents' fear that complaints will result in withdrawal of scholarship. However, we noted at the parent's focus group meetings apprehension remains among parents that the scholarship is tenuous and might be withdrawn at any time at the instigation of the school.

Failures in school leadership (alone)

Failure to ensure compliance with policies

8.138 Before the first child protection policy was drafted in 2013, several policies were in place that would have improved student safety had they been complied with and enforced.

8.139 One of the earliest written policy documents made it plain that staff members were not to be alone with a student for any length of time in any room or place. This was flagrantly and routinely ignored by housemasters, tutors and the chaplain for the purposes of grooming and abusing boys. As late as 2011, tutors aware of this rule, saw a fellow tutor, TS, breach it on several occasions and did not immediately raise a concern.

8.140 The Inquiry received numerous accounts of caning that demonstrated an extraordinary failure to comply with the school policy which was based on contemporary standards. There was no accountability for tutors and housemasters for caning resulting in serious physical harm to boys. The house masters, particularly of the younger boys, had free rein to misuse the cane with no reprimand. Mr McIntosh had total authority and was even able to entertain his dinner guests by caning boys with their pants down, in front of the guests, without reprimand. There was no retaliation against him when he caned every boy in MacMurray House after a food fight, in direct contravention of his senior's instructions to give them no further punishment. Many more examples of this lack of accountability are outlined in previous chapters.

8.141 On paper, there were restrictions and procedures concerning students going off-site. However, the reality was that until this century, the school's management of these was slipshod. Staff, volunteer scout leaders and the chaplain were able, without any consequences, to take boys out of school or the dormitories at night and not return them until late. Checking out boys for weekends appeared to be particularly ad hoc with sexual abusers approving other abusers to take boys away for the weekend. Parents, who were seldom informed, had no idea where their boys were, who they were with or that they had even left the school grounds. Concerns raised, such as by Staff Member PI in respect of Mr Harlow's weekend trips, were mostly ignored. Mr Wilson went on a trip away with students even after the school was notified by a former student of his abuse and the student's intention to make a police complaint.

Failure to supervise staff

8.142 There was a distinct failure by the school to supervise many of its abusing staff properly. This can be illustrated by a review of the freedom and authority given to Mr Browne by the school.

8.143 Mr Browne was a senior member of staff through two cycles of policy advancement, under both Dr Wilton and Mr MacLean. In the plain sight of many staff, the chaplain, an unqualified but registered teacher, groomed, sexually abused and initiated the downhill progress in life of many boys entrusted to his care and tuition.[1077] He was the sexual education teacher for most of his 25 years at Dilworth, and even after the subject had been formally removed from him, continued to teach it as part of his Christian Living classes, without intervention from school leadership. According to his discussion with us, early in his tenure, he and Dr Wilton decided Mr Browne should teach sexuality because the physical education teacher was considered unsuitable.[1078]

8.144 Even after the head teacher of the junior school expressed concerns in 1995, the formal teaching of sexuality in the junior school was not removed from Mr Browne for a further three years, and only after further complaints from external personnel were received. Mr Browne continued teaching[1079] or discussing the topic without intervention from the headmaster until his resignation from the school, insisting that it was necessary to include sex education in the "Living" part of his Christian Living classes.

1077 Mr Browne was registered as a teacher 10 years after he started teaching at the school. He was untrained but able to be registered under a provision that allowed registration for people who had previously been teaching.

1078 Ross Browne Inquiry interview.

1079 In the senior school. For example, Mr Browne's appraisal document dated 2002, which states, "The junior campus' students, particularly in year 8 know that [sex education] is my responsibility at the senior campus, and sometimes ask questions".

8.145 The decision to entrust Mr Browne with teaching sexual education was disastrous. Although he had undertaken a sexuality education course, he ventured into and focused on specific areas that were entirely inappropriate and well outside his training. He had no general teacher training or experience[1080] and was frequently mentioned in discussions with us as an inadequate, lazy teacher who often failed to comply with report deadlines. He was the subject of numerous complaints. Most seriously, he introduced overt grooming and sexual harassment and abuse as a part of his classroom teaching. Over an extended period, Mr Browne was neither a suitable person to be a teacher, nor were students safe with him. Concerns raised by other staff about the subject-matter of his classes were ignored or dealt with ineffectually.

8.146 Mr Browne also introduced Group Life Laboratory (GLL) camps, which resulted in many complaints that this was where grooming and sexual abuse started, and where breaches of confidences shared during the camps had devastating consequences for the students concerned.

8.147 Although a member of the school pastoral team was very critical of the GLL and the consequences on students of the practices engaged by Mr Browne and communicated these concerns to the headmaster and deputy headmaster, the team member felt these concerns were brushed off. This response is rejected by Mr Owen and Mr MacLean. Mr MacLean told the Inquiry that the camps were ended on the advice of this staff member. However, the Inquiry notes this did not happen immediately.

8.148 For much of his lengthy time at Dilworth, Mr Browne was a powerful, trusted and often admired leader in the school community, including by the headmaster and the Board. The current Board chair, Mr Aaron Snodgrass, told us:

> He groomed at all levels, the Board, the Bishops, the boys, the staff. So, when [a staff member] is raising issues, they're hearing that in the confluence of this man is just amazing, Dilworth is so lucky to have him.[1081]

1080 Mr Browne was a certified "sexuality educator" having completed a course through Christian Family Life Education.

1081 Aaron Snodgrass Inquiry interview.

8.149 We find the school leadership failed in not detecting or stopping Mr Browne's grooming of it. It was not as though concerns and complaints had not been raised. A member of the pastoral team and the head of the junior school both put their concerns in writing, and, in 1998, two student teachers expressed their shock at the content of Christian Living classes, at which they were observers, during which Mr Browne initiated the topic of masturbation and confirmed that students had previously masturbated in his class. As a result, the then head of the junior campus, raised with Mr Browne his "extreme concern" about his teaching of sexual education, and that it would be "catastrophic if the press were informed of such matters". He documented his views in a file note, but no formal action against Mr Browne seems to have occurred.[1082]

Failure to maintain professional boundaries

8.150 Several of Dilworth's longest serving senior staff were serial sexual abusers. While having staff with long service provides important stability and valuable institutional knowledge, there were downsides. The fact of long service seems to have encouraged a loyalty in school leadership towards the staff member without appropriate professional boundaries being maintained. Although frequently there were reports that should have resulted in enquiries into their behaviour, we believe the trust and loyalty inspired by lengthy collegiality led to an unwillingness to believe the boys who tried repeatedly to get help.

8.151 Former Dilworth leaders Mr Owen and Dr Wilton were both long-time friends and colleagues of abusers Mr Ian Wilson and Mr Browne. In our view, these relationships adversely affected their response to Mr Browne's concerning behaviour, and Dr Wilton's response to Mr Wilson's historical abuse complaints that emerged in 1996. Mr Owen came to the same view.[1083]

1082 File note, 3 July 1998, Ross Browne's personnel file.

1083 Bruce Owen statement to the Inquiry.

8.152 These close ties affected colleagues' judgement and blunted appropriate responses. In 1989 or 1990, Mr Owen discovered Mr Browne was massaging boys on a table he had in his room. Mr Owen described asking him on two occasions to get rid of it but did not escalate the matter further to Dr Wilton. When asked about this, Mr Owen explained:

> At the time, it didn't occur to me that Ross was massaging boys because he was sexually interested in them. I thought he was being thoughtless in his actions but simply wanting to help the boys alleviate stress or recover from sports injuries. In hindsight, I should have notified Murray in writing about discovering Ross' gurney and his use of it for massaging boys. That is something I take responsibility for. I clearly could not trust Ross to respond to a specific request to desist.[1084]

Provision of misleading references

8.153 Dr Wilton provided fulsome, misleading references for proven abusers without regard to the safety of students in other schools. In one case it is known that a teacher went onto sexually abuse another student for which he has now been convicted.[1085] We acknowledge Dr Wilton's apology for this serious failure.

Failures in Board governance (sole)

8.154 Below we discuss the specific failures that can be attributed solely to the governance of the school. They are failures to:

- understand the business it was governing
- understand the peculiar legal status of the school and need for accountability mechanisms
- provide the school leadership with objective, professional guidance and oversight
- ensure a more effective partnership with the Anglican Church.

1084 Bruce Owen statement to the Inquiry.

1085 We have received confirmation from the school in question that this reference was used.

Misunderstanding of the 'business' of the Board

8.155 For most of the years under review, Dilworth operated principally as a commercial, rather than a school, business; one directed at managing the growth of the asset base and the rate of return on investments to provide sufficient income and managing capital requirements to maintain the school's buildings and infrastructure. The composition of the Board over the years reflects that aim. There is some validity in such an aim: to achieve the objectives of the trust, a business-like approach is needed. Without adequate funds and the preservation and development of assets, the school would fail.

8.156 However, throughout this Inquiry, the question in our minds has been whether the focus on income and asset production and protection has been balanced with sufficient oversight and guidance for school management, as well as careful management of the central business of the Dilworth Trust, the administration of the school. We do not think it has.

8.157 The real business of the Board has been misunderstood. It is to run a school for disadvantaged year 7 to year 13 students.[1086] Despite this, Board membership has been consistently dominated by businessmen who have lacked the relevant educational experience or expertise needed to govern the school.

8.158 This governing board, the Dilworth Trust Board, is a historical entity developed over more than 100 years from the model established in Mr Dilworth's will. The membership of the small board has been unnecessarily limited to those with a business focus and, as a result, has constrained the Board's ability to discharge its duties to its students. The tradition that former students of the school should be Board members has further constrained the Board's ability to obtain the necessary expertise as the practice of the board has been to rely on their 'expertise' in issues to do with school governance. The Board has also deferred to the headmaster or principal without ensuring he had professional accountability and oversight.

8.159 In summary, the Board has not had the range of skills needed to govern all aspects of the school's activities and concerns. As evidence emerges that a broader, more diverse governance pool improves the quality of board decisions, the Board has expanded the pool from which it selects its members. This is appropriate where the fundamental business is to manage a school for disadvantaged children, but its current composition remains inadequate by modern school governance standards. This is discussed in more detail in the recommendations.

1086 The school's last admission of year 5 students was 2020 and year 6 students in 2021. Since 2022, the school takes students from year 7 upwards.

8.160 Governance of Dilworth school required the Board to set objectives and standards specific to an education and boarding establishment. In addition to its financial responsibilities, its role should have been to provide guidance and structure for the professional school staff and in particular the headmaster. The Board should also have set high standards for teacher and headmaster qualifications, qualities and duties and policies for the employment and dismissal of staff, for police reporting and to provide for its external, professional and enforceable oversight. Particular attention should have been paid to ensure standards against which Dilworth school was measured were equal to the levels of protection and professionalism that state and integrated schools were measured against, provided usually through the Department of Education and ERO.

8.161 The relevant duties included ensuring there were comprehensive guidelines providing for the students in their care, as required under the trust, and bearing in mind the special duty to them due to the Board's de facto guardianship responsibilities during term time. As well as adequate food, clothing, medical and pastoral care, the education provided in all its facets was also the Board's responsibility, as was setting policies for the safety of children, the admission and exclusion of students, and the discipline of students.

8.162 Having set the standards and policies, it was for the Board to ensure they were applied and observed by the school leadership, particularly the headmaster. Given his hands-on role within the school and his leadership position, the headmaster had an obligation to bring to the Board matters of policy or principle that he felt needed Board guidance or, at least, to be brought to the Board's attention. The Board should have ensured the headmaster knew what matters the Board expected to be brought to its attention.

8.163 These matters should have included complaints of adult–student abuse of any kind, serious welfare issues such as the bullying created by overcrowding and insufficient staff, persistent rumours of sexual abuse, and the advice given by the Department of Education or the Board's lawyers, to ensure the Board understood the gravity of these issues and concerns. Some were brought to the Board's attention but, as this report sets out, there were serious deficits either by the headmaster or the Board in taking them seriously and to take the effective action recommended.

8.164 The Board did not, therefore, discharge the full range of its duties of governance. The school leadership, on significant issues, lacked the guidance and direction it needed to manage the numerous health and welfare issues students contended with and the necessary professional structure, such as training in managing sexual abuse, or the will to deal decisively with offending staff to the serious detriment of the students affected by their abuse. School leadership sometimes had too much autonomy to manage serious behavioural and welfare matters within the school and was let down by governance in this regard.

8.165 We note also that the Board's handling of abuse complaints has been guided by the need to protect the school's reputation. This continued in 2012 and 2014 when school reputation was the driving reason for seeking suppression of the school's name when Staff Member TS and Mr Dixon were prosecuted for sexual offending against Dilworth students. While the brand and reputation of the business might have been a valid primary priority in a commercial business, it should have been a lower priority when the 'business' was the governance of a school. By obtaining name suppression for the school, an opportunity for others to come forward and report their historical abuse was delayed for a further five years in the case of Mr Dixon.[1087]

8.166 To a large extent, the purpose for which the school was established – the charitable and forward-looking instincts of its founder – have not been fulfilled by prioritising reputation over student safety. Had the school relied all along on its main driving impetus – providing boys from disadvantaged homes with a first-class education, including care and protection as an essential part of this – it would have carved out a unique and envied reputation. The Board's misguided understanding of its core business and lack of experience and expertise in school administration has resulted in other serious failings.

Neglecting child safety concerns when making disciplinary decisions

8.167 The Board has dealt with staff misconduct against students as if it were simply workplace misconduct where termination, to get rid of the problem, has been the standard practice. It has overlooked the special requirements of an education setting involving children and young people and has moved the risk to other schools or institutions without warning or notice, while often not ensuring adequate care and protection for the affected students in its own school.

Communications with headmaster and senior staff not prioritised

8.168 At times, there has been poor flow of important governance information between the headmaster, Board chair and other board members. The Board as a whole entity has also failed to see the need to prioritise its communications with the headmaster. Dr Wilton told the Inquiry that the operation of the school was not a priority for the Board. He was usually given 30 minutes at the end of the day-long Board meeting and felt his reports were dealt with superficially and were largely restricted to reporting statistics.[1088] He also said that the then chair of the Board, Mr Cotter, required his headmaster's report ahead of the meeting. The chair would then edit it before presenting it to the Board and rarely allowed time for discussion of the edited report. Dr Wilton considered that, as headmaster, he did not have free access to the Board.

1087 The Inquiry notes that the school adopted a different approach to name suppression in respect of the Operation Beverly prosecutions. The school has subsequently successfully applied to lift name suppression in respect of the school in relation to the TS prosecution, allowing the Inquiry to report on the school's response.

1088 Murray Wilton Inquiry interview.

Refusal to increase staffing despite serious student safety reported

8.169 The Board's refusal to increase staffing to deal with the reported problems of serious bullying and to provide adequate professional assistance to deal with a reported large number of disturbed students in the Parr era and in the early years of the Wilton era also indicate a lack of comprehension of its true business and a careless approach to its duty of care.[1089] A school board properly focused, would not have allowed the reported situation either to develop or to continue.

8.170 The school roll should not have been increased in the Parr era unless there was funding for a proportionate increase in staffing. Having got to the difficult situation of having inadequate staff numbers to supervise boys, the Board should have looked at the variety of other steps it could have taken other than doing nothing because it did not have the finance.[1090]

8.171 This poor response to warnings about low staffing levels continued into the MacLean era. It was not until 2008, in response to Mr MacLean's report advising the Board of his unease about the lack of adult supervision in the boarding houses and the risks presented by the student–boarding staff ratio, that the Board commissioned an external consultant to review the boarding house with a particular focus on the issue of supervision. Staffing was increased as a result of that review.[1091] This was the first professional, external review of the boarding houses that the Inquiry has seen in the period with which it is concerned.

Mechanisms for staff access not created

8.172 The Board has not ensured systems for access by staff members to the Board. Dr Wilton told the Inquiry there was no opportunity for staff to connect socially with Board members and virtually no other access to the Board for staff members until he started a programme called Value Management where all staff and trustees sat down together once a year.[1092] Until Mr Reddiex came to the school, there was almost no means for the staff to talk to the Board about pressing professional matters that they could not resolve with the school leadership.

1089 For example, headmaster Parr's report to the Dilworth Trust Board, 1974

1090 For example, it could have stopped admitting students until its finances improved so as to free up funds for staff employment. It could have made arrangements for students to become day school students. Although it had a non-borrowing policy, in the dire situation that was reported to it, it could have borrowed in the short term.

1091 The 2010 ERO review report notes, "The Trust Board had adopted the main recommendation of a recent external review that suggested more staffing would be useful. They have appointed five extra assistant housemasters at senior campus and additional academic tutors at both campuses."

1092 Murray Wilton Inquiry interview. A prohibition on teachers communicating directly with the Board was included as a contractual term of the employment relationship in the 1980s.

Lack of understanding of the school's legal status and external review

8.173 The Board's failure to understand the issues created as the result of the school's legal status as a private school and the lack of action to address the accountability gap caused by this, is a factor that contributed to the abuse.

Misplaced reliance on the Education Review Office

8.174 There is a gap in the legislative responsibility for monitoring the safety and welfare of private school students. The criteria for government oversight of a private school differ from those applying to state or integrated schools. They are much less rigorous or robust. This was not understood by many Board members, some of whom commented on their reliance on the ERO reports to assure themselves all was well with the school.

8.175 Dr Wilton describes the educational and welfare environment for independent schools until his retirement in the 1990s thus:

> New Zealand independent schools in the 1970s and 1980s were out on a limb when it came to relationships with government educational authorities. Clearly, we had obligations under the Education Act to deliver a curriculum in line with what was prescribed for all New Zealand state schools. To that end Dilworth was regularly inspected by inspection teams from the Education Department Inspectorate (later the Education Review Office). But … the links to state authorities were limited to those required by law.[1093]

8.176 Before 2010, private schools were assessed on "efficiency" criteria. The definition of efficient included private schools having suitable premises, staffing, equipment and curriculum, giving students tuition of a standard no lower than that of the tuition of state schools of the same class, and providing suitably for the inculcation in the minds of students of sentiments of patriotism and loyalty.

1093 Murray Wilton statement for the faith based institutions response, Abuse in Care Royal Commission of Inquiry.

8.177 Until October 1989, reviews of private schools to ensure the relevant criteria were being met were carried out by school inspectors reporting to the Department of Education. From October 1989, the function was moved to ERO, which reported to the Ministry of Education. ERO does not have powers of investigation, compliance or enforcement in relation to specific complaints or concerns about health and safety.[1094]

8.178 From March 2006,[1095] ERO's coverage increased to include review of all schools' hostels and boarding facilities.[1096] The review assesses adherence to the minimum criteria, including the provision of an emotionally and physically safe environment for students and adherence to the safeguarding procedures. It includes interviews with all stakeholders – the associated school, hostel operators, parents and students.[1097] ERO told the Inquiry it reviews all hostels once every three years.[1098]

8.179 From December 2010, private schools must meet the prescribed registration criteria under Schedule 7 of the Education and Training Act 2020. The initial registration is followed by periodic reviews of the school to ensure it still meets these criteria.[1099] The review is largely conducted by way of a self-audit checklist completed by the managers of the private school. ERO confirmed that in completing the reviews it is "substantially reliant on the veracity and integrity of the information that is attested or received from leaders, managers and key informants".[1100] Similarly, ERO reviews of hostels involve a self-audit checklist, and ERO places significant reliance on the information given by hostel owners as to whether they are taking all reasonable steps to meet their legal obligations.[1101]

8.180 In 2019, the registration criteria for private schools were amended to include that the school was a physically and emotionally safe place for students.

1094 Letter from ERO to the Inquiry, 5 July 2023.

1095 Following the introduction of the Education (Hostels) Regulations 2005.

1096 As defined in the Education and Training Act 2020 and Education (Hostels) Regulations 2005. ERO's role with respect to the review of hostels is provided for in section 470 of the Education and Training Act 2020.

1097 Letter from ERO to the Inquiry, 5 July 2023.

1098 Letter from ERO to the Inquiry, 5 July 2023.

1099 If the criteria are not met, then ERO's mandate is limited to advising the Secretary for Education of this fact. The school's registration may be cancelled where the secretary considers the school is not meeting or is not likely to meet any or all of the criteria for registration, the managers of the school have breached or are breaching their statutory duties in relation to the school, or there are grounds to believe serious criminal offending is occurring.

1100 Letter from ERO to the Inquiry, 5 July 2023.

1101 Guidelines for hostel assurance statement and self audit checklists, January 2023, ERO. www.ero.govt.nz.

Reports on Dilworth school

8.181 The Inquiry has reviewed reports from both school inspectors and ERO. In the 1985 Department of Education inspection of Dilworth, there was a favourable comment on student welfare.[1102] One of the inspectors who completed this report advised the Inquiry that they did not believe they had been told by the school of the recent departure of teacher Mr Cave for sexual misconduct,[1103] and if that information had been forthcoming, the comment on student welfare would have been different and the Ministry of Education informed.[1104]

8.182 Dilworth's school and boarding facilities were reviewed by ERO for the first time in 2007,[1105] then in 2010, in 2015 and six years later in 2021, after Operation Beverly was announced. The Inquiry has reviewed the ERO reports. They did not identify the specific steps or processes that had been implemented by the school to meet the criteria, particularly those relating to the welfare and emotional wellbeing of students.[1106]

8.183 Further, one year after Mr Browne's employment at the school ended, the 2007 report is very positive about Dilworth, indicating clearly the limitations of the process for review of this school. Although ERO's mandate is restricted to assessing current students' facilities, the penultimate paragraph of the 2007 report adds, "The students, past and present, are highly appreciative of the opportunities that Dilworth School provides for them", indicating that in some circumstances ERO does make evaluative comments.

8.184 Even after widespread public reports of convictions of sexual abusers who had been employed at Dilworth and had, by sexually abusing students at the school, committed serious criminal offending, the 2021 ERO review report makes no mention of this or of Operation Beverly in general.

8.185 ERO told the Inquiry it "does not have a mandate to conduct any specific review of Dilworth school or its boarding houses arising out of Operation Beverly. The New Zealand police have the powers to investigate the allegations".[1107] This policy approach overlooks that police investigations are limited to criminal offending. Protecting the welfare of children who have been the subject of this offending is a much broader responsibility.

1102 Before the school reviews fell within ERO's purview, the school inspectors were able to provide assistance and guidance to the teachers as may promote the good conduct and efficiency of the schools … to advise the Manager of each school on matters. Education Act 1964, section 182(2) and (3).

1103 He had left the school about one month before the review was undertaken.

1104 Former inspector UV communication to the Inquiry.

1105 Following the implementation of the Education (Hostels) Regulations 2005, until this point the reviews were of the school only.

