

# 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.<sup>959</sup>
- 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.

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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".<sup>960</sup> 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.<sup>961</sup>

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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".<sup>962</sup>
- 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.

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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.<sup>963</sup> Students also spoke of a lack of pastoral care, which left them feeling abandoned and unsupported.<sup>964</sup> Students said they felt the school environment was regimented, with many staff members being unapproachable.<sup>965</sup> 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.<sup>966</sup> 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.<sup>967</sup>
- 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.<sup>968</sup> Many students reported that the inability to obtain help meant they entered a cycle of acting out and being punished.<sup>969</sup>
- 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.<sup>970</sup> 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.

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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<sup>971</sup> was imposed on boys by the practices around showering.<sup>972</sup> 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.<sup>973</sup> Throughout their walk and showering they were under the watchful eyes of matrons, tutors, housemasters and even visitors.<sup>974</sup> Students who tried to wear togs or a towel on their walk said they would be punished.<sup>975</sup> 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”.<sup>976</sup>
- 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.<sup>977</sup> 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.<sup>978</sup>

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.<sup>979</sup>
- 8.20 These practices created a normalcy of nudity that sexual abusers domiciled at the school used to their advantage.<sup>980</sup> 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.<sup>981</sup> 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.<sup>982</sup>

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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.<sup>983</sup>

### Absence of necessary safety education for students

- 8.25 While the school was always aware of the risks,<sup>984</sup> 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<sup>985</sup> implemented in state schools from 1987,<sup>986</sup> 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<sup>987</sup> 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,<sup>988</sup> 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.<sup>989</sup>
- 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”.<sup>990</sup>
- 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.

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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.<sup>991</sup>
- 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.<sup>992</sup>
- 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.<sup>993</sup>

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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.<sup>994</sup>

8.40 Although headmasters’ newsletters invited parents to contact them if they wished to discuss their son’s progress,<sup>995</sup> 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.<sup>996</sup> Parents said that before 1998 there were no regular parent–teacher interviews.<sup>997</sup> 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”.<sup>998</sup>

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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.<sup>999</sup>

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”.<sup>1000</sup>

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.<sup>1001</sup> Many guardians were similarly fearful that if their children misbehaved, did not achieve or complained of mistreatment, the scholarship might be withdrawn.<sup>1002</sup> 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”.<sup>1003</sup>

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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.<sup>1004</sup> One parent from the MacLean era, who has an education background, described the relationship as being kept at "arm's length the whole time".<sup>1005</sup> 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.<sup>1006</sup>
- 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.<sup>1007</sup>
- 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.<sup>1008</sup>

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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.<sup>1009</sup> 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.<sup>1010</sup> 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.<sup>1011</sup> The Inquiry saw documentation that showed in 1980 "country boys" were given an allowance of one paid letter per week.<sup>1012</sup> 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.<sup>1013</sup> 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.<sup>1014</sup> 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.<sup>1015</sup>

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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 censored 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.<sup>1016</sup> 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.<sup>1017</sup>
- 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.<sup>1018</sup>
- 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.<sup>1019</sup>

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<sup>1016</sup> Staff Member QA statement to the Inquiry.

<sup>1017</sup> For example, Staff Member QP statement to the Inquiry. This was confirmed in school policy documents such as the Parent Handbook 1997.

<sup>1018</sup> Murray Wilton correspondence with the Inquiry, 29 June 2023.

<sup>1019</sup> 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.<sup>1020</sup> Gating is referred to in school-produced documents until June 2010,<sup>1021</sup> and former students and some family members told the Inquiry it was still in use as late as 2017.<sup>1022</sup> 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,<sup>1023</sup> and felt that in those formative years, it demonstrated to students that they were powerless against the school.<sup>1024</sup> 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<sup>1025</sup> and isolated students from the comfort and safety of their homes and respite from Dilworth.<sup>1026</sup> 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.<sup>1027</sup> The first charge was laid in 1994. This number includes two former staff members and one volunteer connected with Dilworth<sup>1028</sup> 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.<sup>1029</sup> 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.<sup>1030</sup>
- 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.

<sup>1029</sup> 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.

<sup>1030</sup> 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.<sup>1031</sup>
- 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”.<sup>1032</sup>

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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.<sup>1033</sup> 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".<sup>1034</sup> 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.<sup>1035</sup>
- 8.77 In fact, the more prolific staff abusers were all married men with children.<sup>1036</sup> 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.

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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.<sup>1037</sup> 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.

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<sup>1037</sup> 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.<sup>1038</sup> 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.

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<sup>1038</sup> 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.<sup>1039</sup> 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”.<sup>1040</sup>
- 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.<sup>1041</sup> 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.<sup>1042</sup> Dr Wilton, in retrospect, believes he was deceived by Mr Browne and Mr Wilson in particular.<sup>1043</sup> 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.<sup>1044</sup>
- 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.