1106 Noting that the introduction of "physically and emotionally safe place" for students was introduced as a criterion of private schools in 2019, while the licensing requirements, including the requirement for school boarding houses to be safe physical and emotional environments, have been in place since March 2006.

1107 Letter from ERO to the Inquiry, 5 July 2023.

8.186 The restricted nature of ERO's obligations are further highlighted in its response to the Inquiry's observation that a private school's ability to provide a physically and emotionally safe place would be affected by the media reporting of Operation Beverly and that this would appear to be a factor in both the Ministry of Education's definition of a "safe place" and ERO's assessment of the school. ERO confirmed that one criterion for registration of a private school is a physically and emotionally safe place for students but otherwise it "is unable to comment, and has no existing information on this", and directed the Inquiry to the Ministry of Education.[1108]

8.187 The current headmaster, Mr Reddiex, having come from a similar position in the state sector told the Abuse in Care Royal Commission of Inquiry and this Inquiry that he considers the process for ERO review of private schools to be quite inadequate. The process comprises providing the reviewers with yes or no answers to eight questions, presumably those listed in the criteria in the legislation for registration.[1109] By comparison, the last ERO report of Auckland Grammar School, a boys' state school that offers full boarding facilities for 120 students, was 20 pages long.

8.188 His earlier experience as the head of a large boys' state school found that ERO "benefited him in his role and [benefited] the school". The three ERO reviews conducted while he was head were "extensive and interesting", the feedback helpful and valuable as it came from other educational professionals. As a result, his school became high functioning. Describing the current ERO reviews of Dilworth as "once over lightly", he contrasted the brevity and shallowness of the process with his earlier state school experience, which involved ERO officials in attendance five to seven days at the school and "hundreds of hours" of preparation work by school staff before the visit.[1110]

8.189 Mr Reddiex was also critical of ERO's checking of Dilworth's boarding houses, describing it as, "It's a one line, yes or no and it's a bit of [a] cursory glance at what's actually happening".[1111]

1108 Letter from ERO to the Inquiry, 5 July 2023.

1109 Dan Reddiex Inquiry interview.

1110 Dan Reddiex Inquiry interview.

1111 Dan Reddiex evidence to the Royal Commission into Abuse in Care, 20 October 2022.

8.190 We share his sentiment that ERO's monitoring of independent schools should be aligned with the approach taken to state schools:

> having worked as a headmaster of a State school and now working in an independent school the mirroring of the ERO review in the State school into the private sector would make incredible sense. So the rigour is entirely different and the depth of response and the depth of questioning that takes place with a State sector review is significantly different from a private sector one, which really is just a compliance audit.[1112]

8.191 The fact an educationalist with wide experience in both state and independent schools considers the external review of the school and boarding houses to be inadequate, confirms our view that the absence of external and professional oversight was a factor that enabled widespread and persistent serious physical and sexual abuse to continue for decades.

8.192 The Inquiry also notes the view of the current Board chair about the limitations of ERO's review of Dilworth. In his evidence at the Royal Commission, he said ERO reports were not helpful "at all" to the Board in knowing whether the school is a safe place for students. It does not appear this point was understood by former Board members. The Board should never have relied on ERO reviews for reassurance that all was well with the school.

Impact of decision not to integrate

8.193 Critically, the school's decision not to integrate has resulted in Dilworth being subject to a very light regulatory regime under the state education framework. Whereas other private schools have compensated for this by having regular external reviews of at least a comparable depth to a review by ERO of a state school and by actively involving parents in governance roles, Dilworth has had neither.

8.194 Robust independent review is expected by fee-paying parents, as illustrated by the submission of Independent Schools of New Zealand to the Law Commission in March 2009. Supported by Dilworth, the submission said, "Private schools are accountable to the fee-paying client and should be largely independent of the state".[1113] Dilworth qualified this statement by saying that in the absence of a fee-paying base, it was accountable to all its clients.

1112 Dan Reddiex evidence to the Royal Commission into Abuse in Care, 20 October 2022.

1113 Independent Schools of New Zealand emphasised that this submission, made 14 years ago, might differ from current thinking among private schools.

8.195 As we have recorded in this report, Dilworth's clients, who would usually be the parents and guardians of its students, did not pay fees and were kept at arm's length from the school governing authority and certainly not engaged in discussions about student welfare or informed when it was at risk. Dilworth did not contract external expert and binding reviews on the performance of its school on a regular basis to fill the accountability gap in the legislation.

8.196 Other Anglican-associated private schools about which the Inquiry obtained information have specific systems at governance level to ensure strong accountability. In one, governance is split into two separate entities, one to govern the operation of the school and the other to raise funds. There is a mixed governance appointment model with a nomination or selection process and a requirement for a spread of expertise, including education expertise. Other Anglican-based private schools in Auckland have a seat for the Bishop of Auckland at the governance table.

8.197 At least one private school associated with the Anglican faith commissions regular independent external reviews, which closely reflect the ERO model for review of state and integrated schools, thereby ensuring accountability. These different approaches to governing and external monitoring recognise and acknowledge that ERO and the state provide very limited external monitoring of independent schools.

8.198 Until 2018, there had been no substantive external review process that the Inquiry has been made aware of into the headmaster's performance or the operation of the school, including child safety policies, educational standards, cultural and recreational teaching, and facilities or of its processes for enrolling and excluding students. In 1995, external assistance was engaged to look at enhancing teacher effectiveness and accountability by implementing a self-review process as part of an overall professional development scheme, and there was an external review in 2009, with follow up in 2011, into the operation of the boarding houses.[1114]

8.199 However, what has been lacking is a system for continuous, credible monitoring and review of all aspects of the school's performance, including student welfare standards. As has been seen, this omission of regulatory accountability, without other steps being taken to ensure accountability by another comparable form, left Dilworth students extremely vulnerable and exposed to danger in a way that other New Zealand school children were better protected from. This has compounded governance problems.

1114 We were also referred to the "1971 Craig report" by Dilworth, which examined the feasibility of continuing with the senior school at Dilworth.

Conclusion

8.200 The factors identified contributed individually and cumulatively to create an environment where physical and sexual abuse could occur, and were compounding. For example the failures of the school to investigate and report abusers or implement proper policies were compounded by the vulnerability of the students and the disempowerment of parents. Fundamentally, the failures of the school and governance resulted in preventable abuse occurring and continuing.

8.201 In terms of causation, we have found no distinction between staff abuse of students and former student abuse of students. The reasons for abuse by staff and students are the same: a harsh, physically brutal environment; extreme and unfair physical punishment that desensitised students; a lack of adequate supervision in boarding houses; a lack of monitoring or supervision of staff; multiple governance failures; the grooming and sexual abuse of students created an environment that led to some sexually abusing other students. Students abused by other students have told us that they find it difficult to accept that a distinction should be made between them and other abused students. They believe that the same remedies offered to staff-abused students should be available also for them. This would apply also to students who abused other students. They too should have the opportunity to receive assistance to recover from this complex situation. The Inquiry considers all abuse, whether perpetrated by a staff member or student, was abuse that was encouraged or permitted by a Dilworth representative. The failure to take action resulted in an environment where physical and sexual abuse was prevalent.

Mr Reddiex told the Inquiry the message to both the current school community and former students has been that the school wanted to lead with values of transparency and honesty. The Inquiry has heard from both groups that his actions have been consistent with this message.

Chapter Nine
2019–2023

Headmaster Dan Reddiex and Board chair Aaron Snodgrass

Introduction

9.1 The Inquiry is not aware of any sexual or serious physical abuse perpetrated by a staff member since 2018,[1115] and the Inquiry has received no registrations from students who have made complaints of serious physical abuse or sexual abuse by staff from that date to today.

9.2 There has been a major and concerted effort by the Board, in particular its chair Mr Aaron Snodgrass, and by school leadership to change the school culture to comply with international best practice for the protection of children living in residential educational institutions. The programme they have implemented is discussed in chapter 10.

9.3 The Board as of May 2023 comprises four members: Mr Snodgrass (appointed to the Board in 2013 and chair from 2018), Mr Peter Alexander (appointed March 2017), Mr Jonathan Mason (appointed March 2019) and Mr Leo Foliaki (appointed February 2022). There are two vacancies.

9.4 Since Mr Dan Reddiex took over as headmaster, complaints have been made against two teachers for historical abuse. The school leadership and Board were first made aware of complaints against these staff members during Mr MacLean's era.

1115 The abuse involved the sending of explicit sexual online messages to a student by a non-teaching staff member: Response by Dilworth School to Notice to Produce No 1, 31 March 2020.

Dan Reddiex as headmaster

9.5 Mr Reddiex started as headmaster in April 2019 after working at three state boys' secondary schools, the last of which was King's High School, Dunedin, where he was headmaster for 11 years. The first two schools he taught at had boarding facilities.

9.6 Mr Reddiex told the Inquiry that the Board had disclosed the fact of historical abuse at Dilworth as part of the interview process and that the school's ongoing response was a key component of his work as headmaster when he started and has remained a major part of his duties. Mr Reddiex said the message to both the current school community and former students has been that the school wanted to lead with values of transparency and honesty.[1116] The Inquiry has heard from members of both groups that his actions have been consistent with this message.

9.7 In chapter 10, we discuss the significant amount of safeguarding policy and procedure work done by the school under the Board's leadership during this period. We also discuss feedback from current students and families and whānau about the change they have seen in the school under Mr Reddiex's leadership. All of those we spoke to were positive about his leadership, with several parents pointing to this as the single most significant positive change for the school.

School response to complaint of abuse during this period

9.8 The school received one complaint of student-on-student abuse in this period, and we are satisfied that the manner in which this difficult complaint was managed was appropriate. The complaint was promptly referred to police, and both students were well supported. While inevitably they will be seriously affected by this matter, the school acted impartially and with both boys' interests at the forefront of its actions.

School response to historical complaints

9.9 Between March 2019 and January 2023, about 18 complaints of historical sexual abuse and six of historical serious physical abuse were made to the school or the Board.[1117] Former students have been offered the chance to meet Mr Reddiex or Mr Snodgrass in person, and on one occasion the Board.[1118] Former students have been referred to the Listening Service and, as far as we can ascertain, offered an apology for their experiences made by the school representative.

1116 Dan Reddiex Inquiry interview.

1117 The data was drawn from several different documents with limited information recorded as to the nature of the complaint in some cases. We were advised of complaints up to 11 January 2023.

1118 As at November 2022, five former students have taken Mr Reddiex up on the offer to meet in person: D Reddiex Inquiry interview. Student DY met with the Board in August 2019.

9.10 The Inquiry received correspondence that was critical of the school response to one former student in this period. He had written an email to the headmaster in March 2021 disclosing the abuse he had suffered at school and criticisms of how the school had handled the situation. Mr Reddiex responded immediately. He offered to speak to the former student as well as referring him to the Listening Service.[1119] The former student responded and asked that his email be passed on to the Board.

9.11 There was no response from the Board for three months, apparently due to absences. When Mr Snodgrass responded on behalf of the Board he apologised for the delay and advised that the Board wanted to respond to the former student in a "way which will best acknowledge his experiences while at school and apologise".[1120] He offered the Listening Service. The student interpreted the response as pro forma and it triggered his trauma at how the school handled his initial complaint when he was a student, causing considerable distress.

9.12 While the school was in uncharted territory in managing the fallout from Operation Beverly and did its best, there was an unfortunate time gap in the Board response. In hindsight, recognising how vulnerable and fragile some former survivors of abuse will always be, the Board could have ensured a nominated trauma-qualified person was available promptly to talk with former students. In this instance, this person was already registered with the Listening Service. It was the Board, not the school or the Listening Service, that he wanted a response from.

Events leading to the school making a police referral in June 2019

9.13 Before Mr Reddiex's appointment, on 29 January 2019, Reverend John Payne and another church official met with the Dilworth general manager to advise that they had become aware that a group of former students had been abused at the school between 2004 and 2005 at the hands of, or through the involvement of, Mr Ross Browne, and that the boys in the group, all of whom were of Māori descent, were suffering. A second meeting was held to discuss how the school might be able to assist the former students. The school offered the former students access to the confidential Listening Service. This was reiterated in a letter from the chair of the Board, Mr Snodgrass.[1121] It was also at this second meeting that the school was advised that Mr Browne was working as a vicar in a parish in Manurewa.

1119 The student had been referred to the Listening Service before this email and went on to receive 19 individual sessions of therapy with a clinical psychologist.

1120 Letter to former student. Further details omitted to prevent identification.

1121 Letter from Aaron Snodgrass to church representative, 8 March 2019.

9.14 Mr Snodgrass met with Bishop Ross Bay in February and March 2019 to discuss the issues raised by Reverend Payne. There was further contact in May 2019 when Mr Snodgrass became aware that Mr Browne was still involved as a director of the Gang Show, a Scouts production.

9.15 The church took the view that as Mr Browne had been placed in St Lukes' parish with knowledge of events leading to his resignation from Dilworth, it would need a new or further complaint of criminal behaviour to remove Mr Browne from his position.[1122] Bishop Bay also stressed that, as vicar, Mr Browne "did not interact with children or have direct supervision of them".

9.16 On 17 June 2019, Mr Snodgrass wrote to the bishop, outlining the previous contact between them. In essence, the school, having previously dealt with Mr Browne in 2006 on the basis that his actions did not constitute criminal offending, had now reached a different assessment. Mr Snodgrass advised the bishop that Dilworth was not comfortable waiting until a further complaint was made, and the school would be bringing its concerns to the attention of police and Oranga Tamariki.[1123]

9.17 On the same day, on behalf of the Board, the general manager wrote a letter addressed to Oranga Tamariki and police registering Dilworth's concern that a child or young person may have been or was likely to be at risk of harm. The letter outlined the circumstances of Mr Browne's resignation from Dilworth following complaints of "serious sexual misconduct", which had then been notified to the Teachers' Council.[1124] The letter was accompanied by the staff file of Mr Browne and a report that had been prepared by the independent clinical psychologist retained by the Board to advise it.

9.18 The letter records the school's concern that Mr Browne had been employed as a vicar in the Manurewa parish in 2009, despite Bishop John Paterson's knowledge of the circumstances surrounding his resignation from Dilworth and that he remained in that position. The school also noted its disquiet that Mr Browne had retained an ongoing involvement as a director in the Gang Show.[1125]

1122 As advised to Mr Snodgrass in the May 2019 meeting and restated in letter from Bishop Ross Bay to Aaron Snodgrass, 26 June 2019.

1123 Letter from Aaron Snodgrass to Bishop Ross Bay, 17 June 2019.

1124 Letter from the Dilworth general manager to New Zealand Police and Oranga Tamariki, 17 June 2019.

1125 A Gang Show is a theatrical performance by members of Scouts Aotearoa.

9.19 The letter was also sent to Bishop Bay. Bishop Bay's response to all parties observed that the church had not been advised in 2006 by the school of "complaints of serious sexual misconduct" in relation to Mr Browne.[1126] The school had in fact described Mr Browne's conduct in 2006 as "complaints of professional misconduct which were not of a criminal nature, had taken place some time ago and did not appear to have been repeated since".[1127]

9.20 Bishop Bay advised that based on the information held by the church, he had not considered there was sufficient cause to remove Mr Browne from his current position. He sought any further information held by Dilworth, New Zealand Police and Oranga Tamariki on the detail of the complaints against Mr Browne, which would bear on Mr Browne's fitness to hold office, but received no further information.[1128]

Establishment of the Listening Service

9.21 On 10 September 2019, a letter was sent to former students[1129] and posted on the Dilworth Old Boys' Association website, acknowledging the school's awareness of historical abuse and apologising for it. The school also advised that it "had taken constructive and positive steps to address the wrongs of the past and to ensure that the students of today and tomorrow are cared for in a safe environment".[1130] Former students were advised that a listening service had been established, providing and paying for psychological therapy by an independent clinical psychologist for any former student.

9.22 The letter was followed by a meeting, held just before the school's centenary celebrations, with former students who wished to attend. At the meeting, Mr Snodgrass and Mr Reddiex apologised for the historical abuse that had occurred and they, together with Dr Fred Seymour, a member of the Listening Service panel, discussed the steps being taken by the school and the support available to former students through the Listening Service.[1131]

1126 Letter from Bishop Ross Bay to Oranga Tamariki and New Zealand Police, 26 June 2019, and a separate letter to Dilworth Trust Board chair Aaron Snodgrass, 26 June 2019.

1127 Citing the letter from Dilworth Trust Board chair John Potter to Bishop John Paterson, 6 March 2006.

1128 Letter from Bishop Ross Bay to Oranga Tamariki and New Zealand Police, 26 June 2019. The church also told the Inquiry that Bishop Bay's subsequent written and oral requests to Dilworth for information about Mr Browne were declined. The Bishop said Dilworth advised him it could not disclose the information because of the confidentiality of complainants. The information was also, therefore, not available for consideration in the church's 2022 inquiry into Mr Browne's conduct.

1129 The school advises it was sent to all students for whom contact details could be located.

1130 Covering letter to Dilworth's response to the Royal Commission of Inquiry Notice to Produce No 2, 1 August 2020.

1131 Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

Operation Beverly

9.23 Following the school's notification and provision of Mr Browne's file and information collated by it, a preliminary investigation commenced into complaints about Ross Browne. In April 2020, police began an investigation, named Operation Beverly, into historical sexual offending when it became clear that there had been multiple offenders operating at Dilworth.

9.24 On 14 September 2020, the first round of arrests of five former staff and one Dilworth scout volunteer was announced publicly. By the beginning of 2023, 11 former staff members and one Dilworth volunteer had been charged in relation to 56 former students.[1132] This does not include earlier charges laid against Mr Ian Wilson, Mr Keith Dixon, Staff Member RZ, Staff Member TS and Mr Peter Taylor for abuse of other students.

Dilworth response

9.25 Over the last five years, the Board has had a major, overarching challenge to manage its response to the historical sexual abuse notifications.

9.26 The Inquiry was told that at the beginning that the Board instructed several consultants. On the basis of their advice, a decision was made to establish an independent inquiry and an independent redress programme. The Board has also continued to fund the independent listening service. The decision to establish both responses is admirable. The Board has fully funded them and in doing so, has shown a real commitment to attempting to understand what went wrong and to make amends for its past failures.

9.27 For the duration of the Inquiry, the Board's primary consultants appear to have been a psychologist with expertise in the incidence and impact of sexual abuse, a law firm led by a lawyer with a background in commercial law and in some faith-based redress programmes, two barristers and a public relations company.

Independent Inquiry

9.28 The terms of reference for the Inquiry were negotiated between the Board's lawyers and four law firms acting for some of the former abused students. We were advised by both the school and the law firm acting pro bono for the 130 survivors who are part of the class action, that relationships between them had been fraught at times during this negotiation.

9.29 This Inquiry started its work on 1 July 2022.

1132 Information provided by New Zealand Police, 26 January 2023.

Inquiry–Board relationship

9.30 Despite this being an independent inquiry, it has been fully funded by the Board and the contracts of the Inquirers and those contracted to assist the Inquiry are with the Board, although Inquiry staff are answerable to the Inquirers. Apart from some difficulties in obtaining access to documents, the Inquiry has been well supported by the Board. In its early stages, it received efficient, cooperative and expert support from the Former Dilworth response director.[1133] She enabled the smooth creation of employment contracts, funding, budgeting and the design of the wellness support unit. The Inquiry has received ongoing ready facilitation of its support requirements, enabling it to focus on the task it was given.

Establishment of a redress scheme

9.31 Work started on establishing the Dilworth Independent Redress Programme in early 2021. The programme was launched on 29 August 2022. Mr Snodgrass told the Abuse in Care Royal Commission of Inquiry that the work was substantially informed by the Royal Commission's report *He Purapura Ora, he Māra Tipu,*[1134] as well as consideration of programmes in overseas jurisdictions.

9.32 Draft terms of reference were created by Dilworth's advisors and circulated to some groups of survivors for comment. A revised version was then placed on a website and wider feedback invited.

9.33 The process of formal consultation started on 15 March 2022 and feedback was accepted through until the end of April 2022.

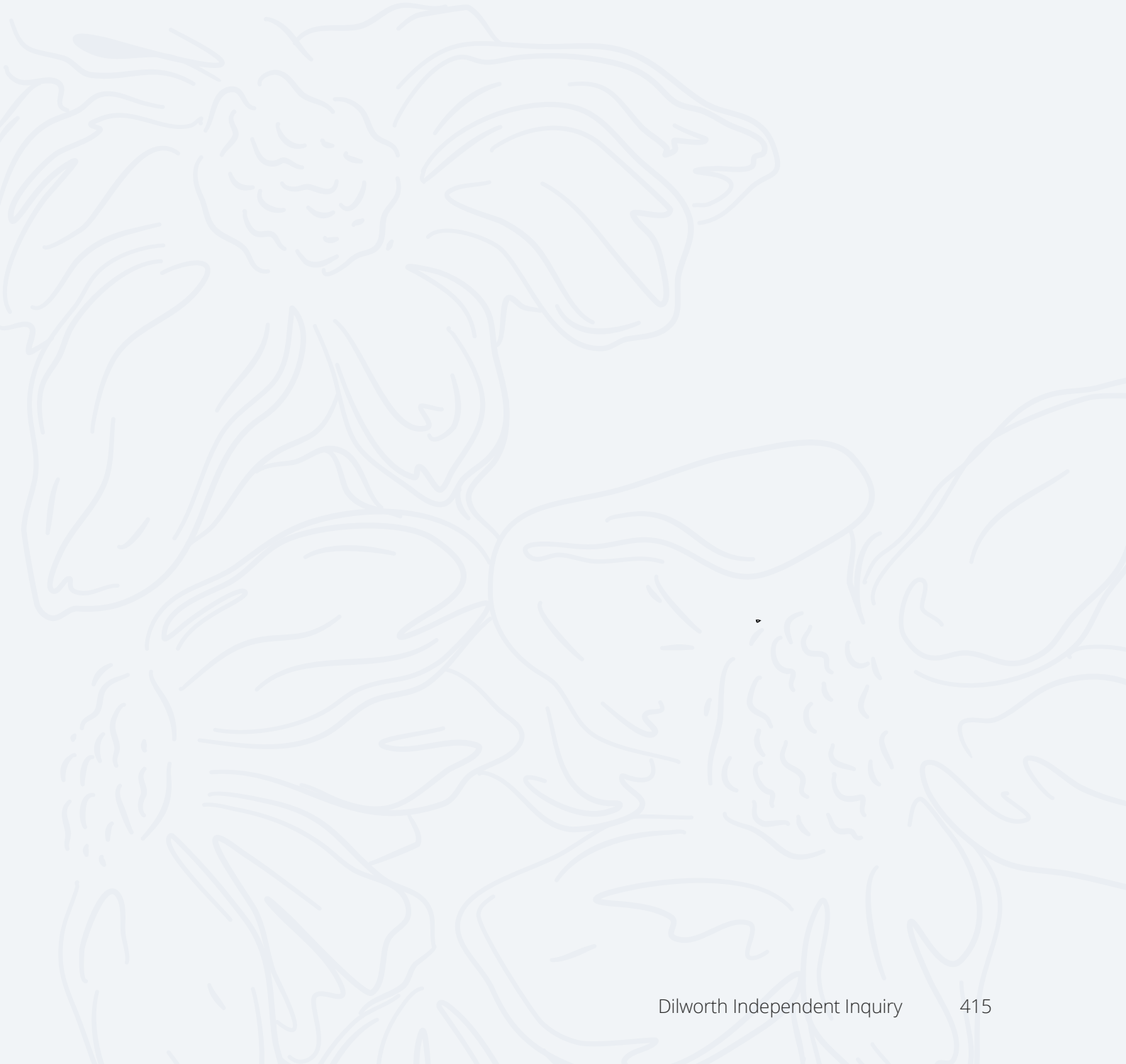
9.34 Further changes were made to the terms of reference before they were publicly released on 4 August 2002.

9.35 The next chapter describes and discusses the policy developed and the changes made since 2018 to the culture of the school. The Board, led by its chair, Mr Snodgrass, has initiated a process that has and will transform the way in which the school manages its responsibilities to the students, current and future. The headmaster, staff and parents have shown real commitment to supporting the Board to bring about many significant improvements. This has meant a massive workload, particularly for the headmaster and Mr Snodgrass who led the Board response to Operation Beverly, to address the many issues that have arisen at the same time as embarking on a major undertaking to radically change the culture of the school to ensure current and future students are protected from abuse. The headmaster, in addition to his regular duties, has been heavily involved in implementing the many innovations.

1133 Former Dilworth Response director Brigid Inder is an expert in the international justice sector in peace building, peace negotiations and reparations.

1134 Abuse in Care Royal Commission of Inquiry, *He Purapura Ora, he Māra Tipu: From Redress to Puretumu Torowhānui* (vols 1 and 2), 2021.

9.36 The Board and its chair are to be commended for their energy, commitment and willingness to assume weighty, unexpected responsibilities since the fallout from Operation Beverly and their achievements in this short period are creditable. We have made recommendations about what additional work needs to be done, particularly at Board level, to ensure the Board failings of the past are not repeated. It is our view that, in addition to the school's student safety programme, only with the changes we recommend, will the school be able to move into the future unencumbered by the tragic events that occurred in much of its previous 70 years.



The Dilworth community of today is very different from that of previous eras.

Chapter Ten
Dilworth today

Introduction

10.1 The Dilworth community today is very different from that of previous eras. Being forced to confront its history of extensive abuse has meant many positive but essential changes have been made since 2018. School leadership and the Board have fully supported the need for change, and the Board has provided generous funding to ensure Dilworth students are protected from bullying, sexual abuse and a hostile environment to the highest standard possible. Indeed, we have little doubt that the policies will now become a model for the protection of children in residential accommodation elsewhere.

10.2 One of the most significant changes is the ethnic make-up of the community. As at 6 July 2023, the total Dilworth roll was 49.6 percent Pacific peoples, 22.8 percent Māori, 14.8 percent New Zealand European/Pākehā, 11.4 percent Asian, 1.2 percent Middle Eastern, Latin American and African, and 0.2 percent recorded as "other".[1135]

10.3 Many traditional features important to the school have not changed. A key concept is that Dilworth is more than an education institution. It provides day-to-day care for young people during critical years of their development. Indeed, we have heard Dilworth referred to by former and current students and staff as a "community" or "whānau". Within that context then, the issue of protecting a student's health and wellbeing is emphasised and treated as a broader and overriding objective for the school.

1135 Data provided by Dilworth School to the Inquiry, 7 August 2023. The Inquiry has not independently verified this data.

10.4 Besides its implementation and accreditation from Child Wise,[1136] many other positive changes in the school environment are the result of legislative and other educational developments and societal changes, and recognition by the Board and headmaster of the need to keep up with those changes. Again, these changes have been essential. Dilworth has previously operated within its own vacuum, with little recourse to current educational thinking or compliance with external educational standards, and it is an important acknowledgment of the many past deficits that these issues are now being addressed.[1137]

10.5 The reason for many of these changes is not lost on current students and whānau. They are aware, in general, of the school's history of serious abuse. The Inquiry is satisfied that Dilworth is now on a positive track. To maintain the progress made is now vital for the continuing success of the school. The most important of these changes have been implemented only since 2018. For the safety of current and future students and the peace of mind of their families and whānau, these changes must be embedded in the school's systems and subjected to vigilant, ongoing monitoring.[1138]

Current policies and procedures to protect health and wellbeing

10.6 This chapter reviews the school's current policies and procedures and their adequacy to protect the health and wellbeing of current and future students.[1139]

10.7 We have:

- reviewed all current child safety policy documentation provided by the school
- reviewed the school's Child Wise child safety review conducted by Child Wise before the accreditation process
- reviewed the school's improvement plan submitted as part of its application for Child Wise accreditation
- interviewed the current headmaster, Mr Dan Reddiex
- received the school's safeguarding presentation by Mr Reddiex and members of the school's safeguarding committee, including the head of student services and the school's designated safeguarding officer

1136 A student safety programme. Refer to 10.31 below.

1137 We note that where a culture that has permitted abuse to exist for decades, it will naturally take a long time for the remnants of that culture to be eradicated.

1138 As the school is now well aware there is often a delay between a child being abused and their report of it. It may be several years before it can be confident no further sexual abuse has been perpetrated on any of its students. Its Child Wise protocols should enable students to seek help and be given support much more promptly than in the past. We also note that Child Wise accreditation is based on continuous monitoring.

1139 Inquiry into Abuse at Dilworth School, *Terms of Reference*, 2022, cl 4(d) (set out in appendix 1 of this report).

- Interviewed the headmaster, head of student services, and child protection officer on matters arising out of school policy, Child Wise certification and day-to day procedure relating to child protection
- held hui and fono with each of the school's four parent groups: Whānau Māori, Pacific Advisory Group, Dilworth Family Connect, and Safeguarding Group
- facilitated two wānanga with two groups of current students in years 12 and 13 to discuss concepts of wellbeing to them and their whānau, what they see being done by each part of the Dilworth school community to protect it, and what they think could be done better by the school community to protect student health and wellbeing. In total 24 students participated in the two wānanga
- interviewed all current Board members, including the Board Chair, Aaron Snodgrass and current Child Safety Trustee, Peter Alexander.

10.8 In addition to the above, we consider the place of current state based external monitoring as forming part of the tools available to a school like Dilworth.

10.9 There has been significant policy and procedural development and an increase in the use of technology to assist in safeguarding and day-to-day operations. Recent initiatives include the following:

- *Stymie* an online reporting tool that allows students to make anonymous reports about wellbeing, safety or any other areas of concern. Once a notification is made, the school is immediately notified, and a response initiated.[1140]
- a secure intranet splash page accessible to staff on and off site, providing them with access to Dilworth policies, key campus and curriculum information, commonly used tools and support.
- *KAMAR* a student management system commonly used in schools to communicate with whānau and students through an online portal. This system centralises all student data and personal details for staff to access. It is also used to record and track pastoral care information.

1140 For more information about Stymie, see its website, www.stymie.co.nz.

- Orah Nuture[1141] described by the school as a platform that supports the school's new curriculum Ako Puāwaitanga – Flourishing. The platform is used to improve communication around student wellbeing and includes a wellbeing tool.

- *Reach Boarding* which focuses on the boarding setting, lets staff track and report on student movements in, out and around the school. This can assist in addressing incidents varying in scale from the everyday to large-scale emergencies.

Developments in government's approach

Health and wellbeing of tamariki, rangatahi and whānau in Aotearoa

10.10 The wellbeing of tamariki, rangatahi, and whānau in Aotearoa New Zealand has been a matter of renewed public and government focus since at least 2018. As part of putting the school's current framework into wider context, below we discuss aspects of the government's strategy for child and youth wellbeing, which was announced in 2019.

10.11 The term 'wellbeing' is used to describe aspects of an individual's life that are important for their happiness, quality of life and welfare.[1142] The concept is culture bound with no single definition that predominates the literature on the topic.[1143] Non-indigenous models of wellbeing tend to prioritise the individual at the expense of examining whānau, societal and cultural values, and perspectives on wellbeing that are important for Māori.[1144]

10.12 Internationally, Aotearoa New Zealand was placed 35 out of 41 OECD countries for child wellbeing outcomes in a 2020 UNICEF report.[1145] We also note in the same report, the country had a rate of suicide of 14.9 people aged 15 to 19 years per 10,000. This was the second highest of all countries and more than twice the average among the 41 OECD countries surveyed.[1146]

1141 Student engagement platform.

1142 SE Maessen, BJ Taylor, G Gillon, H Moewaka Barnes, R Firestone, RW Taylor, B Milne, S Hetrick, T Cargo, B McNeill and W Cutfield, A better start national science challenge: Supporting the future wellbeing of our tamariki – E tipu, e rea, mō ngā rā o tō ao: Grow tender shoot for the days destined for you, *Journal of the Royal Society of New Zealand*, vol 53(5), 2023, pp 673–696.

1143 Maessen and others, "A better start national science challenge".

1144 F Cram, Measuring Māori children's wellbeing: A discussion paper, MAI Journal 8(1), 2009, pp 16–32.

1145 UNICEF Innocenti, *Worlds of Influence: Understanding what shapes child well-being in rich countries* (report card 16), UNICEF Office of Research, 2020, p 11.

1146 UNICEF Innocenti, *Worlds of Influence*, p 11.

10.13 The Aotearoa New Zealand strategy for child and youth wellbeing points out that the country's younger generation are increasingly diverse.[1147] The strategy notes that 33 percent of the population are under the age of 25. More and more children and young people identify with multiple ethnicities and identities. The government's strategy aims to be responsive to this diversity.[1148]

10.14 While Aotearoa New Zealand's overall population is rapidly ageing, Māori and Pacific peoples are youthful populations, with median ages of 24 and 22 years respectively (compared with 41 years for the New Zealand European/Pākehā population). Some young New Zealanders identify as belonging to the LGBTQIA+ (or Rainbow) communities.[1149] The government has noted a lack of recent data on children and young people with disabilities, but the 2013 Disability Survey found an estimated 11 percent of those aged under 15 have disabilities.[1150]

10.15 In 2020, Stats NZ reported that 11 percent of people aged 15–24 reported experiencing high levels of psychological distress in the past four weeks compared with 7 percent overall.[1151]

10.16 The Child and Youth Wellbeing Strategy also recognises the crucial role of parents, caregivers, and families and whānau and their need to have the right kind of support at the right time to provide a nurturing environment for their children.[1152]

10.17 For tamariki, rangatahi and whānau Māori, this means recognising te Tiriti o Waitangi and transforming systems, policies and services to work better for Māori, supporting Māori to deliver solutions for Māori, and empowering local communities to make the changes that work best for them. This also includes seeing tamariki and rangatahi Māori in the context of their whānau, hapū and iwi. It is noted that a whānau-centred approach should be applied to policy and service design and delivery.[1153]

1147 Department of the Prime Minister and Cabinet, *Child and Youth Wellbeing Strategy*, 2019. www.childyouthwellbeing.govt.nz.

1148 Child and Youth Wellbeing, New Zealand's children and young people (webpage), 29 August 2019. www.childyouthwellbeing.govt.nz.

1149 LGBTQIA+ stands for lesbian, gay, bisexual, transexual, queer or questioning, intersex, asexual and other sexual identities. Based on a sample survey taken from the Stats NZ Household Economic Survey, for the year ended June 2021, 10.6 percent of young adults (aged 18–24) identified with sexual identities from within the Rainbow communities.

1150 Child and Youth Wellbeing, New Zealand's children and young people (webpage), www.childyouthwellbeing.govt.nz.

1151 Stats NZ, Kei te pēhea tātou? A snapshot of New Zealand's wellbeing (webpage), 27 August 2021.

1152 Department of the Prime Minister and Cabinet, *Child and Youth Wellbeing Strategy*, 2019.

1153 Department of the Prime Minister and Cabinet, *Child and Youth Wellbeing Strategy*. 2019.

10.18 Alongside commitments to te Tiriti o Waitangi, there is a wider international context to children and young people's wellbeing in the form of the United Nations Convention on the Rights of the Child.[1154] Aotearoa New Zealand ratified this Convention in 1993.

10.19 In an article published in 2017, the then children's commissioner Judge Andrew Becroft (now Justice Becroft), wrote of the importance of the Convention, noting that in Aotearoa New Zealand, the Convention at that time was seldomly mentioned, whereas in European countries it was generally the starting point for discussions about children.[1155] The Convention, according to Judge Becroft, was capable of improving the quality of the country's policies and processes. He cited as an example, article 12.1 of the Convention, which provides:

> States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

10.20 Judge Becroft said there was potential to apply the Convention in an Aotearoa New Zealand context:

> If this practice was ingrained in government departments and community groups, there would be a significant change in the way policy is created here – for example in areas of education, health and housing, and in the way we respond to child poverty.
>
> In short, children's voices need to be heard in our country. We are very bad at seeking out their voices, listening to them, factoring them into our decision making and then reporting back to children the decisions made.
>
> I have noted that as I talk about the Convention to community groups and New Zealanders generally, it seems to me that the phrase 'children's rights' tends to alienate New Zealand audiences.

1154 United Nations, Convention on the Rights of the Child, adopted 20 November 1989 by General Assembly resolution 44/25.

1155 A Becroft, *Getting it Right for children in Aotearoa*, Office of the Children's Commissioner, November 2017, www.manamokopuna.org.nz.

> Perhaps with our colonising past, we still believe that children are simply 'potential adults' whose views need not be taken seriously until they are adults. Perhaps also talk of 'rights' invokes the spectre of legal action, as in the United States, where it is not entirely unknown for children to sue parents of breaching their rights.
>
> In New Zealand, we have a unique context with Te Tiriti o Waitangi, to apply the Children's Convention for all children. As a country, I think we need to be much more enthusiastic and positive about child rights – rooted in the context of their family, whānau, hapū, iwi and community. Talk of children's rights does not mean ousting the fundamental importance of family and whānau in the life of a child.

10.21 In consulting on the Child and Young People Wellbeing strategy, the government heard from over 6,000 children and young people.[1156] Nine overarching principles guide the development and implementation of the strategy:[1157]

- Children and young people are taonga.
- Māori are tangata whenua and the Māori Crown relationship is foundational.
- Children and young people's rights need to be respected and upheld.
- All children and young people deserve to live a good life.
- Wellbeing needs holistic and comprehensive approaches.
- Children and young people's wellbeing is interwoven with family and whānau wellbeing.
- Change requires action by all of us.
- Actions must deliver better life outcomes.
- Early support is needed.

1156 Department of the Prime Minister and Cabinet, *Child and Youth Wellbeing Strategy* 2019, 2019, p 3.

1157 Department of the Prime Minister and Cabinet, *Child and Youth Wellbeing Strategy* 2019, pp 16–17.

10.22 One of the strong themes of the consultation hui held as part of developing the strategy was that:

> Adults told us they had high hopes that something real and tangible will come from the Strategy, but worried it may end up being discarded with any change in government. Adults told us that child wellbeing is too important to be a 'fad' and that this Strategy shouldn't be about short-term solutions and 'easy wins'. They emphasised the need for long-term commitment to actions that would lift the wellbeing of all children and young people and change some of the major systemic issues that have typically been considered "too hard" or "too big" to address.[1158]

10.23 Whilst these comments from adults who were consulted on the government's child wellbeing strategy are in response to wider nationwide issues relating to child wellbeing, they are an important reminder in the context of Dilworth's current response. The school must maintain the changes made for the long term and ensure the school's safeguarding and wellbeing focus does not wane over time or because of a change of school leadership. The school also needs to prepare for the changing ethnic composition of the students who will make up its roll in the decades ahead.

1158 Department of the Prime Minister and Cabinet, *Summary Report – National engagement on New Zealand's first child youth and wellbeing strategy*, 2019, pp 5–6.

Legislative changes

10.24 In care or protection law, since July 2019, the Oranga Tamariki Act 1989 has included a greater focus on holistic wellbeing by the inclusion of tikanga Māori and tikanga-based concepts.[1159] For example, concepts such as mana tamaiti, whanaungatanga, and whakapapa are defined in the Act in such a way as to be applicable to the different cultural contexts of non-Māori.[1160]

10.25 In education settings, the government has picked up on some of the themes to come out of the strategy for children and young people's wellbeing. The Education and Training Act 2020, reflects some of those changes, such as providing for an education system that supports health, safety and wellbeing[1161] and honours te Tiriti and supports Māori Crown relationships.[1162]

Current state-based external monitoring

10.26 As set out in chapter 8, while the Education Review Office (ERO) currently reviews private schools, that review is narrow in its ambit and is essentially limited to whether the school is meeting the criteria for registration under Schedule 7 of the Education and Training Act 2020. There is a gap in the legislative responsibility for monitoring the provision of education and safety and welfare of private school students.

10.27 To supplement the superficiality of the ERO process and to ensure he is fulfilling his role as headmaster, Mr Reddiex made it a condition of his contract with the school that he have an extensive external annual review of his role.[1163] He has also led moves to introduce greater parental involvement and to provide significantly improved measures to protect the students and to engage them, parents and staff in health and welfare reforms. The current board has been fully supportive of all these moves.

10.28 Having come from a similar position in the state sector and seeing the value of providing measurable outcomes, Mr Reddiex also informally provides the Board with his assessment based on state school criteria, including the National Administration Guidelines and National Education Goals.[1164]

10.29 Having laid out some wider context, we now look at some of the specific steps the school has taken since 2019 to ensure its safeguarding of student health and wellbeing is adequate.

1159 Oranga Tamariki Act 1989, sections 2, 4A, 5 and 13.

1160 Oranga Tamariki Act 1989, section 2.

1161 Education and Training Act 2020, section 4(a).

1162 Education and Training Act 2020, section 4(d).

1163 This review is undertaken by an education consultant with experience as a chief executive or headmaster of two schools and currently sits on two school trust boards.

1164 Dan Reddiex Inquiry interview.

Child Wise accreditation

10.30 In March 2020, Dilworth commissioned Child Wise Australia to work with the school for it to obtain Child Wise accreditation.

10.31 Child Wise is an organisation that, through consultancy, coaching and accreditation, helps organisations strengthen their internal child safeguarding capacity and ensure compliance with child safety principles and legislation.[1165]

10.32 This accreditation process involves measuring an organisation's level of adherence to the National Principles.[1166] These principles reflect 10 child safe standards recommended by the Australian Royal Commission into Institutional Responses to Child Sexual Abuse.[1167]

10.33 In 2013, the Australian government established the Australian Royal Commission in response to community concern about widespread reports of cases where Australian institutions failed to protect children from sexual abuse. The National Principles draw on the work of the Australian Royal Commission, Australia's children's commissioners and guardians, and the 2005 National Framework for Creating Safe Environments for Children.[1168]

10.34 In describing the characteristics of a child safe organisation with reference to the National Principles, the Australian Human Rights Commission describes such an organisation as one that "creates a culture, adopts strategies and takes action to promote child wellbeing and prevent harm to children and young people".[1169] The commission describes a child safe organisation as one that consciously and systematically:[1170]

- creates an environment where children's safety and wellbeing is at the centre of thought, values and actions
- places emphasis on genuine engagement with, and valuing of children
- creates conditions that reduce the likelihood of harm to children and young people
- creates conditions that increase the likelihood of identifying any harm
- responds to any concerns, disclosures, allegations or suspicions.

1165 www.childwise.org.au

1166 Australian Human Rights Commission, *National Principles for Child Safe Organisations An initiative of the Council of Australian Governments*, 2018, www.childsafety.gov.au

1167 Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Making institutions child safe* (vol 6), Commonwealth of Australia, 2017, p 13, www.childabuseroyalcommission.gov.au

1168 Australian Human Rights Commission, *National Principles for Child Safe Organisations: An initiative of the Council of Australian Governments*, 2018, p 4.

1169 Australian Human Rights Commission, *National Principles for Child Safe Organisations,* preamble.

1170 Australian Human Rights Commission, *National Principles for Child Safe Organisations*, preamble.

10.35 The National Principles are as follows:[1171]

- Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- Families and communities are informed and involved in promoting child safety and wellbeing.
- Equity is upheld and diverse needs respected in policy and practice.
- People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- Processes to respond to complaints and concerns are child focused.
- Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- Implementation of the national child safe principles is regularly reviewed and improved.
- Policies and procedures document how the organisation is safe for children and young people.

10.36 The National Principles emphasise the importance of culturally safe environments and practices for Aboriginal and Torres Strait Islander children and young people.[1172] It is also noted that Aboriginal and Torres Strait Islander communities are more likely to access services that are culturally safe.[1173] While these principles are crafted for Australian cultural requirements, for Aotearoa New Zealand they have resonance, given the significant proportion of tangata whenua and the increasing proportions of Pacific peoples in Aotearoa New Zealand. It is our view that the need for culturally safe services are as important in this country as they are in Australia. Given the changing composition of Dilworth's school population, these factors assume even greater significance.

1171 Australian Human Rights Commission, *National Principles for Child Safe Organisations*.

1172 Australian Human Rights Commission, *National Principles for Child Safe Organisations*, preamble.

1173 Australian Human Rights Commission, *National Principles for Child Safe Organisations*, preamble.

10.37 As part of the accreditation process, Dilworth participated in a detailed child safety review. This involved Child Wise reviewing 85 documents; four individual leadership interviews; student, whānau and staff surveys and focus groups;[1174] and three virtual site visits.[1175]

10.38 Following that review, 108 recommendations were made across the 10 child safe principles for the school to implement before accreditation. The school's Child Wise advisor worked closely with the school to develop a tailored improvement plan, setting out how each recommendation would be addressed.[1176]

10.39 After the school completed the improvement plan, it used the plan to implement the changes made and to monitor progress from the child safety review. After a period of implementing the plan, the school was then assessed for accreditation.

10.40 A panel of Child Wise decision-makers was assigned to review the school's progress against the recommendations and decide whether the benchmark for accreditation had been met. A summary of the Child Wise accreditation process and the school's accreditation by standard and rating is in appendix 4.