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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.<sup>1045</sup>
- 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,<sup>1046</sup> we have found no evidence that the decision not to report earlier teachers was revisited.

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<sup>1045</sup> 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.

<sup>1046</sup> 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.<sup>1047</sup>
- 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".<sup>1048</sup> 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.<sup>1049</sup>
- 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.<sup>1050</sup>
- 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.<sup>1051</sup>

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,<sup>1052</sup> despite an acknowledgement by the school that there may be a moral duty to assist.<sup>1053</sup>
- 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.<sup>1054</sup> 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.

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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.<sup>1055</sup> 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,<sup>1056</sup> 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).

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<sup>1055</sup> Draft Independent Schools Association standard contract of service for teachers, 12 June 1987

<sup>1056</sup> 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.<sup>1057</sup>

### Inadequate development and implementation of policies<sup>1058</sup>

- 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.<sup>1059</sup> 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,<sup>1060</sup> so has never been in a position to know that the school had inadequate policies.

<sup>1057</sup> 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.

<sup>1058</sup> In this section, we do not distinguish between the Board and the headmaster and senior staff when using the term "school leadership".

<sup>1059</sup> 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.

<sup>1060</sup> 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.<sup>1061</sup>
- 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.

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<sup>1061</sup> 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.<sup>1062</sup> 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.<sup>1063</sup>
- 8.121 A consistent account from former staff members who spoke with the Inquiry was that they received no training relevant to their positions.<sup>1064</sup> 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.<sup>1065</sup> 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.

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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.<sup>1066</sup> As late as 2018, school policy still provided that "prefects have authority over all boys at all times".<sup>1067</sup>
- 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.<sup>1068</sup> 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.<sup>1069</sup> The Inquiry saw house diary entries that refer to treating fourth formers<sup>1070</sup> as tutor's assistants having "equal seniority" with tutors.<sup>1071</sup> Another diary entry refers to the fourth formers as being "considerably more on our side than on the boys' side, they are quasi staff".<sup>1072</sup>

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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.<sup>1073</sup> 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.<sup>1074</sup> 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.

<sup>1073</sup> 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".

<sup>1074</sup> 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,<sup>1075</sup> 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,<sup>1076</sup> 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.

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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.<sup>1077</sup> 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.<sup>1078</sup>

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<sup>1079</sup> 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.

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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<sup>1080</sup> 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.<sup>1081</sup>

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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.<sup>1082</sup>

## 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.<sup>1083</sup>

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<sup>1082</sup> File note, 3 July 1998, Ross Browne's personnel file.

<sup>1083</sup> 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.<sup>1084</sup>

## 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.<sup>1085</sup> 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.

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<sup>1084</sup> Bruce Owen statement to the Inquiry.

<sup>1085</sup> 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.<sup>1086</sup> 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.

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<sup>1086</sup> 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.<sup>1087</sup>
- 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.<sup>1088</sup> 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.

<sup>1087</sup> 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.

<sup>1088</sup> 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.<sup>1089</sup> 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.<sup>1090</sup>
- 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.<sup>1091</sup> 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.<sup>1092</sup> Until Mr Reddix 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.

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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.<sup>1093</sup>

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.

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<sup>1093</sup> 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.<sup>1094</sup>
- 8.178 From March 2006,<sup>1095</sup> ERO's coverage increased to include review of all schools' hostels and boarding facilities.<sup>1096</sup> 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.<sup>1097</sup> ERO told the Inquiry it reviews all hostels once every three years.<sup>1098</sup>
- 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.<sup>1099</sup> 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”.<sup>1100</sup> 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.<sup>1101</sup>
- 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.

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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](http://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.<sup>1102</sup> 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,<sup>1103</sup> and if that information had been forthcoming, the comment on student welfare would have been different and the Ministry of Education informed.<sup>1104</sup>
- 8.182 Dilworth's school and boarding facilities were reviewed by ERO for the first time in 2007,<sup>1105</sup> 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.<sup>1106</sup>
- 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".<sup>1107</sup> 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.

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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.<sup>1108</sup>
- 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.<sup>1109</sup> 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.<sup>1110</sup>
- 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".<sup>1111</sup>

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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.<sup>1112</sup>

- 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".<sup>1113</sup> Dilworth qualified this statement by saying that in the absence of a fee-paying base, it was accountable to all its clients.

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<sup>1112</sup> Dan Reddix evidence to the Royal Commission into Abuse in Care, 20 October 2022.

<sup>1113</sup> 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.<sup>1114</sup>
- 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.

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<sup>1114</sup> 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.