10.41 Below, we summarise the school's main child safeguarding policies.

Current policy and procedure

10.42 Alongside the work done by the school in obtaining Child Wise accreditation, it has also made significant efforts in policy development. This has built on the work done in 2018 to 2020 when the school appointed an independent psychologist with expertise in all fields of abuse, including child sexual abuse, to assist the school. From 2018, the school has implemented new policies and protocols to strengthen is protection of its students, including a policy and protocol to establish a stronger approach to the governance and management of child sexual abuse and all kinds of abuse at Dilworth. The school told the Abuse in Care Royal Commission that this policy and protocol was written by a team of independent experts, peer reviewed and endorsed by experts in the field in Australia and Aotearoa New Zealand. As this work progressed, the school delivered new education programmes on abuse. As part of these refreshed education programmes, the independent psychologist developed a resource paper for the school on child sexual abuse. This paper formed part of the renewed education programme in the school.[1177]

1174 Survey totals: 160 students surveyed, 114 parents or caregivers, 22 teaching staff, 14 school staff. Focus groups: 8 student groups, 2 staff groups, 2 whānau groups.

1175 Dilworth child safety presentation to the Inquiry, 3 March 2023.

1176 Dilworth improvement plan to Child Wise accreditation panel, 29 August 2022.

1177 Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

10.43 This work, alongside that done by the school as part of the Child Wise accreditation process, has culminated in the suite of child protection policies currently in place. Below, we consider in detail the policies in place as at May 2023.

10.44 In a major change from the past, the school's main child protection policies are now publicly available on the school's website. This means parents and whānau can view and assess them as part of the decision-making on whether to send their children to Dilworth.

10.45 The current policy documents considered in this section are the:

- Student Protection Policy: Safeguarding & Child Protection
- Student Safety: Code of Conduct for Staff
- Dilworth Complaints Policy
- Protected Disclosure/Whistleblower Policy
- Kaimahi/Staff Handbook
- Ākonga and Whānau Handbook

10.46 Complementary to these policies, the school has also established a new learning curriculum, Ako Puāwaitanga – Flourishing, which seeks to bring a wellbeing focus to the school's day-to-day curriculum. This curriculum is incorporated into some of the main policy documents such as the Kaiako/Teacher Handbook.

10.47 Next, we summarise these policies, making observations where necessary.

Student Protection Policy

10.48 The Student Protection Policy's stated purpose is to "drive efficient, effective and safe practice in upholding and implementing our student's rights to safety and protection".[1178] The foundation to this policy is the school's Statement of Commitment to Child Safety, which is included in all its policy documentation.[1179] We consider this a positive step.

1178 Dilworth School, Student Protection Policy: Safeguarding & child protection, 1 January 2022.

1179 Dilworth School, Safeguarding policies: Statement of commitment to child safety.

10.49 In our interview with the Board chair, Mr Aaron Snodgrass, he pointed out that the previous policy, a four-page document, was developed by the previous headmaster and communicated down to staff. The current policy was developed from the bottom up with the involvement of staff, including support staff, trustees and parents. This process was confirmed by the school's parent safeguarding group we spoke with.

10.50 The school states the key principles that form the foundation of its practices and policies are collaboration, safety, choice, empowerment, cultural competency and trustworthiness.

10.51 This policy outlines a zero tolerance for abuse of any kind and describes the wellbeing and prevention of harm done to students, whānau and staff as the school's single greatest priority.

10.52 Staff, contractors and volunteers are directed to adhere and abide by the Student Protection Policy and the Student Safety: Code of Conduct for Staff. In the policy, the school, in delivering services for the safety and wellbeing of students, also commits to adhering to the principles of partnership, protection and participation, and rights and responsibilities accorded by te Tiriti o Waitangi. The point is also made that a safe school environment is one that is culturally safe.

10.53 The school has also taken steps to ensure child safeguarding is at the forefront of workforce recruitment and development. Under the Children's Act 2014, the school is legally required to conduct vetting processes when recruiting staff or other people undertaking unpaid work as part of an educational course. We were told by the school that it has further developed the vetting requirements of the Act and adopted a process it calls Child Safer Recruitment.

10.54 The Child Safer Recruitment process applies to all people being employed (staff) or engaged (such as volunteers) by Dilworth. This is so regardless of whether the position is student facing. This process also applies to any contractors whose role (or part of their role) or work environment permits contact with students, although the policy permits adaptation so it is proportionate to specific roles.

10.55 In addition to this process, when hiring international tutors, the school has implemented a policy of requiring an assessment and report from an independent psychologist on the suitability of the applicant for a role as tutor at the school.

10.56 Staff supervision, management and appraisals also have a safeguarding focus. Staff supervision, management and appraisals include questions targeted at identifying issues staff have seen in practice and examples of how safeguarding issues have been dealt with.

Safeguarding Committee

10.57 The Safeguarding Committee is made up of the school's senior leadership team, safeguarding officer and safeguarding trustees. It is chaired by the director of student services, and there is provision for other members to be appointed.[1180]

10.58 It is encouraging to see the school has put this committee in place, but we make one observation about its composition: there is a large staff membership, but no student or parent representation. Including parent or whānau and student representation on this committee would further strengthen it. As outlined in other policy documents, the school has taken the step of establishing student safeguarding ambassadors, a student-led committee on hauora (wellbeing) and a parent safeguarding group. Inclusion of such representatives would be a natural progression and would be in line with Child Wise standards 2 to 4.[1181]

Safeguarding trustees

10.59 As outlined above, there is provision for two safeguarding trustees on the Safeguarding Committee. These trustees keep the wider board informed of the committee's work and help ensure the committee and Board are working together to ensure safeguarding policies and procedures are implemented.[1182] We were told by Mr Snodgrass that this role was developed by him and the first safeguarding trustee, Mr Peter Alexander.

10.60 In addition, the safeguarding trustees manage any protected disclosures made under the school's Protected Disclosure/Whistleblower Policy.

10.61 All trustees receive student safety training sessions. These sessions have been facilitated by Child Wise Australia and covered topics such has trauma-responsive practice, an introduction to safeguarding principles and the school's policies, and safeguarding and risk management from a governance perspective.

Safeguarding reporting to monthly Board meetings

10.62 Child safeguarding is a dedicated agenda item for every Board meeting. The school, as part of a strengthened safeguarding structure, has developed a Board child safety/safeguarding reporting tool, which ensures the Board report includes any relevant information or steps taken in the area of Child Wise accreditation and identifies key events such as training and document development that relate to implementation or maintenance of the child safety strategy. The report also includes a dedicated section on Stymie notifications by topic and number, incident reports relating to students and staff, and trends and insights.

1180 Dilworth School, Safeguarding Committee Summary, May 2023.

1181 Standard 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously; Standard 3: Families and communities are informed and involved in promoting child safety and wellbeing; Standard 4: Equity is upheld and diverse needs respected in policy and practice.

1182 Dilworth Trust Board, Role of the safeguarding trustee(s) as at May 2023.

Designated safeguarding officer

10.63 The school has employed a full-time safeguarding officer, who oversees Dilworth's strategic and operational child safety focus points, needs and achievements.

Safeguarding champions

10.64 The safeguarding champions are a pool of staff who take on this additional role to support the school's Safeguarding Committee and safeguarding officer. The champions help implement the school's safeguarding approach and support any student, family or whānau, or staff member who has a child safety concern. Champions are present in all campuses and at the Isabella Dilworth Lodge.

Safeguarding ambassadors

10.65 The safeguarding ambassadors are students who play a similar role to that of the safeguarding champions, but with revised responsibility, reflecting the fact students do not carry the same obligations and responsibilities as staff.

Safeguarding training

10.66 The school has committed to ensuring all staff, including trustees and frontline staff, receive child safety training applicable to their role and responsibilities. The school's child safety training strategy includes a variety of mandatory courses and specialist training options for safeguarding staff or those with specific safeguarding responsibilities.

Parent Safeguarding Group

10.67 The school formed the Parent Safeguarding Group in 2021. The Inquiry met with members of this group, who described their role as consulting on safeguarding policies and ensuring there is understanding of those policies before they are implemented.[1183] The group is made up of eight parent members.

Student Safety: Code of Conduct for Staff

10.68 The school's Student Safety: Code of Conduct for Staff reiterates its statement of commitment to child safety.[1184] The code's purpose is to set out expectations regarding conduct and boundaries for all staff.

1183 Meeting of members of Dilworth's Parent Safeguarding Group with Inquiry.

1184 Dilworth School, Student Safety: Code of Conduct for Staff, effective January 2022.

10.69 The code stresses to staff that child rights are part of the foundation of the school's policy framework. It refers to the four guiding principles in the Convention on the Rights of the Child; namely, non-discrimination, survival, development and protection, and participation. It also outlines clear roles and responsibilities across the varying roles at Dilworth, including those for the Board, the headmaster, staff and volunteers.

10.70 The code's glossary provides a comprehensive list of categories of abuse and related terms. These definitions were adapted from definitions provided by Child Wise.[1185]

10.71 The code makes clear that a failure to meet the code of conduct can be considered misconduct and may result in appropriate disciplinary action. It includes reference to internal disciplinary proceedings and the fact any breaches of the law will be reported to New Zealand Police and other statutory services, including Oranga Tamariki. The code focuses on aspects, which we summarise below.

Position of trust

10.72 The fact members of the Dilworth workforce are in positions of trust is made clear in the code of conduct. It states that there is, therefore, a power dynamic that differs from that which ordinarily exists between adults and children. The school notes there is potential for this power or position to be misused to persuade and encourage or intimidate a student into certain negative behaviours and activities. All staff are required to uphold safeguarding expectations and act as positive role models.

Physical contact

10.73 The code of conduct describes necessary physical contact as being conduct that is necessary to meet the needs of the student (such as first aid) or to meet the needs of any instructional learning (sports, developing technique, instructional guidance). Such physical conduct should also uphold professional boundaries and be in open environments such as in sight of others such as staff, adults or other children.

10.74 As well as providing general guidance on what is acceptable physical contact, the code expressly prohibits physical contact that is unnecessary, is unwanted, is inappropriate, or in any way constitutes physical or sexual abuse.

1185 Dilworth School, Student Safety: Code of Conduct for Staff.

Verbal engagement

10.75 The code of conduct encourages staff to engage with students using language and discussing topics that are appropriate and relevant to students. Instructional language should assist the student's development, participation and belonging at Dilworth.

10.76 The code expressly precludes verbal and non-verbal engagement that is emotionally abusive; ignores, permits or enables physical abuse; or may be perceived as being non-contact abusive or suggestive behaviour (such as flirting, innuendo or inappropriate messaging).

Online communication

10.77 The code of conduct highlights the risks that exist for the misuse of digital resources and online platforms and subsequent safeguarding risks for young people. It stresses that the conduct expectations outlined in the code encompass all environments, both physical and online.

10.78 In addition to adhering to the school's social media policy, staff must uphold all aspects of the code and are required to communicate with students only through Dilworth accounts (email). Staff must ensure any sharing of student information is in accordance with the school's privacy procedures.

10.79 The code stresses that online conduct is taken as seriously as all other forms of conduct and any breaches may be subject to disciplinary action, including discipline. As with other instances of misconduct, it is made clear that any breaches of the law will be reported to police.

Imagery

10.80 The school has identified the risks associated with generating and sharing child imagery, particularly when accompanied by identifying and/or personal information.

10.81 To help minimise any risks, the school has put in place strict guidelines around the use of student imagery. Pivotal to this is the requirement for parental or guardian and student consent for all imagery taken of the student. Any images taken must focus on the activity rather than the student and be strictly for a school purpose.

10.82 It is made clear that any appointed professional photographers or videographers will be appointed using the Child Safer Recruitment process, which requires them to adhere to the school's Child Protection Policy and safeguarding requirements as well as other requirements such as not being allowed unsupervised access to students.

Overnight stays

10.83 In addition to the applicability of the code of conduct to all overnight stays, staff are required to ensure all risk assessment and mitigating processes are put in place, parental consents are obtained, and all event information is communicated with all applicable stakeholders. Any logistics such as transport or supervision need to comply with all school safeguarding requirements, including ensuring accommodation is suitable and staff sleeping arrangements are separate from students.

Changing rooms

10.84 Guidance on the use of changing rooms includes the school's preference for using Dilworth's changing room facilities exclusively. Where that is not possible, for example when students are offsite, the staff are asked to facilitate the exclusive use of the facilities for Dilworth students, even if it is for a limited period. The use of any resource that can capture photos or videos is strictly prohibited from changing rooms or any other personal environment.

10.85 There is also flexibility in the guidelines to ensure a child-friendly process for the use of such facilities such as child-friendly signage confirming the school's reporting and complaint processes should anyone feel unsafe. If a student shows concern or distress at the need to change or shower, staff are encouraged to offer other possible solutions, such as showering or changing after other students have finished, but it is stressed that no pressure is to be placed on the student.

Transport

10.86 There are also strict requirements regarding transport. Dilworth staff are to make certain all Dilworth transport is compliant with all laws and regulations and that all drivers and supervisors have completed all relevant Child Safer Recruitment processes. Only those students whose parents have given consent are allowed to be transported and, where possible, adults are to avoid being seated next to a student. If this is not achievable, other supervisors must be within sight of the student and supervisor.

10.87 As an overall rule, staff are prohibited from travelling alone with or transporting a student in their own vehicles. The exceptions to this are in an emergency and when the headmaster has given permission.

Understanding and acceptance

10.88 The code of conduct notes that the code and the Student Protection Policy are part of all new staff induction. It is reported that within the first week, all new staff will know these requirements and how to access them.

10.89 The code explains that Dilworth operates an internal mandatory reporting process and, where applicable, abides by the Teaching Council of Aotearoa New Zealand's mandatory reporting requirements.

10.90 The code applies to any person serving, working at or representing the school or the Board, regardless of whether that person is in a paid, voluntary or contracted position or in a permanent or temporary position (including people co-located from other organisations) and includes those in teaching and non-teaching positions. The code states it also applies to those staff who work directly or indirectly with students.

10.91 Finally, all staff are required to sign their commitment to the code of conduct and participate in a regular review process (for example, to be reviewed and re-signed as part of any annual performance review process), thereby acknowledging they have read and understood their obligations and are committed to upholding the code.

10.92 The eight areas of focus under the code of conduct cover, in large part, the areas of concern that arise from the abuse we have heard about. However, given the evolving nature of circumstances leading to abuse, it is important for this code to be monitored and updated to respond to societal changes and trends.

10.93 The inclusion of such extensive definitions in the code for student safety is an important step. We note, however, that all of the cited conduct referred to in those definitions have long been areas of concern within a residential boarding and school environment. We think it important to keep sight of the fact current developments at the school are, in many instances, catching the school up to where it should have been decades ago.

Dilworth Complaints Policy

10.94 The Dilworth Complaints Policy reiterates the school's statement of commitment to child safety, by summarising the full policy upfront.[1186]

10.95 The policy is described as having two key purposes. First, to ensure students and whānau have access to a complaint system that promotes their rights and prioritises the safety and wellbeing of Dilworth students. Second, the policy is communicated to staff, students, and family and whānau so everyone understands what to expect from the complaints management process.

1186 Dilworth School, Dilworth Complaints Policy, effective 1 January 2022.

10.96 It is recognised that a credible complaints management system cannot sit in isolation from the school's overarching safeguarding culture in which student and family and whānau voices are heard and valued.

10.97 The policy also recognises and lists the barriers that can exist to students and family and whānau wanting to make complaints, and identifies the steps the school will take to address them.

10.98 The school has invested in multiple avenues for complaints to be made and received, including through a dedicated complaints email, by post, by telephone, by using Stymie (an online portal for students available through the feedback and complaints page on the Dilworth website), by complaints forms located in boarding houses, or by using the Dilworth complaints form available online through the school's Google suite.[1187]

10.99 Complaints are assessed to understand existing or potential risks. Alongside this, investigation or assessment of a complaint includes reviewing any systemic or environmental issues that may have contributed to issues identified in the complaint.

10.100 All complaints are categorised into one of three levels:

- Level 1 complaints are those that can be dealt with as soon as possible after their initial receipt. All staff carry this responsibility.
- Level 2 complaints are those that cannot be resolved as a level 1 complaint because of some aspect of complexity or potential systemic or serious issues. They are escalated to an appropriate senior manager to resolve.
- Level 3 complaints are those that cannot be resolved as a level 2 complaint or are of a very serious nature. They are escalated to be dealt with by the headmaster, director of student services, director of human resources, and safeguarding officer. If there are concerns or suspicions that a complaint involves actual or potential child safeguarding issues, the complaint must be immediately categorised as level 3.

1187 Dilworth School, Dilworth Complaints Policy.

10.101 After consulting with parent groups about the best way to communicate important policy to parents, the school recorded a summary of the policy on video presented by Mr Reddiex. The video was sent to parents using a text message link.

10.102 In this report, we have referred to policy from the school's earlier periods as indicating the thinking of the school, providing an insight into the environment, and confirming many aspects of what we were told by former students who had been abused or witnessed abuse.

10.103 Given the school's ongoing mishandling of abuse complaints until at least 2006, the Dilworth Complaints Policy, as with other current policies, will require particular, ongoing attention to ensure it reflects best practice.

10.104 It is encouraging to see that in the policy, the school illustrates some of the important principles and context that underpin a credible complaints system relating to children, young people, and their families and whānau in the school environment. It will be more effective because it was developed in consultation with students and their families and whānau to ensure it is fit for purpose, well-accepted, and inclusive and removes barriers to making complaints.

Stymie anonymous online reporting tool for students

10.105 The school's safeguarding policies refer to the use of the online portal Stymie as a key tool for students to be able to seek help for themselves, their peers or other members of the Dilworth community.[1188] Stymie is a web-based platform students can access to report anonymously on all forms of harm from bullying and cyberbullying to illegal activity, discrimination, concerns for wellbeing, suicidal ideation, self-harm, sexual harassment and abuse, damage to property and family violence.[1189] Once a notification is made, the school is immediately notified and it undertakes its response procedures.

10.106 The platform is operated by a third party that is independent of the school. The service is Australian based and was built to support existing student wellbeing and pastoral care frameworks in schools and was built in consideration of the Australian Student Wellbeing Framework and the recommendations from the Australian Covert Bullying Prevalence Study.[1190]

1188 Dilworth School, Kaimahi/Staff Handbook 2023.

1189 The relevant website is www.stymie.co.nz.

1190 See Stymie website

10.107 Since the adoption of Stymie at the school on 15 March 2021, the school advises it has had 401 notifications on a variety of issues.

10.108 While providing a name is optional when making a notification, there has been a positive trend in some students feeling able to put their name to a Stymie notification. The school adopts a "no blame approach" and emphasises that message among students, to direct their focus on the issues underlying a Stymie notification rather than on who made the notification. We were told that one of the most common notifications made by senior students was when they noticed fellow students appearing to suffer from low wellbeing. The school advised that when such a notification occurs, it is referred on to the school counselling and psychologist teams.

10.109 In workshops facilitated by the Inquiry with current students, all students indicated they were aware of Stymie and how it worked. Over half of the students who attended the workshops indicated they had used Stymie for one reason or another since it had started.

Incident reporting form

10.110 As well as the complaints system outlined above and use of Stymie, we were advised by the safeguarding officer and head of student services that the school has developed an incident reporting document as part of its Google Suite of documents available online for completion.[1191] Whenever an incident involving a student arises (regardless of whether a complaint is made through the above process), it can be registered and the form completed. The safeguarding officer and head of student services receive an email notifying them the process has started, and each incident is entered into a spreadsheet so it can be progressed, monitored and resolved. The incident's place in the process is colour-coded for various stages from open to closed.

10.111 Significant incidents and those regarding safeguarding issues are reported directly to the Board. We were told threads and trends in incidents are monitored, and the school's counsellor and psychologist are involved in that process through the school's Protection and Response Committee, which meets monthly, and reports are made to the Board. The school advised that the Child Wise administrators were impressed by the form/spreadsheet that had been developed and that Dilworth has allowed them to use the template with other schools it works with.

1191 Safeguarding officer, head of student services and headmaster Inquiry interview.

Protected Disclosures/Whistleblower Policy

10.112 The Dilworth Protected Disclosures/Whistleblower Policy supplements the school's complaints policy.[1192] It provides Dilworth staff with clear information about making a protected disclosure about serious wrongdoing under the Protected Disclosures (Protection of Whistleblowers) Act 2022.

10.113 When the Inquiry reviewed the policy on the school's website on 18 May 2023,[1193] it had been in place since 2019 and set out procedures for making a disclosure under the Protected Disclosures Act 2000. This legislation was repealed on 1 July 2022 when the Protected Disclosures (Protection of Whistleblowers) Act 2022 came into force.

10.114 The 2022 Act kept the general disclosure framework in place by requiring that disclosures that relate to "serious wrongdoing" be made in good faith. However, it also made significant changes, including extending the "serious wrongdoing" definition to include "serious risk to the health and safety of any individual",[1194] the ability to report direct to an appropriate authority at any time,[1195] strengthening the 'no contracting out provisions',[1196] and providing clear guidance on how to handle such disclosures.[1197] Our analysis of relevant changes made to the 2022 Act is in appendix 4.

10.115 On 29 May 2023, the school approved an updated policy to reflect changes in the underlying legislation, which became effective on 31 May 2023.

10.116 We make two observations about the school's new policy. First, the school has a history of tardy review and implementation of policies affecting the health, safety and welfare of its students. We are, therefore, concerned that it took almost a year before the necessary amendments required by legislation were made.

1192 Dilworth School, Protected Disclosure/Whistleblower Policy, effective 31 May 2023.

1193 Dilworth School, Dilworth Protected Disclosures [Whistleblower] Policy, 2019.

1194 Protected Disclosures (Protection of Whistleblowers) Act 2022, section 10(a)(iii).

1195 Protected Disclosures (Protection of Whistleblowers) Act 2022, section 11(1).

1196 Protected Disclosures (Protection of Whistleblowers) Act 2022, section 24.

1197 Protected Disclosures (Protection of Whistleblowers) Act 2022, section 13.

10.117 Second, one of the most significant amendments in the 2022 Act enables a protected disclosure to be made directly to an appropriate authority at any time.[1198] Given the history of the school's response to complaints, this amendment provides an important process by which those associated with the school can make a disclosure directly to an external agency should they not feel comfortable doing so within the school's internal processes. Dilworth has not complied with this provision. Its new policy retains the limitations of the earlier Act by suggesting a staff member cannot make a disclosure to an external pr authority unless certain preconditions have been met.[1199] The current policy states:

> E. A disclosure may also be made to an appropriate authority (listed below) if the person disclosing has good reason to believe:
>
> - The highlighted Dilworth authority (e.g. Headmaster and/or Board) is or may be involved in the wrongdoing;
> - Immediate reference to another authority is justified by urgency or exceptional circumstances; or
>
> There has been no acknowledgement, action or recommended action within 20 working days of the date of the disclosure.
>
> F. Appropriate authorities include (but are not limited to):
>
> - Ombudsman;
> - Commissioner of Police;
> - Director of the Serious Fraud Office;
> - Solicitor-General; or
> - The head of every public sector agency.1200

1198 Protected Disclosures (Protection of Whistleblowers) Act 2022, section 11(1). Under the Protected Disclosures Act 2000, disclosure to an appropriate authority (an agency outside the organisation complained about) was limited to cases where there were reasonable grounds to believe the head of the organisation is or may be involved in the serious wrongdoing alleged, immediate reference to another authority is justified by urgency or exceptional circumstances, or where there had been no action or recommended action within 20 working days of the date of the disclosure.

1199 An earlier section of the policy also refers to the school's "preference" that the disclosure is submitted to one of three listed staff members: Dilworth School, Protected Disclosure/Whistleblower Policy, effective 31 May 2023.

1200 Dilworth School, Protected Disclosure/Whistleblower Policy, p 11.

Kaimahi/Staff Handbook

10.118 Safeguarding is discussed in a dedicated section of the Kaimahi/Staff Handbook,[1201] which emphasises to staff that their single greatest priority and responsibility is to provide a safe, caring, nurturing environment and a school environment that ensures the wellbeing and prevention of harm for tamariki, rangatahi, whānau and staff.[1202]

10.119 The collective, structured approach to child safeguarding, discussed in depth in the Student Protection Policy, is reiterated. In addition, specific guidance is given to staff about what to do should abuse be disclosed. That guidance includes:

- thanking the student for having the trust to disclose the information to the staff member
- not promising to keep the information shared secret as the school's process requires a senior kaimahi or staff member to be informed
- making sure the student feels safe and supported
- not asking the student leading questions; however, asking open questions to clarify things are fine
- taking notes on the key facts that the student independently shares, with staff being encouraged to focus on "think, tell, explain, describe"
- filling out the abuse notification form for which a link to the school's online documents portal is provided.

10.120 Pastoral care at the school consists of a network of staff who take an interest in student wellbeing. The director of student services leads the pastoral care team, which comprises the school's registered psychologist, counsellor and chaplain and registered nurses. Alongside this team, the boarding staff, year-level deans and teaching staff are responsible for ensuring students are supported and their pastoral needs are met.

10.121 Student health is also provided for, with registered nurses employed at both the junior and senior campuses. The school's local general practitioner also visits the school two mornings a week. The students have daily access to a registered physiotherapist with two morning clinics and three afternoon clinics available each week.

1201 Dilworth School, Kaimahi/Staff Handbook, January 2023.

1202 Dilworth School, Kaimahi/Staff Handbook, January 2023.

10.122 The school has taken the step of developing and implementing a school relationship management plan. The Dilworth Relationship Management Plan's purpose is to support positive behaviours for learning and living well at Dilworth. The school describes an emphasis on pro-social behaviours, noticing and acknowledging positive behaviour, as well as supporting interventions, education, and restoration of relationships and behaviours that fall below the schools shared and communicated expectations.[1203]

10.123 This plan is based on the school's values of respect, compassion, service, excellence and integrity. The school, in consultation with the school community, has tied this to its flourishing learner's framework by aligning positive behaviours with what it have described as "flourishing waypoints": tupuranga – growth, manaakitanga – care and safety, hononga – connection and mauri – vitality.

Ako Puāwaitanga – Flourishing

10.124 In 2023, the school launched its new curriculum, Ako Puāwaitanga. The name is taken from te reo Māori for learn – ako and puāwaitanga – to flourish, as a plant will bloom. The school has defined the concept of flourishing as having a healthy relationship with oneself, others, God and the world. They are described as the four pathways on the school's flourishing compass.[1204]

10.125 The Flourishing curriculum works in conjunction with the academic curriculum and is described by the school as providing students with the "tools to flourish in life and learning at and beyond Dilworth". Ako Puāwaitanga lessons are held over three 30-minute lessons per week and are run by the pouako, a teacher assigned to a group of students who works with them throughout their time at the junior and then senior campus.

Student leadership and prefects

10.126 As we outlined in previous chapters, the school has had a long tradition of giving authority and responsibility to senior students. As late as 2018, staff guidelines stated that prefects held authority equivalent to that of staff members and students were expected to obey reasonable instructions made by them.[1205] The Board has said, however, that in practice that mentality ceased earlier and was not the model Mr Reddiex inherited.

1203 Dilworth School, Kaimahi/Staff Handbook, January 2023.

1204 Dilworth School, Ako Puāwaitanga: Pouako guide for leading and supporting the flourishing curriculum, 2023.

1205 Dilworth School, Staff Guidelines, 2018.

10.127 In 2023, the school's policy regarding prefects, as outlined in the Kaimahi/Staff Handbook, has a different focus. It outlines the role of prefect as being to provide students with an opportunity to make a positive difference to Dilworth. The focus is on setting the tone of the school and developing school spirit by being encouraging role models for younger students. Prefects are expected to set good standards in academic work, dress and behaviour, support and commitment to school activities, and service to the wider community. Prefects have specific duties intended to reinforce these responsibilities.

10.128 The handbook also notes that all students can develop their leadership in a variety of committees. These student-led committees are supported by staff and cover most aspects of school life, including academic, sporting, hauora, service and boarding matters.

10.129 In a positive development, we note the handbook no longer confers on students the same level of authority as staff, thereby removing the entrenched and negative school hierarchy among students that led to unacceptable levels of bullying.

Ākonga and Whānau Handbook

10.130 The Ākonga and Whānau Handbook,[1206] the first of this kind reviewed by the Inquiry, contains dedicated sections on safeguarding and pastoral care, student expectations, boarding life, whānau involvement, and student and whānau responsibilities, as well as other areas.

10.131 It may be that something similar was produced in previous years, but no such document was provided as part of the disclosure process to the Inquiry. As indicated earlier in this report, for many years important Dilworth school policies were marked confidential to the staff of the school, which was a failure in itself. Relevant school policies and procedures need to be available to students, parents and external parties. This handbook largely fills that gap and provides information on key matters involving students and their families and whānau.

10.132 There is also some consistency between this handbook, the Kaimahi/Staff Handbook, the Statement of Commitment to Child Safety, and the Child Protection Policy. Aspects of each of these key policies have been summarised so that the essence is communicated well for both students and families and whānau.

10.133 Stymie, the anonymous reporting tool for students, is promoted and explained in the Ākonga and Whānau Handbook, which contains a direct link to the Stymie website.

1206 Dilworth School, Ākonga and Whānau Handbook, 2023.

10.134 The school's relationship management plan, its expectations of students in the student code of conduct, the framework for living and learning well at the school, and boarding life at the school are all clearly explained in the handbook. Boarding life is also covered in a dedicated section.

10.135 Isabella Dilworth Lodge, which was established in recognition of the fact the boarding environment is challenging for some students, particularly when they have major issues in their own lives, is also explained in the handbook. The lodge was established in 2010 to provide temporary residential care to students who needed additional wraparound support until they were able to transition back into their boarding house. It is a significant investment by the Board in child welfare support and protection for its students.

Inquiry workshops with current students

10.136 The inquiry held two workshops with groups of year 12 and year 13 students.[1207]

Year 12 workshop summary

10.137 Among the year 12 group, the need to be connected with family and whānau and to be able to communicate with them was a strong theme. This meant being able to discuss any issues students were going through and being culturally connected through whānau activities and relationships. Several students referred to the need to ensure their physical, mental, spiritual and social wellbeing was looked after. Others referred to ensuring all aspects of their hauora were covered.

10.138 In the school context, these students raised the fact health and wellbeing was related to environment and routine, including eating and sleeping well and balancing schoolwork, friends, hobbies and sport. This session of the workshop was summed up by the statement that health and wellbeing was about "being the safest we can possibly be". In group discussion, the Stymie portal came up when a student said that wellbeing at the school means putting a system in place to be able to raise a concern.

10.139 When asked to consider what the Dilworth school community does to protect student health and wellbeing, one student said, "there is a culture at the school that because we are boarding, that we live together as brothers. We have to look after each other". He added, "there are positives and negatives to that, though".

10.140 Group discussion followed about those positives and negatives. The positives included always having support, building strong friendships and having fun. The negatives were a lack of privacy and one's own space, managing relationships and the pressure not to "snitch".

1207 In total, 24 students.

10.141 The group was asked to elaborate about snitching. Some of the students' insights were that you can be put on the outside of the group for snitching and it was an issue when you know you are going to see that person every day. The students explained that they can recall snitching being addressed at two assemblies where the very clear message from the school was that students were not helping anyone by keeping quiet about issues. At the same time, the students were reminded about the Stymie anonymous reporting platform. The students also mentioned that having student leaders pick up on these issues and help lead the discussion was also helpful for getting student buy in.

10.142 The students talked about school assemblies being a valuable forum used by the school's leadership to reiterate messages to protect student wellbeing. Topics they could recall being discussed at assemblies included the use of Stymie, boundaries, protocols about gaining permission to enter another person's dorm, and Child Wise accreditation. Other things students saw as the school protecting the wellbeing of students included plenty of staff across the campus; a strong wellbeing system, including counsellors, nurses and psychologists; cameras around the school; a safeguarding officer; the REACH system; the new Ako Puāwaitanga curriculum; improved parental involvement; and an active student council and committees.

10.143 The students were asked to identify what the Dilworth school community could do to better protect student health and wellbeing. One major theme of the feedback in this session was the ability to spend more time out of what they described as "the Dilworth bubble". They suggested this could be done by co-ordinating more with neighbouring schools as well as connecting more with other schools in the local area. One student elaborated on this. He said it was important to get out of the small geographical radius that they occupy. This was a point supported by others in the group. At times, the student observed, the students exist within a 200–400 metre radius, in that their dorms, classrooms, dining halls and extracurricular activities are all on site. The student noted that all the external stressors of school exist within that radius and it is unhealthy to stay there, only being able to leave it on weekend trips home. While leave was available after school, students wanted to see more organised efforts to get them out of the school premises.

10.144 There was a call for the school's staff to be more representative of the cultural backgrounds of students. A deeper recognition of culture was also raised. One student commented that celebrating Samoan language week was "more than just posters and food and saying talofa". Another suggested that this was an important aspect of cultural wellbeing through identity. He said languages other than English should be incorporated across the year not just in one week.

10.145 The students were specifically asked their perception of the role of the Board. The variety of views included making money, providing funding for the school and monitoring funding, ensuring the right staff are recruited, ensuring the school is a safe place, and making sure that Mr James Dilworth's will was followed. They also said that they saw Board members only at enrolment but that was where the journey ended, emphasising that they should be more involved in the school and talk to students, so they understood the Board's role. Reference to the Board's role in withdrawal of scholarships was also made.[1208]

Year 13 workshop summary

10.146 To the year 13 students, connecting with family and whānau by spending time together, talking and knowing through those connections that they are loved and cared for were essential to what made up wellbeing to them and their families and whānau. For this group, spending time outdoors connecting with nature was also important as were sports, music, and maintaining good nutrition and hydration.

10.147 In the school setting, personal privacy, respect and dignity, kindness and empathy were important. Having these things present in interactions with students and staff improved wellbeing. Active school councils and committees were also mentioned, and, on the whole students, felt they had a say. Stymie was also cited as an important tool for being able to report safety and wellbeing concerns. The students also reported ample wellbeing support being available through counsellors, a psychologist, a registered nurse and staff.

10.148 One of the major changes these students had seen was the removal of hierarchy among students. This changed when Mr Reddiex started as headmaster. They noted it has made life better, but one said it felt unfair: they had started when there was still a hierarchy and, having been through that, they no longer had the benefit of being able to boss others around in the same way.

10.149 When they were younger, and before moving from the Mangatāwhiri campus to the senior campus, there were stories about what senior students did to junior students that frightened them. This included being "rushed" and "ripped". Rushing involved groups rushing towards a student and physically bullying them. Being ripped involved a senior student pulling a student's underwear up from behind, lifting them off the ground to rip their underwear.

1208 The Board advised that it makes efforts to be visible on campuses on many occasions, including at the time of the Board meetings and when Board members have lunch in the dining room with the students and interact with them. It also queries whether boards in other schools are known to students. The Inquiry expects there are no uniform responses to this.

10.150 All noted that once the new headmaster arrived at the beginning of 2019 that behaviour stopped, the result of the very clear zero tolerance for bullying and immediate efforts to change the school culture.

10.151 This group was also able to reflect on the differences between headmasters Mr MacLean and Mr Reddiex. Mr Reddiex was much more involved in the school in general and more visible, welcoming and engaging, including at assemblies. Some said that compared with Mr MacLean's approach, they felt there was a greater level of care from Mr Reddiex.

10.152 Since Mr Reddiex took over, the students also said they were aware of Operation Beverly and many had watched the *Sunday* television programme that focused on the abuse suffered by former students.[1209] One said that many things remained unaddressed and after watching the programme, students realised where some of those things happened in the school. For example, it was hard to avoid feeling uncomfortable in the chapel after watching the programme where abuse was described in that area. He also said some places in the school had been locked off completely and some were old and unappealing, leading to speculation about what had happened in those areas and negative thoughts about where abuse had occurred.

10.153 When asked what more could be done by the school community to protect student health and wellbeing fully, the students said there was room for greater student advocacy on issues. For example, all students in this group felt "weekly notes" was no longer fit for purpose. The way ratings were delivered was considered arbitrary and did not always make sense to students.

10.154 Diversity of staff was also raised as an area for improvement. Students said more diverse staff would make it easier to respond to them and make students more comfortable around them.

10.155 Including family and whānau more in school life came through as a strong theme from all students. One student said, "at times when you go home it is hard to reconnect and you spend so much time away that it feels like you're not part of the family anymore, not that that is true, just that it feels like you are less connected." Attendance at chapel did not always meet this need for connection and may not feel welcoming for parents.

10.156 When discussing how the Board could do better to protect health and wellbeing, the students said they understood the Board provided financial support. However, most students said that Board members were hardly seen except for Mr Snodgrass. They felt like it was a different organisation from the school. One student said, "if someone is going to play an important role in your life, you should know who they are not just see them in your application interview and then at the end when you finish".

1209 26 June 2022, "God Forbid", Sunday Programme, TVNZ

Inquiry engagement with current families and whānau

Dilworth Family Connect

10.157 Parents from Dilworth Family Connect believe their primary role is to act as a bridge between the school and families and whānau, including organising events such as new parents evenings, new students barbeques and other seasonal events for parents. The name of the group was deliberately changed from Dilworth Friendship Club to signal that connecting families with the school was its central purpose.[1210]

10.158 Parents and their sons' experiences with the school were positive, and none had any safety concerns. They were confident the current headmaster's open-door policy and their ready access to the head of junior campus meant they would be able to address any safety issues directly with the school.

10.159 All knew about Stymie and thought it a positive tool for their sons to use, particularly where they worried about snitching. The parents appreciated the headmaster's strong stance with the students, encouraging them to speak up, and his emphasis on zero tolerance for bullying.

10.160 Zoom sessions for parents who live out of Auckland and cannot readily attend Dilworth Family Connect events are promoted as well as remote events to complement work on wellbeing being undertaken at the school. There was regular and convenient parent feedback through the use of surveys. Board access and representation was discussed and, although not every parent would wish to be personally involved, the consensus was for parent representation on the Board from each of the parent groups. It was specifically noted that the absence of mothers on the Board meant there was no maternal lens. Comment was made about a model that separated the Board into governance that would manage the assets and a separate body to ensure wider representation.

Parent Safeguarding Group

10.161 The establishment of the Parent Safeguarding Group was considered a positive step. The group allowed parents to contribute to the important aspects of student wellbeing, including consultation and feedback on the development of the school safeguarding policy. Mr Reddiex had been receptive to feedback about communicating school policies and other important information. In response, the school has produced short videos explaining some of the school policy, which are sent out by text message link so handheld devices can be used to view the videos.

1210 The Dilworth Friendship Club held its inaugural meeting in 1972: *The Dilworthian*, 1972.

10.162 One parent said, "It made a difference having direct input into the policy. It helped to bring about some changes. We got to contribute directly to that document which is a living document".

10.163 Another parent emphasised, "We need to revisit again its purpose, definitely see what has been happening, how it has been going. It has been a while since we last met".

10.164 When asked about the signs they see that policies are being put into practice, the parents said that while in the past there may have been barriers to communication with teachers, now the "barrier had been brought down". Ongoing communication about potential issues was helpful, and not avoiding issues before they become problems was important.

10.165 Employment of a full-time safeguarding officer of Pacific descent was another reassuring sign for the parents of this group that the school was putting good policies in place. The officer provides another open line of communication for the Parent Safeguarding Group, and members of this group were comfortable going to the officer or the headmaster. They would prefer trying to resolve matters this way rather than go directly to the Board. Two areas of improvement were identified: engagement with the designated safeguarding trustee and ongoing growth of the school in its cultural responsiveness so it reflects its school community.

10.166 The designated safeguarding trustee had attended one of the earlier Zoom meetings of the group, but more regular contact with him would help communication and a more direct flow of information. This was articulated by one as, "they might have information we haven't had yet".

10.167 Cultural competency and responsiveness were identified as an area for further growth. Cultural identity was mentioned by all parents we spoke with as being critical to student wellbeing. The group gave examples the school could take towards greater cultural inclusiveness, including:

- embracing cultural backgrounds for uniforms, allowing students to wear 'ie faitaga or tupenu
- strengthening the school's ability to teach Pacific languages to its students
- diversifying the history curriculum so Pacific history is taught
- recruiting more diverse kaimahi/staff to reflect the school community.

10.168 The parents in this group had a sense of trust in the school reinforced by the current headmaster's openness to them and are confident the school was doing everything it could to ensure the safety of their children. They also appreciated the regular message dispelling "scholarship fear" – the fear that complaining would jeopardise any scholarship. Mr Reddiex, who had established the parent groups, made sure parents were able to provide feedback on the Child Protection Policy and they could see that suggested changes were taken on board by the school.

Pacific Advisory Group

10.169 The Pacific Advisory Group was formed in 2020, as was the whānau Māori advisory group discussed below. Parents from the group attending a fono with the Inquiry said the group's establishment had provided greater agency for Pacific parents to have a say in the school.

10.170 The group had met recently with a wider group of Pacific parents to develop the school's first Pacific strategic plan, which incorporated Fuimaono Karl Pulotu-Endemann's Fonofale model of wellbeing as a key part.[1211]

10.171 The parents of year 12 and 13 students told us that from the time their sons started in year 7 until 2019 when Mr Reddiex arrived, there was a wall between the school and parents. The school's attitude was "drop them off and pick them up". There was not a lot of access for parents to the school outside of chapel and other school events. They felt more isolated from the school under Mr MacLean.

10.172 The parents in this group are confident that, currently, Dilworth is a safe school and the issues that existed in the past are no longer there. The new headmaster, Mr Reddiex, has an open-door approach, ensuring this group has good access to him, and a policy of inclusion.

10.173 Another parent had felt uncomfortable at the school as a Pacific person under the previous headmaster, sensing she and her son were just numbers. Communication on important issues was also a problem. When her son was about 14 or 15, she had attended a parent–teacher interview with him. Before the interview started, his teacher asked him, "how was your session?". The mother asked the teacher what she meant. The teacher said her son had been getting weekly counselling sessions outside the school for the last few weeks. When she asked why, the teacher said that although he produced excellent results on assignments, he was very quiet in class, and they had wondered whether there might be things happening at home. The mother was very unhappy with the lack of consultation and counselling arrangements being made without her knowledge. Had the school contacted her, it would have learned her son was naturally a very shy boy. Staff were now much easier to approach and contact with the school had improved under the current leadership.

1211 F K Pulotu-Endemann, *Fonofale Model of Health,* September 2001.

10.174 A father of a boy who had just started in the senior campus had never held any safety concerns for either of his sons at the junior campus. He also said Mr Reddiex was making changes and appeared to have a genuine interest in what was going on and in hearing from parents. Mr Reddiex had also been supportive in establishing the Pacific Advisory Group.

10.175 He raised the challenge of communicating safeguarding policies to parents for whom English is a second language. The parents emphasised the importance of understanding that there will be a level of deference or "non-questioning" that is inherent with many Pacific parents when interacting with the school. Developing methods of communication is very important.

10.176 There remains a fear among some Pacific parents that scholarships might be taken away if a parent speaks up about a particular issue. However, the group acknowledged the work done under the school's current leadership to promote a message that complaints are welcome and scholarships are not under threat.

10.177 There was a view that the Board was not accessible. The establishment of the Pacific Advisory Group was valuable and had improved communication between Pacific parents and the Board, but the absence of parent representation on the Board created a barrier. There was no direct access to the Board. The group noted that the Pacific strategy it had developed was given to the headmaster, who then liaised with the Board about it. They would have expected direct contact from the Board with the group to ensure the strategy was understood and fully supported by the Board.

10.178 The disconnect between the Board, parents and students was a matter of concern for all attending the fono who wanted a direct line of communication with the Board. Although they had contact through the headmaster, a direct line would promote an additional sense of safety and a confidence they could contribute to the school's governance.

Whānau Māori advisory group

10.179 The whānau Māori we met had predominantly positive things to say about their experience dealing with the school about their sons. No whānau members expressed concerns about their son's health or wellbeing, with many saying if they did have concerns, they would raise them or remove their sons from the school. All whānau members at the hui agreed the work the school had done to become the only Child Wise accredited school in the country was impressive and it gave them a lot of reassurance.

10.180 All whānau members referenced Professor Sir Mason Durie's Whare Tapa Whā model as an expression of hauora for them and their sons.[1212] They said the school was supportive in most areas but needed to improve in some areas such as the appropriate use of tikanga Māori.

10.181 All clearly understood and were supportive of the school's zero tolerance policy for bullying.

10.182 One parent described her son's difficult time with homesickness when he first started and her concern that he might be bullied. The staff had been very supportive, and their response flowed on to the other students in his dorm. She knew of no bullying and after her son recovered from his homesickness, it had never been raised by his peers since.

10.183 Although their experiences were predominantly positive, most parents in the group described "Pākehā ignorance" they had encountered at the school, mostly from staff. For example, staff said they were surprised a woman's son was Māori even though he had a Māori name. There had also been occasions where teachers had asked Māori-knowledge based questions to Pacific students, assuming they were Māori.

10.184 The point was made that spiritual and cultural safety is different for Māori, using the example of a parents hui that had been stopped when no opportunity for whakawhanaungatanga[1213] was provided. The school was very strong in its religious teachings about spiritual wellbeing, but there was some way to go to understand the connection between Māori spiritual wellbeing and identity.

10.185 Nonetheless, the school had been willing to work with one whānau to secure cultural and spiritual wellbeing, enabling a student to attend Waitangi celebrations for the week with his whānau. Although he missed the first week of school, Dilworth understood the significance for his iwi and supported it.

10.186 All parents were of the view that the current head of Māori studies was doing a good job and beginning to address some issues, including the need for training to address cultural ignorance, but as the primary Māori contact with whānau Māori, he carried a lot of that on his own. One parent noted it was critical for staff to see "whanaungatanga at its best" to help prepare for the future.

1212 Sir Mason Durie, 1985, A Māori perspective of health. *Social Science and Medicine* 20(5): 483-486.

1213 Introductions and making connections.

10.187 A kuia who attended the hui observed that whānau Māori make a conscious decision when weighing the benefits of the school to consider what can realistically be offered from a te ao Māori perspective by a school like Dilworth. She also made the point that things that might not traditionally be kaupapa Māori can enhance Te Whare Tapa Whā. For example, in her whānau, learning and playing musical instruments has been a big part of her whānau identity over generations. The fact her mokopuna was learning three instruments at the school was integral to his wellbeing and ability to connect to that aspect of their whānau.

10.188 There were discussions about the difference between being in an advisory role compared with being in a governance role, which centred on te Tiriti o Waitangi and tikanga Māori. The approach of the former headmaster was to allow contact between Dilworth Family Connect (comprising mostly women) only through him to the Board. If the school and whānau looked to progress the current idea of a rūnanga,[1214] it needed to have connection with the Board. The absence of Board members at any of the whānau Māori hui held to date was an example of the current disconnect.

10.189 Vetting of staff was a matter of importance as was the safety of students who might be at risk when other students presented with serious behavioural problems, an issue that parents at all schools worry about. The many issues raised indicated that parents were eager to be more closely involved in the school, ready to consider assuming greater responsibilities, and hopeful that their spiritual and cultural knowledge and their concern for the safety and aspirations of their children could be accommodated in a more formalised setting.

10.190 All whānau agreed that the single most significant change had come in the form of the new headmaster, Mr Reddiex. His leadership had made a difference. He has had a strong focus on reducing scholarship fear and constantly reinforces the fact he wanted to hear any complaints from parents. They told us he was a straight talker, was genuine, and could be trusted. When he addresses the students at assembly or chapel, whānau see the students listen and take notice.

1214 Council or assembly.

Incorporating cultural concepts into policy and procedure

From a former student

> I know the Dilworth student community has changed. I know it is mostly Māori and Pacific. I want the school's leadership and systems to ensure it looks after its indigenous students, particularly Māori. There should be tikanga in the school's mission statement and values. They need to have the right kaitiaki in place to look after the students as house masters, matrons, and tutors.
>
> ...
>
> The school has always been driven by colonial values. Those values which are racist values go back a long way to its origins. It is also an Anglican school, so the religious colonisation is also a part of it.
>
> ...
>
> The school needs to ask itself, "Are we still driven by colonial values?", if it is, it needs to review those values and reset them in a way which serves its now changed ethnic make up.[1215]

10.191 The observation and wero or challenge above is important given the school's current ethnic make-up.

10.192 Students and whānau we spoke to in the current school community made clear to us what they see as pivotal to their health and wellbeing. Whānau Māori we spoke to referred immediately to Sir Mason's Te Whare Tapa Whā model. Pacific whānau we spoke to referenced Mr Pulotu-Endemann's Fonofale model, which we were told has been included in the Pacific parents' strategy document recently presented to the school.[1216] The school also included a commitment to cultural safety and the rights and responsibilities accorded by te Tiriti o Waitangi in its Statement of Commitment to Child Safety.[1217]

1215 Student BX statement to the Inquiry.

1216 This was confirmed by members of the Pacific Advisory Group in its fono with the inquiry.

1217 Dilworth School, Student Protection Policy: Safeguarding & Child Protection, 1 January 2022.

10.193 As is evident in the school's current policies discussed above, the school has taken several steps in its policies and practices in an effort to have the school reflect the make-up of the community,[1218] and we commend it for doing so. However, following our review of the school's policies and engagement with current students and their families and whānau, we are of the view there is still room for the school to improve. Next, we look closely at what we consider underpins that conclusion.

Pacific concepts of wellbeing

10.194 Qualitative research on Pacific peoples' aspirations for their health and wellbeing highlighted the importance of taking a strength-based approach, which centres family.[1219]

10.195 Fonofale requires a holistic approach to health and wellbeing. All of the pou or posts of the fale are important, as are the foundation and the roof. Developed by Mr Pulotu-Endemann, the model came from the need for Pacific self-determination following the Dawn Raids of the 1970s.[1220] This transitioned into a "for Pacific by Pacific" approach in the 1980s.[1221] The model was finalised in 1995 and was named Fonofale after Mr Pulotu-Endemann's maternal grandmother, Fonofale Talauega Pulotu, who accompanied him to Aotearoa New Zealand in 1959 to join his parents.[1222]

10.196 The Fonofale model incorporates the common values of Pacific peoples, with family as the foundation of the fale, culture the roof, and four pou representing the physical, spiritual, mental and other aspects of wellbeing, including sexuality, gender, age and socioeconomic status. The fale is encapsulated in the concepts of context, time and environment as a means of capturing the vā – the Pacific concept of relationality.[1223]

10.197 The Pacific concept of the vā is critical. It varies in different Pacific cultural practices, but there are common essential aspects across various Pacific cultures.[1224]

1218 See as an example its Ākonga and Whānau Handbook, 2023.

1219 F Firestone, T Funaki, S Dalhousie, A Henry, M Vano, J Grey, A Jull, R Whittaker, L Te Morenga and C Ni Mhurchu, Identifying and overcoming barriers to healthier lives, *Pacific Health Dialog* 21(2), 2018, pp 54–66.

1220 The Dawn Raids occurred in Auckland in the 1970s when, in the early hours of the morning, police (on the government's instruction) forcibly entered the New Zealand homes of Pacific people alleged to be overstayers. Most overstayers (individuals who remained in New Zealand after the expiry of their visas) were from Europe and North America not Pacific nations.

1221 FK Pulotu-Endemann, *Fonofale Model of Health*, September 2001.

1222 Pulotu-Endemann, *Fonofale Model of Health*, p 1.

1223 Pulotu-Endemann, *Fonofale Model of Health*, 2001, p 3.

1224 M Reynolds, Relating to Vā: Re-viewing the concept of relationships in Pasifika education in Aotearoa New Zealand, *AlterNative: An International Journal of Indigenous Peoples* 12(2), 2016, pp 190–202, p 194, cited in Abuse in Care Royal Commission of Inquiry, *He Purapura Ora, he Māra Tipu: From Redress to Puretumu Torowhānui* (vol 1), note 162, 2021.

10.198 Tongan academic Mr Tevita O Ka'ili describes teu le vā and tauhi vā within the Tongan context as the tending to and nurturing of interconnected relationships or vā between people, as well as between people and places.[1225]

10.199 Samoan academic and theologian, Sister Vitolia Mo'a, describes the vā as:

> relationship and mutuality – the vā – signifies the vā-tapu and vā-tapuia, or the sacred relational space among inter-connected entities. Inherent in the concept of vā is the recognition of both distinctiveness and relationality. Samoan people's understanding of the workings of their social, cultural, economic, and religious systems is rooted in vā and this recognition of interconnectedness. Faasinomaga or identity "situates the Samoan person within the interconnected and inter-related levels of vā, in that which is understood as a cosmic cyclic form of existence.[1226]

10.200 Accordingly, when harm is done to a Pacific person, damage is done to the vā that exists between that person (and their family) and the person doing the harm. Damage can also be done to the vā that exists between the harmed person and others they are connected with such as their family. Within different Pacific cultures there are different customs and practices for healing the vā and returning to a state of balance. Examples include ifoga (Samoa), ho'oponopono (Hawai'i), isorosoro (Fiji) and fakalelei (Tonga).[1227]

10.201 The school has made a strong commitment to cultural safety as an important aspect of overall student wellbeing. However, as we have briefly outlined above, cultural safety and wellbeing needs to be defined from the perspective of those of that culture. Among Pacific cultures there are similarities as well as differences.

10.202 For the school to deliver on its commitment to cultural safety as part of student protection, significant steps will need to be taken to develop the school's capability to do so for its Pacific students and families. Given the school's current staffing and Board composition, this will require more meaningful and ongoing engagement with its parent community and a sharing of governance responsibilities.

1225 T Ka'ili, Tauhi vä: Nurturing Tongan sociospatial ties in Maui and beyond, *The Contemporary Pacific* 17(1), 2005, pp 89–90, p 109, cited in Abuse in Care Royal Commission of Inquiry, *He Purapura Ora, he Māra Tipu*, note 161.

1226 V Mo'a, Faasinomaga (identity) and vā (relational space): Samoan ethics, in T Suaalii-Sauni (Ed), Pacific Ethics of Research and Care, Huia Publisher, forthcoming 2023, cited in Abuse in Care Royal Commission of Inquiry, *He Purapura Ora, he Māra Tipu*, note 159.

1227 Abuse in Care Royal Commission of Inquiry, *He Purapura Ora, he Māra Tipu*, p 62.

Māori worldview

10.203 One student's mother made the following point:

> Talking about policy, operations, strategy around wellbeing – it is fine to have language like te reo Māori, te Tiriti in those policies etc. But my big question is, how does that positively impact rangatahi Māori at the Kura? Particularly in two areas:
>
> - Accelerating achievement.
> - All aspects of Te Whare Tapa Whā.
>
> Yeah, it's great to have these tikanga concepts as part of the school approach... and policy but who is it benefitting? Is it just the school, the staff? So they ... can say they have teachers who kōrero Māori, incorporate some tikanga etc? At the end of the day those things need to benefit the Māori in the school.

10.204 The point is an important one, and it provides a Māori perspective of what we observed above about the school delivering on its commitment to Pacific cultural safety and wellbeing.

10.205 Te Whare Tapa Whā is the model for wellbeing created by Sir Mason that uses the symbol of the wharenui to illustrate the four cornerstones of wellbeing: taha wairua (spiritual health), taha hinengaro (mental health), taha tinana (physical health), and taha whānau (family health).[1228]

10.206 Due to the model's simplicity and clarity, it is well suited as a model for Dilworth, which has adopted it. In the school's response to the Abuse in Care Royal Commission, the school emphasised its value, saying in respect of pastoral care, "At Dilworth, pastoral care is at the centre of everything the school does. The school's focus is Mason Durie's 'te whare tapa whā' model of hauora, physical, social, spiritual and mental and emotional wellbeing".[1229]

1228 Government Inquiry into Mental Health and Addiction, *He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction*, 2018, p 22, www.mentalhealth.inquiry.govt.nz/inquiry-report/he-ara-oranga.

1229 Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020, p 7.

10.207 As a concept, Te Whare Tapa Whā is derived from Te Ao Māori,[1230] drawing on tikanga Māori,[1231] to provide a possible representation of the essential components of hauora or wellbeing. Ngāti Awa tohunga and academic Professor Sir Hirini Moko Mead states that tikanga Māori "help us differentiate between right and wrong in everything we do and in all of the activities that we engage in".[1232]

10.208 We note that the school in referencing Te Whare Tapa Whā has chosen to replace "whānau" with "social" wellbeing.[1233] We have observed this in other school documentation and from comments current students made in the workshops during this Inquiry. However, this fact in and of itself illustrates the point made by the mother quoted above. By altering that aspect of the whare, it takes the focus away from whānau wellbeing.

10.209 To discuss whānau, means to consider hapū and iwi as well as critical aspects of whanaungatanga and whakapapa. In the Waitangi Tribunal report on the first stage of Te Paparahi o te Raki Inquiry the tribunal noted that whanaungatanga is a "defining principle" of the Māori world view.[1234]

10.210 Below, we briefly discuss tikanga relating to whānau, whanaungatanga and whakapapa.

10.211 Whakapapa is integral to a child's identity and wellbeing. Ngāti Hine leader, Te Waihoroi Shortland's views on children and whakapapa were reported in the Waitangi Tribunal's inquiry on Oranga Tamariki:

> the starting point for the Māori worldview is "he tamaiti, he taonga"; every child is precious, every child is a taonga of their entire whānau, hapū, and iwi – and as such tamariki are the responsibility of all of them.
>
> He explains that it is whakapapa that connects tamariki – to their parents, to their tūpuna, to the atua, and to the spiritual world. And through whakapapa, tamariki are endowed with attributes fundamental to their cultural, physical, and spiritual well-being such as mana, tapu, wairua, and mauri. Further, and importantly, rangatiratanga is the inherent birthright of all tamariki Māori.[1235]

1230 The Māori world view.

1231 Māori way of thinking.

1232 Dr Hirini Moko Mead, *Tikanga Māori: Living by Māori Values.*

1233 Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

1234 Waitangi Tribunal, *He Whakaputanga me te Tiriti The Declaration and the Treaty: The report on stage 1 of the Te Paparahi o te Raki Inquiry* (WAI 1040), 2014, p 23. Te Paparahi Inquiry deals with claims brought by hapū from Ngāpuhi, Ngāti Hine, Ngāti Wai and other northern iwi.

1235 Waitangi Tribunal, *He Pāharakeke, He Rito Whakakīkīnga Whāruarua: Oranga Tamariki Urgent Inquiry* (WAI 2915), 2021, p 15.

10.212 The concept of whānau has many translations including family, to be born and offspring.[1236] These translations are quite simple and straightforward, but the fundamental meaning of whānau must be considered from a Māori worldview. Whānau is not limited to the nuclear family, but:

> includes aunties, uncles, grandparents, great-grandparents, cousins, nieces and nephews. When a Māori person talks about her kuia, she may very well be speaking about any one of her grandmother's or grandfather's sisters. When a Māori person talks about her tuakana (often translated as older sister) she may very well be talking about an older cousin …
>
> The word whānau has a number of meanings including being the word for giving birth or being born. Taking all of these things into consideration, including the various meanings of the word and the associated metaphors, it is clear then that whānau has a much deeper meaning than family, or extended family. It is also about extending families and is about whakapapa.[1237]

10.213 As we outlined in earlier chapters, traditionally, the school took the approach of limiting any whānau involvement with their sons to the very narrow opportunities provided in some school events and Sunday chapel. Whānau of current Māori and Pacific students we have spoken to who were at the school under Mr MacLean's leadership have observed that this approach was maintained until his departure in 2018. Parent involvement has since improved, supported by the fact there are currently four parental groups at the school.

10.214 The aspects of whānau referenced above are by no means exhaustive, and nor are they referenced by this Inquiry in a prescriptive manner. It is not for this Inquiry to pronounce on how these aspects of tikanga apply to the students and whānau Māori of the school; ultimately, that is a matter for the students and whānau Māori themselves to establish and communicate to the school, and opportunities for this to occur should be created and encouraged.

10.215 We have highlighted these aspects to illustrate the depth of meaning that flows from the concept of whānau, as well as whanaungatanga and whakapapa to which it is connected. We note that the tikanga associated with other aspects of the whare – tinana, hinengaro and wairua – have their own deep meaning. We have focused on the aspect of whānau to further illustrate the point that was well made by the mother of a current student we spoke to.

1236 Te Aka Māori Dictionary (website), 2023.

1237 A Thomas and C Merrick, *Kia Kākano Rua te Ture: A te reo Māori handbook for the law*, Lexis Nexis, 2019, p 20.

10.216 As the mother we quoted above points out, applying these aspects of tikanga Māori in the school context must benefit Māori students in a way that is truly meaningful to them and their whānau. If the school gets that right, it will be well positioned to have other parts of the student and family community benefit from that approach.

10.217 We discuss Te Tiriti o Waitangi in the context of whānau involvement in more detail next.

Tiriti o Waitangi

10.218 Te Tiriti o Waitangi is included in all school policy that includes the school's Statement of Commitment to Child Safety. That statement requires that all services provided by the school for the safety and wellbeing of tamariki and rangatahi adhere to the principles of partnership, protection and participation and to the rights and responsibilities accorded by Te Tiriti o Waitangi. We note that the school environment needs to ensure tamariki, rangatahi and staff are culturally safe.

10.219 Te Tiriti o Waitangi was discussed in our hui with whānau Māori.

10.220 A whānau member who attended led discussions by explaining that she understood that Te Tiriti conversation in the school started after the new headmaster arrived and just before COVID-19. When Te Tiriti is spoken about, the question for Māori then centres on governance and decision-making. When the discussion started, she asked who was at the top in governance. She said the school's response left her unclear how Te Tiriti related to the running of the school. Based on her understanding from what the school has said, the Board comprises businesspeople and they manage the school's assets. As the school is a private school and not a state school, it is not the Crown, in effect contradicting the policy adopted by the school for Te Tiriti observance and application. She said it was frustrating to have that response because in her view if you want to talk about Te Tiriti you have to be ready to have a discussion at the governance level and be prepared to listen to the Māori view on that.[1238]

10.221 Another parent at the whānau Māori hui made the point that such an approach to governance discussions was stifling. They observed it felt like Māori parents were brought in more in an advisory capacity than anything else. It was an issue for Māori parents to be in only an advisory role rather than in a governance role over important aspects to do with their sons' wellbeing and education.[1239]

1238 Inquiry hui with whānau Māori.

1239 Reference to te Tiriti o Waitangi in key policy is to include reference to tino rangatiratanga, which is guaranteed in article 2 of te Tiriti. For this reason, the school needs to continue its dialogue with Māori parents.

10.222 Recently, Te Hiringa Mahara, the Mental Health and Wellbeing Commission, in an impact insights paper on the exercise of rangatiratanga during the COVID-19 pandemic, observed the following:

> For Māori, wellbeing is greater than the individual. Inextricably linked with whānau and the wider community, wellbeing must also be understood from a collective perspective. From a collective te ao Māori perspective, a key component for wellbeing, recognised in He Ara Oranga wellbeing outcomes framework, is when all tāngata, whānau and hapori experience tino rangatiratanga me te mana Motuhake … Specifically, the framework includes that to thrive:
>
> - Māori exercise authority and make decisions about how to flourish. Tino rangatiratanga is expressed in many self-determined ways.[1240]

10.223 We discussed Te Tiriti o Waitangi with the current Board chair, Mr Snodgrass. When discussing the incorporation of Te Tiriti into the Dilworth Student Protection Policy, he described Te Tiriti as "going right through the culture of Dilworth". He also made the point that as a multi-cultural school, inclusion and respect for all cultures was important. When considering the capacity of the Board in terms of Te Tiriti and Te Ao Māori, he recognised that the Board needs diversity. He pointed out that two further appointments are to be made and diversity will be a focus in these recruitments.

10.224 In the conclusion below, we draw together our analysis of the current policy documentation and voices of current students and staff.

1240 Te Hiringa Mahara – Mental Health and Wellbeing Commission, *Exercising Rangatiratanga During the COVID-19 Pandemic* (COVID-19 Impact Insights paper 6), May 2023, p 7, www.mhwc.govt.nz.

Conclusion

Policies and procedures

10.225 Many of the former students we have spoken to told us their reason for coming forward to the Inquiry was to ensure that what occurred to them or what they saw happening to others would never happen again. It is for that reason that our terms of reference required the Inquiry to review the school's current policies and procedures to protect health and wellbeing.

10.226 Over the years of abuse that occurred, there were many opportunities for the school to have intervened. In some instances, a lack of adequate policy was a contributing factor to abuse being allowed to continue. In others, it was a failure to act in accordance with policy.

10.227 Having reviewed the current school policies in depth, we commend the school for the work it has done in developing safeguarding policies and procedures, including the Child Wise accreditation, a New Zealand first for a secondary school. Parents we spoke to were greatly impressed by the work done by the school to obtain accreditation and felt a level of assurance and confidence that their children were safe as a result.

10.228 The current suite of child protection policies indicate that the school has learned to respond to the large number of cases of abuse that have occurred over the past decades. These efforts demonstrate that the school understood the significant failings that enabled abuse to continue over decades required urgent attention.

10.229 Child Wise accreditation, and the suite of complementary child protection and complaint policies, while a vast improvement, do not replace the need for Dilworth to be subject to other, more comprehensive, regular and binding external monitoring of its overall performance as a school, akin to that which ERO provides to state and integrated schools. As we outlined in chapters 1 and 8, because of Dilworth's position as a private school, state-based reviews of the school have, for a long time, been a light touch. This has remained so despite revelations of widespread historical abuse being made public.

Board's role from now on

10.230 We view the culture of the Board as a critical indicator of the future success of the school community. It is the Board's responsibility to guide, oversee and provide the resources and support to the school managers and headmaster to guarantee that student health and safety is at the forefront of its work. The history of abuse recorded in this report adds further stress to staff, students and the Board. All will be obliged to guard the school's reputation as a forward-looking, responsive and safe place where students can flourish educationally, culturally and spiritually. Only then can James and Isabella Dilworth's dream for the school be achieved and its students fulfil their potential.

Appendices

Appendix One
Inquiry Terms of Reference

1. **Commencement and term:** The Inquiry shall commence its work from 1 July 2022 with the aim of providing its report by 16 December 2022.

2. **The Inquiry:** The Inquiry shall be undertaken by Dame Silvia Cartwright, PCNZM, DBE, QSO, DStJ and Frances Joychild QC, with Dame Silvia as the Chair of the Inquiry.

3. **Purpose:** The purpose of the Inquiry will be to examine and make findings on:

    a. the nature and extent of sexual and other abuse (abuse as defined in paragraph 6);

    b. the factors that caused or contributed to the abuse;

    c. the acts and omissions of the School, its trustees, officers and staff in responding to, or addressing, complaints of abuse;

    d. the adequacy of the policies and procedures in place at the School today to prevent any future abuse.

4. **Scope:** The matters in scope include, but are not limited to:

    a. the nature and extent of abuse that occurred from 1 January 1950 to the end date of the Inquiry;

    b. the factors that may have caused, or contributed to, the occurrence of the abuse, including:

        i. structural, systemic or cultural causes;

        ii. the actions or omissions of the School, its trustees and staff, as well as those other persons referred to in paragraph 6 below, in committing, allowing or encouraging the abuse;

        iii. the vetting, recruitment, training, development, performance, management, and supervision of staff and others involved in the provision of care;

        iv. the School's policies and procedures available at the relevant times to raise concerns, or make complaints, about abuse;

        v. the culture of the School at the relevant times, including the kinds of conduct allowed, enabled or encouraged between students of the School.

c. the acts and omissions of the School, its trustees, officers and staff in responding to, or addressing, complaints of abuse, including:

    i. whether those persons were aware, or should have been aware, of the abuse that occurred at the School;

    ii. what, if anything, they did in response to any complaints of abuse;

    iii. whether there were any attempts made to conceal or suppress knowledge or reporting of instances of abuse;

    iv. whether the response to complaints of abuse (including pastoral care and redress) was consistent with good practice at the time the abuse occurred.

d. the School's current policies and procedures and whether these are fully adequate to protect the health and well-being of current and future students.

5. Matters not in scope include determining criminal or civil liability of any entity or any person or whether any act or omission by that entity or person complied or not with the law.

6. **Abuse:** For the purposes of the Inquiry, abuse means sexual and serious physical abuse (including conduct such as harassment, grooming, bullying and the like leading up to the abuse) to a student of the School, that was committed, allowed or encouraged by:

    a. a person involved in the provision of care being a member of the Board, a member of the staff of the Board and/or the School, associates, volunteers, service providers;

    b. student of the School;

    c. a visitor at the School;

    d. any other person who was in a position to interact with students at any time when they were in the care or control of the School.

7. **Inquiry procedures:** The Inquiry will determine its own processes and procedures and make such inquires as it considers will best achieve the purposes of the Inquiry. The Inquiry will ensure, however, that its processes and procedures:

    a. support Survivors who wish to participate in the work of the Inquiry;

    b. provide flexibility as to how Survivors are able to share their experiences with the Inquiry (for example, through the use of statements provided in other contexts);

c. do not retraumatise Survivors as far as is practically possible;

d. recognise relevant cultural perspectives;

e. are simple to understand;

f. do not prejudice current or future criminal or civil proceedings, or other contemporaneous inquiries;

g. treat the personal information it receives in accordance with the principles of sensitivity, confidentiality, privacy and informed consent, as well as pursuant to any existing suppression orders;

h. allow individuals who provide written information to the Inquiry to access their information at a later date on request;

i. inform participants of support, complaints or other processes which may be available to them;

j. effectively manage any overlap between the Inquiry and Redress Programme to minimise stress and trauma to Survivors who engage in both processes.

8. **The Board:** The Board will:

a. cooperate with the Inquiry to assist it to hear from people who were formerly, or are currently, associated with, or in the employment of, the Board and the School;

b. make all its current Board members available for interviews with the Inquiry and cooperate with the Inquiry to assist it to hear from all former Board members;

c. ensure that current senior students have confidential access to the Inquiry;

d. enable the Inquiry to undertake its work independently and confidentially;

e. provide to the Inquiry on request any information in its possession or control, including waiving its privilege (but not any other person's privilege) in information predating 1 January 2018, relating to matters in scope and solely for the purpose of the Inquiry;

f. otherwise provide such assistance to the Inquiry as it requests.

9. The Inquiry will carry out its work at such place or places as it considers appropriate having regard to its purpose and the need to support and not retraumatise Survivors. An Inquiry office will be based in Auckland at a location independent from the School.

10. The Inquiry will provide and fund support services for, and the reasonable expenses of, Survivors, as required to assist them with their participation in the Inquiry process. This may include reasonable expenses for travel, accommodation and counselling; and where the Inquiry considers it necessary, legal costs associated with participation in the Inquiry. Such support may also include the continuation of support already provided as part of the Redress Programme, the Listening Service, or any other counselling the Survivor already receives.

11. In particular, where the Survivor has a support person supporting them with the Redress Programme, the Survivor will be given the option of using that same support person to assist him and his family to participate in the Inquiry, and the support person can assist in accessing any of the Survivor's information that the Survivor/ support person considers relevant for the purposes of the Inquiry.

12. Report: The Inquiry shall deliver to the Board a written report with its findings and recommendations by 16 December 2022 or such later date that the Inquiry considers necessary to complete its inquiry in accordance with these terms of reference.[1241] The report shall be made publicly available subject to any redactions to protect the confidentiality of Survivors' identity, existing suppression orders, and information as recommended by the Inquiry.

13. The Inquiry may make any recommendations it considers appropriate, including as to what happened in the past or to ensure that the factors that allowed historical abuse to occur do not persist and are not repeated in the future.

Dated June 2022

1241 The completion date was later extended to 18 September 2023.

Appendix Two
Inquiry privacy statement

This privacy statement explains how the Independent Inquiry into Abuse at Dilworth School will manage the personal information it obtains, including how we will collect, use, and disclose this information to perform our functions.

The Inquiry will need to collect often sensitive personal information about abuse at Dilworth School. We are committed to managing this information in accordance with principles of sensitivity, confidentiality, and privacy. We operate independently of Dilworth School and the Dilworth Trust Board, and we will collect and use personal information only in ways that clearly support the objectives of the Inquiry.

Wherever possible, we will only disclose personal information to third parties with the consent of the individual concerned. However, there are a few situations where we may have to disclose information that identifies you so we can carry out our inquiries. These situations are set out below.

If you cannot find the information you need in this statement, or you have any questions or concerns about your personal information, please contact us at any time by emailing privacy@dilworthinquiry.org.nz.

Why are there separate privacy statements for the Inquiry and the Redress Programme?

The Inquiry and the Independent Redress Programme are separate, but related, parts of the Dilworth Response. Because the Inquiry and the Redress Programme will do different things with personal information – according to their purposes and functions – we need to address privacy notice differently for each. This privacy statement relates to the Inquiry, and you can read the privacy statement for the Redress Programme at www.dilworthredress.org.nz.

This difference also means that you may be required to sign separate consent forms for the Inquiry and the Redress Programme. We know this could cause confusion and frustration, but we believe that it is important to ensure that we, and you, are absolutely clear about what you are providing consent for and how your information will be collected, used, or shared.

In some circumstances, personal information may be shared between the Inquiry and the Redress Programme. These circumstances are set out below.

What personal information will the Inquiry collect?

Personal information means information about an identifiable person. The personal information we need is determined by our purpose and scope, which are set out in our Terms of Reference. Our purpose and scope are broad in nature, and this means we may need to collect a significant amount of personal information to ensure that we can deliver the outcomes expected of us. That said, we will take steps to ensure that we collect only the personal information we really need.

The types of personal information we may collect during the Inquiry include the following:

- Personal identifiers of participants, including names, ages, and contact details. Please note, participants may send us anonymous accounts of their time at Dilworth, but such accounts are less useful to the Inquiry.
- Information about a survivor's admission to Dilworth, including the dates of their admission and the duration of their attendance.
- Information about a survivor's experiences at Dilworth, including information about their education, discipline, and pastoral care.
- Information about the abuse a survivor is alleged to have suffered.
- Information about a survivor's experiences after Dilworth, which could include psychological or other medical assessments or documents.
- Information about a participant's current mental health, or any other risks that may impact on the ability of a participant to participate in the Inquiry.
- Information about a survivor's whānau/family, and the impact abuse has had on them.
- Information about a survivor's culture and its importance in the context of their experiences at Dilworth.
- Information about the alleged perpetrators of abuse, which may include information about Dilworth employees, board trustees, volunteers, students, or others.
- Information about Dilworth employees, board trustees, volunteers, students, or others who may have responded to abuse complaints or otherwise been involved with a survivor.
- Information about the recollections or experiences of witnesses to abuse at Dilworth.

Who will the Inquiry collect personal information from?

Wherever possible, we will collect personal information only from the individuals concerned – people who participate willingly in the Inquiry. For example, if a survivor agrees to be interviewed for the purposes of the Inquiry, we will collect personal information directly from that survivor during the interview.

However, in some cases, it will not be possible for us to collect personal information directly from the individuals concerned. For example, we may need to collect personal information that the individual concerned does not hold. We may collect personal information from the following third parties:

- **Dilworth School** – Dilworth holds historical information that will be highly relevant to the Inquiry. Where possible, we will ask for the consent of individuals identified in this information to collect it. However, we may collect personal information from Dilworth without consent in some cases, such as where the individual concerned is deceased or it would not be practicable to obtain consent in the circumstances and it would be in the public interest for us to collect it.
- **Lawyers representing survivors** – Many survivors have already engaged lawyers to manage legal proceedings relating to the abuse they have suffered. As part of this process, they have may have provided personal information about their experiences that could be highly relevant to the Inquiry. We will only collect this information with the consent of the individuals concerned.
- **Healthcare providers** – In order to ensure the Wellness of participants in the Inquiry, the Dilworth Response Wellness Unit may need to collect health information from healthcare providers from time to time, such as psychological assessments. The Wellness Unit will only collect this information with the consent of the individuals concerned, and the Inquiry will only access it if necessary for the purposes of managing a person's safe participation.
- **Independent Redress Programme** – We want to ensure that survivors do not have to provide their information to the Inquiry if they have already provided it to the Independent Redress Programme, to minimise stress and trauma. The Redress Programme has made clear in its privacy statement that it will share personal information with the Inquiry.
- **Anyone else you consent to us contacting** – If you have previously provided your account to another organisation, such as the Royal Commission of Inquiry into Abuse in Care, or the Police, you can provide consent for us to collect information about you from that other organisation, to minimise stress and trauma.

How will the Inquiry use personal information?

We will use personal information **only** for the purposes of the Inquiry, as set out in our Terms of Reference. This may include using the information in the following ways:

- Considering the information for the purposes of making findings on the matters set out at clauses 3 and 4 of our Terms of Reference.
- Delivering a written report with the Inquiry's findings and recommendations, which will be made public subject to redactions and/or anonymisation to address privacy and confidentiality considerations.
- Managing the safety and Wellness of participants in the Inquiry and of Inquiry staff, including informing participants of other processes that may be available to them.
- Managing overlap between the Inquiry and Redress Programme, to minimise stress and trauma to survivors who engage in both processes (see below in relation to disclosure).

Will the Inquiry disclose personal information to third parties?

As noted above, we are collecting personal information for the purposes of considering the matters within the scope of the Inquiry, delivering a written report on our findings, and managing health and safety risks to participants and Inquiry staff. To achieve these purposes, we will only disclose personal information in the following ways:

- We will disclose personal information to our Independent Inquirers, Dame Silvia Cartwright (Inquiry Chair) and Frances Joychild QC, who will use this information to meet the first two purposes set out above.
- We may disclose personal information to the Redress Programme – via our Wellness Unit - about any risks to the health, safety or Wellness of a participant.
- We may need to disclose some personal identifiers about a participant – such as name and age – to Dilworth School in order to facilitate a request for information related to the matters that participant has brought to the Inquiry's attention (but we will never disclose detailed information about a participant in this way).
- We may need to disclose information from a witness to other witnesses in the process of investigating the issues. We will not identify witnesses during this process, unless they consent to their identity being known.
- With consent, we will disclose personal information about a participant to the Redress Programme, to minimise stress and trauma to survivors who engage in both processes.

- We will disclose personal information to other third parties in order to investigate the matters in the Terms of Reference, but only with the consent of the individual concerned.

To maintain the integrity of the Inquiry, and the trust of our participants, we will not otherwise disclose personal information to Dilworth School, the Police, or any other government agency unless we are required by law to do so. If you would like to make a complaint to the Police relating to abuse at Dilworth School, please contact the Police at Operation.Beverly@police.govt.nz or (09) 302 6624.

Survivors will not be identified in our report unless they request to be identified. For other participants there will be a general presumption of confidentiality, but this will be decided on a case by case basis by the Inquirers.

How will the Inquiry ensure personal information is protected?

We will take all reasonable steps to protect personal information from loss, unauthorised access, use or disclosure, or any other misuse, including the following:

- We store and process personal information within Microsoft Office 365, with all information stored securely on cloud servers located in Australia. We believe Microsoft can deliver industry standard security safeguards in relation to our information.
- We ensure that Inquiry staff and the Independent Inquirers access and process personal information only within our secure Microsoft 365 instance, and that people can access only the personal information they need to perform their functions.
- We protect personal information during transmission, including by encrypting emails and attachments.
- We require all Inquiry staff to use separate devices for managing Inquiry work, including laptops and mobile phones, and we take steps to ensure these devices are secure.

Can people have access to the personal information the Inquiry holds about them?

Anyone has the right to ask the Inquiry whether it holds personal information about them, and to request a copy of that information if we do. Please email your request to privacy@dilworthinquiry.org.nz. We will respond as soon as we can, and no later than 20 working days after you make your request. We will be as open as we can with you, but we may need to withhold personal information in some cases, such as where necessary to protect the privacy of other individuals.

What will happen to the personal information once the Inquiry is completed?

We will retain personal information only for as long as we have a lawful purpose to use it. This is likely to be for the duration of the Inquiry, and until we have delivered our findings. The Inquiry has yet to determine whether, after the Inquiry is completed, we will securely destroy the information or securely archive it. We will update this privacy statement once that decision has been made.

Appendix Three
Inquiry procedures

Appointment and reporting

The Inquirers were appointed in May 2022 with the Inquiry set to start on 1 July 2022 when the Inquiry's website went live. The original terms of reference set a reporting date of 31 December 2022. The Dilworth Trust Board and the Inquiry recognised that this was a pro forma date given the difficulty in assessing the number of registrations that would emerge. By October 2022, it was clear there would be a significant number and the reporting date was set for March 2023. Ongoing registrations meant the date was further extended to 31 July 2023.

Requests for extensions to respond under the natural justice process and other report production requirements resulted in the report being published in September 2023 on the Inquiry website and in hard copy.[1242] The executive summary has been translated into te reo Māori, Samoan and Tongan languages.

Setting up the Inquiry

Staffing

The first staff appointment was a head of secretariat and lead investigator followed by two wellness navigators. Further staff appointments, both full time and part time, included two investigators, three lawyers, two legal assistants and a third wellness navigator. Later, a senior administrator was appointed to take over many of the head of secretariat duties, as the Inquiry's work grew. A small number of other personnel were appointed on short-term contracts at various times for specific tasks.[1243]

Inquiry staff

Chair:
Dame Silvia Cartwright

Co-Inquirer:
Frances Joychild KC

Secretariat

Mike Wesley-Smith
Jennifer Locke

Legal Team

Emma Finlayson Davis
Chris Merrick
Karen Jones

Wellness Team

Rizpah Evans
Rachel Wybourne-Curtin
Jamie Leighton

Investigation Team

Mike Wesley-Smith
James Watson
Shelley Nisbet

Support to investigation team

Phillipa Mitchell
Angela Jones

1242 As provided for by clause 12 of the Terms of Reference.

1243 Short term support to the investigation and legal teams was provided by Aja Trinder, Angela Lee and Geraldine Whiteford.

Budgeting

As the Inquiry was fully funded by the Board, the director of the Dilworth Response assisted the Inquiry in determining a budget.

To emphasise the Inquiry's independence from the Board, an intermediary was appointed to handle all financial aspects of the Inquiry, including invoicing.

Office premises

Premises for the Inquiry's use were leased in central Auckland, providing rooms for interviews and workstations for staff.

Inquiry procedures

This Inquiry has several features that distinguish it from public and government inquiries.

This Inquiry was appointed by Board as a private inquiry, and all resources, including remuneration, were met by the Board.

The Public Inquiries Act 2013, which enables Royal Commissions, public and government inquiries to be established by governmental action, gives broad discretion to inquirers to determine the procedure adopted, the manner of gathering information, the power to restrict access to information collated, as well as the power to compel witnesses to attend.

As a privately established Inquiry, the Act's provisions were not mandatory for this Inquiry to follow. So far as possible and appropriate, however, they were observed. In particular, the Inquirers and all Inquiry staff acted independently, impartially and fairly in all their work. The nature of the information gathered, its sensitivity, and the vulnerability of survivors and current and former Dilworth staff and Board members required specific procedures and personal support to be instituted.

Privacy and confidentiality measures were equally critical. At the outset, we engaged a privacy law adviser and sought his advice frequently. Throughout, we made every effort to ensure the confidentiality of the information we collated as well as of those who contacted or spoke to us, including by anonymising all references to former students in the report. Although at least one former student expressed a wish to be named, we decided against this, and explained to him that naming him might lead to the identification of others who did not wish their names to be published.

We did not have the power to appoint core participants or compel witnesses. We provided the Board and any other named people who were the subject of adverse comment with a draft copy or relevant section of the report further to our natural justice obligations. This provided those against whom allegations or adverse comments were made to have the opportunity to respond to them and to correct any factual errors or omissions. We reviewed all responses before the report was finalised and the recommendations drafted. Drafted recommendations were provided to the Board for a short period in advance of publication.

We provided online and other means of registering with the Inquiry directly. The manner in which we supported survivors wishing to provide their evidence to the Inquiry is described in chapter 2. Wellness support was a vital part of the process. It had both humane and practical purposes. We were well aware that for some former students the experience of meeting with the Inquiry and recounting the history of their abuse might be traumatising. It was important for the efficiency and effectiveness of the information-gathering process that they felt respected and well supported. We often had to reassure participants of our independence from the Board and the confidentiality of the information participants were providing to us.

Our requests for information were well received and we experienced few difficulties. We made multiple information requests of the Board, the Anglican Church and external agencies such as government departments and Scouts Aotearoa Former students were extremely helpful as were former staff and Board members. Both groups were specifically asked by the Board to cooperate with the Inquiry. Interviews were informal, not on oath or declaration, and conducted both by Inquiry staff who were trained and experienced in this area and by the Inquirers. As we have noted, attending an interview of this nature can be challenging, and we acknowledge that some staff and Board members also found it difficult.

The Inquiry's terms of reference required that information relating to abused former students be retained so it could be accessed later, on request. As the Public Inquiries Act 2013 does not apply, there was no established process for the retention of Inquiry documents and other material. Items that Dilworth had supplied will be returned at the end of the Inquiry, but we determined that a large amount of other material could not be held by the school, including confidential information received from survivors.

We are working towards having this material archived by Archives New Zealand with an agreed embargo period.

Appendix Four
Supporting information for chapter 10

This appendix contains information supporting chapter 10 in relation to the Child Wise accreditation process and a summary of the changes introduced by the Protected Disclosures (Protection of Whistleblowers) Act 2022.

Child Wise accreditation process

To inform the application for Child Wise accreditation,[1244] Dilworth School was required to set out:

- evidence of its progress since its Child Wise child safety review and supporting evidence that steps have been taken such as updated documents, survey results or posters
- any contextual issues relevant for the decision making such as organisational issues, challenges or parallel accreditation processes
- any primary evidence from stakeholders that might assist the process.

The school set out this information in its final improvement plan dated 29 August 2022. This document, which runs to 432 pages, addresses each recommendation made in the child safety review that Child Wise completed at the outset of the process.

For each Child Wise accreditation standard (based on the Australian National Principles[1245]) the criteria rating is as follows:

- Exceeded: The organisation exceeds standards in multiple areas, and there is evidence, for example previous reviews and self-assessments, that the organisation has sustained this over an extended period. All criterion indicators are judged to be in place, and multiple examples of practice that exceed minimum standards have been identified.

1244 For information about the organisation, see Child Wise, www.childwise.org.au.

1245 Australian Human Rights Commission, *National Principles for Child Safe Organisations An initiative of the Council of Australian Governments*, 2018, www.childsafety.gov.au. The principles reflect child safe standards recommended by the Australian Royal Commission into Institutional Responses to Child Sexual Abuse: Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Making institutions child safe (vol 6), Commonwealth of Australia, 2017, p 13, www.childabuseroyalcommission.gov.au

- Embedded: The organisation demonstrates that child safety is embedded as standard practice. All criterion indicators are judged to be in place.
- Emerging: The organisation shows signs of emerging practice that aligns to child safety standards. Some criterion indicators are judged to be in place; however, others are not.
- Insufficient evidence: Most criterion indicators are assessed as not in place.

The final accreditation decision can take one of three forms: achieved with no additional recommendations, achieved with additional recommendations, or not achieved.

Finally, accreditation is given with gold, silver or bronze distinctions. Gold indicates all standards are rated as exceeded, silver indicates all standards are at least embedded, with a majority rated as exceeded, and bronze indicates standards are assessed as embedded.

Dilworth was accredited in September 2022, the first school in New Zealand to achieve accreditation.

The table below outlines the results of the school's Child Wise accreditation.

Child Wise Accreditation Standard	Decision-maker judgement
based on national principles for child safe organisations and additional Child Wise indicators and evidence requirements	emerging, embedded, exceeded, no evidence
Standard 1: Child safety and wellbeing is embedded in organisational leadership, governance and culture.	Exceeded
Standard 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.	Exceeded
Standard 3: Families and communities are informed and involved in promoting child safety and wellbeing.	Embedded
Standard 4: Equity is upheld and diverse needs respected in policy and practice.	Embedded
Standard 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.	Embedded
Standard 6: Processes for complaints and concerns are child focused.	Embedded

Child Wise Accreditation Standard	Decision-maker judgement
based on national principles for child safe organisations and additional Child Wise indicators and evidence requirements	emerging, embedded, exceeded, no evidence
Standard 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.	Embedded
Standard 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.	Embedded
Standard 9: Implementation of standards is regularly reviewed and improved.	Embedded
Standard 10: Policies and procedures document how the organisation is safe for children and young people.	Exceeded
Accreditation decision	Achieved with additional recommendations
Gold, silver or bronze level	Bronze
Additional recommendations	Build on the work to date on inclusivity, equity and diversity to ensure a comprehensive approach, for example ensuring LGBTQ+ issues are included in policies, training and practice. Ensure learning from exit interviews is captured to inform continuous improvement. Consider a 'you said, we did' model to communicate the actions taken in response to complaints.

Protected Disclosures (Protection of Whistleblowers) Act 2022

In this section, we outline our analysis of the changes implemented by the Protected Disclosures (Protection of Whistleblowers) Act 2022, which repealed the Protected Disclosures Act 2000.

Definition of "serious wrongdoing" extended

The previous definition of "serious wrongdoing" was extended to include "serious risk to the health or safety of any individual". This is an important change directly relevant to the school's role and the context of this Inquiry.

Reporting direct to an appropriate authority

Under the 2000 Act, disclosure to an appropriate authority (an agency outside the organisation complained about) was limited to cases where reasonable grounds existed to believe the head of the organisation was or may be involved in the wrongdoing; immediate reference to another authority was justified by urgency or exceptional circumstances; or where there had been no action or recommended action within 20 working days of the date of the disclosure.

Under the 2022 Act, these limitations were removed, and a protected disclosure can be made to an appropriate authority at any time.

Schedule 2 of the 2022 Act includes examples of concerns and appropriate authorities.

Strengthened "no contracting out" provisions.

The 2022 Act makes clear the Act applies despite any agreement, contract or internal procedure. A provision in any agreement, contract or internal procedure has no effect if it apparently requires a person to do any of the following:

- not to disclose serious wrongdoing that is or could be a protected disclosure
- not to disclose information that could support or relate to a protected disclosure
- to withdraw a protected disclosure
- to abandon a protected disclosure
- to make a disclosure of serious wrongdoing in a way that is inconsistent with this Act.

Again, within the context of this Inquiry, this is an important provision. In chapter 6, we refer to the use of a non-disclosure agreement in respect of the resignation of Mr Ross Browne from his role.

Strengthened guidance on what the receiver of the complaint should do

The 2022 Act also clarified the timeframes and actions required to be taken by the receiver of the complaint.

Within 20 working days of the protected disclosure, the receiver should:

- acknowledge receipt of the protected disclosure
- consider the disclosure and whether it warrants investigation
- check with the discloser whether the disclosure has been made elsewhere (and any outcome)
- deal with the matter by investigating it, addressing any serious wrongdoing by acting or recommending action, referring the matter to an outside agency, or deciding that not action is required
- inform the discloser with reasons about what the receiver has done or is doing to deal with the disclosure.

An exception exists if those steps are not practicable within 20 working days. In those circumstances, the discloser needs to be kept informed and updated with how and when the matter will be dealt with.

Appendix Five
Timeline of instances of sexual abuse

1950–1966	
1952	9 year old student sexually abused by Dilworth associated adult in dormitory and in private residence. Occurred on several occasions
1953	10 year old student sexual abused by staff member on weekend trip. Occurred on multiple occasions
1954	11 year old student sexually abused by prefect at night. Occurred regularly over two year period
1955	12 year old student sexually abused by prefect in the dormitory. Occurred regularly over a three year period
	12 year old student sexually abused by 2 prefects in the dormitory. Occurred on 8-10 separate occasions
1965	9 year old student sexually abused by older student in dormitory. Occurred on two occasions
1967–1979	
1967	14 year old student sexually abused by other students in dormitory at night. Occurred on multiple occasions over 2 year period
	10 year old student sexually abused by prefect in the dormitory. Occurred on several occasions
1968	11 year old student sexually abused by staff member in private room in dormitory. Occurred on several occasions
1969	10 year old sexually student abused by staff member during counselling session (or in private office on school grounds). Happens on 2 occasions
	12 year old student sexually abused by tutor in dormitory

1969	13 year old student sexually abused by staff member in school buildings (private office). Occurred multiple times over two year period
	15 year old student sexually abused by staff member in school buildings (private office). Occurred multiple times over 4 month period
1970	12 year old student sexually abused by senior student on school trip
1971	8 year old student sexually abused by staff member on weekend trips. Occurred on at least 15 occasions
	12 year old student sexually abused by staff member in dormitory
	9 year old student sexually abused by staff member in dormitory
	12 year old student sexually abused by staff member in dormitory at night
	12 year old student sexually abused by staff member in dormitory at night
	15 year old student sexually abused by staff member in school building
	12 year old student sexually abused by staff member in dormitory at night. Occurred on multiple occasions
	9 year old sexually abused by staff member in dormitory
1972	9 year old student sexually abused by staff member on weekend trip
	9 year old student sexually abused by staff member camp
	9 year old student sexually abused by tutor in boarding house
	9 year old student sexually abused by tutor in dormitory on weekend
1973	10 year old student sexually abused by staff member in school buildings. Occurred multiple times over 3 year period
	14 year old student sexually abused by staff member on weekend trip. Occurred on multiple occasions
	11 year old student sexually abused by staff member in dormitory. Occurred on multiple occasions
	10 year old student sexually abused by staff member in classroom

1973	9 year old student sexually abused by staff member in dormitory on weekend. Occurred on multiple occasions
	11 year old student sexually abused by staff member in school
	10 year old student sexually abused by staff member on weekend trip
	9 year old student sexually abused by staff member in private room in dormitory
	11 year old student sexually abused by staff member in private room in dormitory. Occurred on 3 occasions over 1 month period
	11 year old student sexually abused by older students in dormitory
	14 year old student sexually abused by staff member at camp
1974	15 year old student sexually abused by staff member on weekend trip
	13 year old student sexually abused by staff member on weekend trip
	16 year old student abused by staff member on school trip
	15 year old student sexually abused by staff member on weekend trip
	10 year old student sexually abused by staff member on weekend trip
	10 year old student abused by staff member in classroom
	11 year old student sexually abused by staff member in school buildings. Occurred multiple times over 1 year period
	13 year old student sexually abused by staff member on camp. Occurred on two occasions
	12 year old student sexually abused by tutor in private room in dormitory
	12 year old student sexually abused by staff member on weekend trip
	12 year old student sexually abused by another student in same year group in dormitory and on scout camp. Occurred on multiple occasions
	13 year old student sexually abused by staff member at private residence
	14 year old student sexually abused by staff member on weekend trips, at private residence, in dormitory at night. Occurred multiple times over 2 year period

1974	10 year old student sexually abused by Dilworth associated adult on camp
	11 year old student sexually abused by staff member in private office on school grounds
1975	9 year old student sexually abused by staff member on school grounds. Occurred on multiple occasions
	14 year old student sexually abused by staff member in school building
	11 year old student sexually abused by prefect in private room in school
	12 year old student sexually abused by Dilworth associated adult at private residence
	14 year old student sexually abused by Dilworth associated adult in private residence
	10 year old student sexually abused by prefect in school building
	14 year old student sexually abused by staff member on school grounds
	14 year old student sexually abused by staff member on weekend trip
	9 year old student sexually abused by staff member in dormitory at night. Occurred on multiple occasions over 2 year period
1976	11 year old student sexually abused by prefects in dormitory. Occurred on multiple occasions
	15 year old student sexually abused by Dilworth associated adult in private residence on weekend. Occurred on multiple occasions
	15 year old student sexually abused by staff member in private residence on weekend.
	15 year old student sexually abused by staff member while on weekend trip
	11 year old student sexually abused by staff member in school building. Occurred on multiple occasions over 3 years
	11 year old student sexually abused by staff member in private residence on school grounds. Occurred on multiple occasions over 2 year period

1976	12 year old student sexually abused by staff member in private residence on school grounds. Occurred multiple times over a 6 month period
	14 year old student sexually abused by tutor in boarding house. Occurred on several occasions
	9 year old student sexually abused by staff member in private residence on school grounds and in private office on school grounds. Occurred on multiple occasions
	10 year old student sexually abused by staff member in dormitory
	9 year old student sexually abused by staff member in private room in dormitory
	14 year old student sexually abused by Dilworth associated adult at private residence
	9 year old student sexually abused by staff member in private room in dormitory
	10 year old student sexually abused by staff member in private office
1977	9 year old student sexually abused by staff member on camps and weekends away. Occurred on multiple occasions over 3 year period
	13 year old student sexually abused by staff member Occurred in staff quarters in dormitory, on camp, and weekend trips away. Occurred multiple times over 2 year period
	14 year old student sexually abused by Dilworth associated adult at private residence
	16 year old student sexually abused by Dilworth associated adult on weekend trip
	13 year old student sexually abused by staff member at staff member's residence on school grounds
	12 year old student sexually abused by Dilworth associated adult in private residence
	15 year old student sexually abused by staff member in private room in boarding house
	14 year old student sexually abused by staff member in private office
	11 year old sexually abused by staff member in private residence
	11 year old student sexually abused by staff member on weekend trip

1977	13 year old student sexually abused by staff member in private room in boarding house. Occurred on 6 occasions
	10 year old student sexually abused by staff member in private residence in dormitory
	13 year old student sexually abused by staff member in private residence on school grounds
	9 year old student sexually abused by staff member in private residence on school grounds. Occurred on multiple occasions
	9 year old student sexually student sexually abused by staff member in private residence on school grounds
	10 year old student sexually abused by staff member in dormitory at night
	12 year old student sexually abused by older student in dormitory
	14 year old student sexually abused by another student while on school camp
	14 year old student sexually abused by staff member in private residence on school grounds
	12 year old student sexually abused by staff member in private residence on school grounds
	13 year old student sexually abused by staff member on camp
1978	15 year old student sexually abused by Dilworth associated adult on camp
	9 year old student sexually abused by staff member on school grounds during weekend
	12 year old student sexually abused by staff member in private office in school building
	10 year old student sexual abused by staff member in private room in dormitory
	11 year old student sexually abused by staff member in chapel (alternatively in school building)
	11 year old student sexually abused by staff member on weekend trips. Occurred on multiple times over 2 year period

1978	11 year old student sexually abused by staff member in dormitory. Occurred on multiple occasions
	12 year old student sexually abused by staff member in private residence on school grounds during weekend
	15 year old student sexually abused by tutor on weekend trip
	11 year old student sexually abused by staff member in private residence on school grounds
	12 year old student sexually abused by staff member in school buildings. Occurred on multiple occasions.
	11 year old student sexually abused by staff member during weekend trip
	10 year old student sexually abused by staff member in private residence on school grounds. Occurred on multiple occasions
	9 year old student sexually abused by staff member in private residence on school grounds
	9 year old student sexually abused by staff member
	8 year old student sexually abused by staff member in private office in dormitory
	13 year old student sexually abused by staff member in private residence on school grounds
	14 year old student sexually abused by staff member while on weekend trip
	11 year old student sexually abused by staff member at night in dormitory. Occurred multiple times over 1 year period
	16 year old student sexually abused by staff member in private residence on school grounds. Occurred on 2 occasions
	11 year old student sexually abused by staff member in classroom
	11 year old student sexually abused by staff member in staff member's residence on school grounds

1979–1997	
1979	10 year old student sexually abused by staff member in private residence
	12 year old student sexually abused by staff member in dormitory
	12 year old student sexually abused by staff member on school grounds
	11 year old student sexually abused by staff member on weekend trip away
1980	16 year old student sexually abused by Dilworth associated adult in private residence
	11 year old student sexually abused by staff member on camp
	15 year old student sexually abused by staff member on week trip. Occurred on multiple occasions
	10 year old student sexually abused by staff member in dormitory at night. Occurred on multiple occasions over 6 month period
	11 year old student sexually abused by older students in dormitory at night. Occurred multiple times over a period of several weeks
	14 year old student sexually abused by staff member in private office
	12 year old student sexually abused by staff member in private room in dormitory
	14 year old student sexually abused by other student in dormitory
	10 year old student sexually abused by staff member in dormitory at night
	12 year old student sexually abused by staff member on school grounds. Occurred on 2 occasions
	13 year old sexually abused by Dilworth associated adult in private residence. Occurred on multiple occasions
	11 year old student sexually abused by staff member on camp
	11 year old student sexually abused by staff member in private residence on school grounds

1980	9 year old student sexually abused by staff member in private residence on school grounds, weekend trips. Occurred multiple times over 4 year period
1981	11 year old student sexually abused by senior student in school building
	12 year old student sexually abused by prefect in dormitory
	13 year old student sexually abused by staff member on weekend trip
	12 year old student sexually abused by staff member in dormitory at night. Occurred on 2 occasions
	12 year old student sexually abused by staff member on camp
1982	15 year old student sexually abused by staff member at private residence on school grounds
	12 year old student sexually abused by staff member in dormitory at night. Occurred on a number of occasions over the period of a year
	14 year old student sexually abused by staff member on weekend trip
	13 year old student sexually abused by staff member on camp
	11 year old student sexually abused by staff member in private office on school grounds. Occurred on 2 occasions
	10 year old student sexually abused by older student
	11 year old student sexually abused by staff member on weekend trip
	15 year old student sexually abused by staff member on weekend trip
	14 year old student sexually abused by staff member on weekend trip
1983	14 year old student sexually abused by staff member on camp
	9 year old student sexually abused by prefect in dormitory at night. Occurred multiple times
1984	11 year old student sexually abused by staff member in private office
	13 year old student sexually abused by staff member in private office on school grounds. Occurred on 2 occasions

1984	14 year old student sexually abused by staff member on weekend trip
1985	14 year old student sexually abused by Dilworth associated adult on school grounds
	15 year old student sexually abused by staff member on school grounds
	15 year old student sexually abused by staff member in school buildings
	15 year old student sexually abused by staff member on weekend trip
	13 year old student sexually abused by senior students in dormitory on weekend
1986	12 year old student sexually abused by staff member in private office on school grounds. Occurred on multiple occasions
	13 year old student sexually abused by staff member in private residence on school grounds and dormitory. Occurred on multiple occasions
	13 year old student sexually abuse by staff member in dormitory
1987	13 year old student sexually abused by staff member in private office on school grounds
	12 year old student sexually abused by staff member in private room in dormitory
	13 year old student sexually abused by staff member on weekend trips away, camp and private residence. Occurred multiple times over 2 year period
	13 year old student sexually abused by staff member in dormitory
	13 year old student sexually abused by staff member in private office on school grounds
	11 year old student sexually abused by staff member in private office on school grounds
1988	14 year old student sexually abused by staff member on camp. Occurred on several occasions
	11 year old student sexually abused by staff member in private office in dormitory

1988	12 year old student sexually abused by staff member at private residence on weekend
	13 year old student sexually abused by staff member in private office on school grounds. Occurred on multiple occasions
	15 year old student sexually abused by staff member in private office on school grounds
	12 year old student sexually abused by staff member in private office on school grounds
	12 year old student sexually abused by staff member in private office on school grounds. Occurred on at least 3 occasions
	12 year old student sexually abused by staff member in private office on school grounds. Occurred on 2 occasions
1989	12 year old student sexually abused by staff member in private office on school grounds
1990	12 year old student sexually abused by staff member in classroom and private office. Occurred multiple times over 2 year period
	12 year old student sexually abused by staff member in private room on school grounds. Occurred on 3 occasions
	14 year old student sexually abused by staff member in private office on school grounds. Occurred on 3 occasions over 1 year period
	12 year old student sexually abused by staff member in private office on school grounds. Occurred on 5 occasions
	12 year old student sexually abused by staff member in dormitory at night and in private office on school grounds. Occurred on multiple occasions over 3 year period
	12 year old student sexually abused by staff member in dormitory. Occurred on 3 occasions
1991	12 year old student sexually abused by staff member in private office on school grounds
	13 year old student sexually abused by staff member in private room on school grounds. Occurred on multiple occasions over 3 year period

1991	16 year old student sexually abused by staff member in private office on school grounds
	13 year old student sexually abused by staff member on camp
	11 year old student sexually abused by staff member in dormitory
	13 year old student sexually abused by staff member on camp
	12 year old student sexually abused by staff member in school buildings. Occurred multiple times over 1 year period
	13 year old student sexually abused by staff member in school building
1992	14 year old student sexually abused by staff member on camp
	12 year old student sexually abused by staff member in private residence on school grounds
	13 year old student sexually abused by staff member in private office in school grounds. Occurred multiple times over 3 year period
	14 year old student sexually abused by staff member at private residence on school grounds and on weekend trips. Occurred on multiple occasions
	12 year old student sexually abused by staff member in private office on school ground and weekend trips. Occurred multiple times over 2 year period
	13 year old student sexually abused by staff member in private office on school grounds. Occurred on multiple occasions over 2 year period
	12 year old student sexually abused by staff member in classroom and private office on school grounds. Occurred on 6 occasions
	14 year old student sexually abused by staff member on camp
	13 year old student sexually abused by staff member on camp
	12 year old student sexually abused by staff member on weekend trip
	13 year old student sexually abused by staff member in private residence on school grounds
1993	10 year old student sexually abused by staff member in dormitory

1993	15 year old student sexually abused by student in same year in dormitory at night. Occurred multiple times over 9 month period
	15 year old student sexually abused by older student
	10 year old student sexually abused by staff member in private office in school grounds. Occurred multiple times over 4 year period
1994	13 year old student sexually abused by staff member in private office in school grounds. Occurred on 5 occasions
	13 year old student sexually abused by staff member in class room
	13 year old student sexually abused by staff member in private room on school grounds
	12 year old student sexually abused by staff member in classroom
	12 year old student sexually abused by staff member in classroom. Occurred on 2 occasions
	13 year old student sexually abused by prefect in dormitory and on weekend trips. Occurred multiple times over 1 year period
	10 year old student sexually abused by staff member in dormitory at night
	14 year old student sexually abused by staff member during weekend trips, at camps and at private residence during term time. Occurred on multiple occasions
	12 year old student sexually abused by staff member in classroom
	11 year old student sexually abused by senior student on school grounds and in dormitory
	13 year old student sexually abused by older student
	10 year old student sexually abused by older students. Occurred on two occasions
	13 year old student sexually abused by staff member on camp
	14 year old student sexually abused by staff member on camp

1994	14 year old student sexually abused by staff member on camp
	14 year old student sexually abused by staff member in private office on school grounds and classroom. Occurred multiple times over 6 month period
	10 year old student sexually abused by staff member in private office on school grounds. Occurred multiple times over 2 year period
1995	11 year old student sexually abused by senior student in dormitory. Occurred multiple times over 1 year period
	12 year old student sexually abused by staff member on weekend away
	13 year old student sexually abused by older student
1996	15 year old student sexually abused by staff member on weekend trip.
	14 year old student sexually abused by staff member on camp
	10 year old student sexually abused by staff member in a private office on school grounds. Occurred on at least 2 occasions
	10 year old student sexually abused by senior students on school grounds. Occurred on multiple occasions
	13 year old student sexually abused by staff member in private office. Occurred on multiple occasions
	11 year old student sexually abused by staff member in private office on school grounds
1997–2018	
1997	13 year old student sexually abused by staff member in private office on school grounds. Occurred multiple times over a 1 year period
1998	10 year old student sexually abused by another student in same class. Occurred multiple times over a 1 year period
	18 year old student sexually abused by staff member on camp. Occurred on multiple occasions over a period of several months
1999	14 year old student sexually abused by staff member in private office on school grounds. Occurred on at least 2 occasions

1999	10 year old student sexually abused by staff member in private office on school grounds. Occurred multiple. times over period of 2 years
	13 year old student sexually abused by staff member in private office. Occurred on 4 occasions
	11 year old student sexually abused by staff member in class room
	11 year old student sexually abused by group of senior students
	14 year old student sexually abused by student in same year group in dormitory
	12 year old student sexually abused by senior student on camp and on weekend leave. Occurred multiple times over 1 year period
	14 year old student sexually abused by staff member on camp
	14 year old student sexually abused by staff member in private office on school grounds
2000	11 year old student sexually abused by student in same year. Occurred multiple times over a 2 year period
	15 year old student sexually abused by staff member in private residence
	12 year old student sexually abused by another student in dormitory at night
	14 year old student sexually abused by senior students in dormitory at night. Occurred on multiple occasions
	14 year old sexually abused by staff member over period of months
2001	13 year old student sexually abused by staff member in private office in school grounds
2003	14 year old student sexually abused by staff member at private residence on school grounds
	14 year old student sexually abused by staff member in private office on school grounds
	16 year old student sexually abused by another student in same year group on weekend trip

2004	13 year old student sexually abused by senior student. Occurred multiple times over 18 month period
	12 year old student sexually abused by prefect in dormitory at night and on school grounds. Occurred multiple times over the course of a year
2005	13 year old student sexually abused by two older students on school grounds
2011	11 year old student sexually abused by staff member in dormitory. Occurred on 4 occasions
	12 year old student sexually abused by staff member in private room in dormitory. Occurred on multiple occasions
2017	14 year old student sexually abused by older student
2018	17 year old student sexually abused by student in same year in dormitory
	13 year old student sexually abused by staff member

Appendix Six
Criminal charges and outcomes 1950-2023

The following table sets out the former Dilworth School staff members and volunteer who were charged and the outcomes from 1950 to 2023. All convictions follow guilty pleas except where indicated otherwise.

Offender	Outcome
Peter Taylor	Convicted in 1994 for sexual offending against one former student. Sentenced to a term of 18 months' imprisonment. Convicted and discharged in 2000 for sexual offending against one former student. Died in 2012.
Johnathan Stephens	Convicted in 2022 for sexual offending against two former students. Sentenced to six months' home detention.
Keith Dixon	Convicted in 2014 for sexual offending against one former student. Sentenced to a term of two years and two months' imprisonment. Charged in 2021 for sexual offending against three former students. Prosecution stayed following Mr Dixon's death.
Graeme Lindsay	Convicted in 2021 for sexual offending against one former student. Sentenced to a term of six months and two weeks' home detention. This sentence was imposed in relation to the totality of his offending before the court, which included a non-Dilworth student.
Rex McIntosh	Charged in 2020 for sexual offending against five former students. Prosecution stayed following Mr McIntosh's death.
Richard Galloway	Charged in 2020 for sexual offending against one former student. Prosecution stayed following Mr Galloway's death.
Leonard Cave	Convicted in 2022 for sexual offending against four former students following jury trial. Sentenced to a term of eight years' imprisonment. This sentence was imposed in relation to the totality of his offending before the court, which included sexual offending against another non-Dilworth student and associated drug charges.

Offender	Outcome
Howard Wynyard	Convicted in 2022 for sexual offending against six former students. Sentenced to a term of six years and three months' imprisonment. This sentence was imposed in relation to the totality of his offending before the court, which included two further victims who were not Dilworth students. This sentence is under appeal at the time of publication.
Alister Harlow	Convicted in 1995 for sexual offending against one former student. Sentenced to 12 months' supervision and a $3,000 fine. Convicted in 2022 for sexual offending against four former students. Sentenced to three years and eight months' imprisonment.
Ross Browne	Convicted in 2021 for sexual offending against 14 former students. Sentenced to a term of six years and six months' imprisonment. Charged in 2022 for sexual offending against five former students.
Staff member TS	Convicted in 2012 for sexual offending against two former students. Sentenced to a term of two years' imprisonment.
Staff member RZ	Convicted in 1995 for sexual offending against one former student. Sentenced to a suspended sentence of 12 months' imprisonment, nine months' periodic detention and 12 months' supervision. Convicted in 1996 for sexual offending against one former student. Sentenced to six months' probation. Charges pending in relation to one student.
Ian Wilson	Convicted in 1997 for sexual offending against one former student. Received a $3,500 fine. Convicted in 2021 for sexual offending against five former students. Sentenced to a term of three years and seven months' imprisonment. Convicted in 2023 for sexual offending against five former students. Sentenced to one year and seven months' imprisonment, which is to be served cumulatively on sentence imposed in 2021. The total sentence imposed in respect of both sets of charges was five years and six months' imprisonment.