

Chapter Six

1997–2018

Principal Donald MacLean and Board chairs Derek Firth (1997–2000, 2009–2015), John Potter (2001–2008), Jonathan Wain (2016–2018) and Aaron Snodgrass (2018–present)

Introduction

- 6.1 Between 1997 and 2018, 2,392 students attended Dilworth School.⁶⁹³ Forty former students who attended school during this period provided an account of their experiences to the Inquiry.
- 6.2 Twenty-three reported that they had been sexually abused while at school, and the Inquiry is aware of a further eight survivors of sexual abuse in this era. Sixteen of these related to sexual abuse by a student.⁶⁹⁴ Twenty-two reported serious physical abuse. Sixteen reported both sexual abuse and serious physical abuse. Many reported a school environment that was isolating and unsupportive.
- 6.3 The Inquiry also received evidence from 27 staff members, including teaching and boarding house staff, administrative staff and the principal, Mr Donald MacLean. The Inquiry interviewed seven trustees of this this era.

Donald MacLean as headmaster

- 6.4 Mr MacLean was 39 when he started as Dilworth’s principal.⁶⁹⁵ He held this position from April 1997 until the end of 2018. Immediately before his appointment to Dilworth, he had been the deputy principal of Mount Roskill Grammar School, a role he had held since 1994. He obtained a Master of Arts degree in English language and literature from the University of Glasgow before emigrating to New Zealand and undertaking teacher training at Auckland College of Education where he received a teaching diploma in 1980.

⁶⁹³ Dilworth provided the Inquiry with school roll data. The Inquiry has not independently verified this data.

⁶⁹⁴ Some students were abused by both a staff member and student(s).

⁶⁹⁵ Mr MacLean’s title was principal not headmaster.

- 6.5 Mr MacLean's appointment was noteworthy because he was Presbyterian, and Mr James Dilworth's will directed that only Anglicans be appointed. Mr MacLean was not able to, and did not, sign the Declaration of Faith that headmasters traditionally signed; instead, he committed to uphold the Anglican character of the school.
- 6.6 The information below is taken from *The Dilworth Legacy* (which covered the period to 2006),⁶⁹⁶ principal's reports to the Board, Dilworth Trust Board annual reports and minutes, Education Review Office (ERO) reports, *The Dilworthian* and the Inquirers' interview with Mr MacLean.⁶⁹⁷

Donald MacLean's challenges in taking up the role

- 6.7 Mr MacLean told the Inquiry that when he first started as principal, the school was still reeling from the conviction of Mr Ian Wilson, a senior staff member, for sexual abuse. He was given no handover in respect of the offending. He knew what had happened only from the media reports.
- 6.8 Mr MacLean identified several areas he wished to improve: the connection between the junior and senior schools; the staff appraisal system, so it was more thorough; and the staff management structure, reconfiguring it to include a professional counsellor and pastoral team. He also wanted to appoint a deputy principal whose responsibility would be to improve the curriculum, reporting and assessment.⁶⁹⁸ Early in his tenure, he learned students were still being told that if they did not behave, their scholarship would be withdrawn, and he immediately instructed staff to stop this practice.⁶⁹⁹

School roll growth

- 6.9 In 1997, the school roll was 477 with 43 teachers, of whom 38 were full time.⁷⁰⁰ In 2004, the roll had grown a little, to 484, with 52 teachers.⁷⁰¹ Following the opening of the rural campus for year 9⁷⁰² students in 2012, the school roll increased by 100, and by 2015 the school roll was 625.⁷⁰³ The roll reduced slightly in the next few years and settled at just over 600 students.⁷⁰⁴

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

697 Donald MacLean Inquiry interview.

698 Staff Member PX statement to the Inquiry.

699 Donald MacLean Inquiry interview; supported by Staff Member PX statement to the Inquiry.

700 ERO, *Confirmed Statutory Report - Dilworth School*, September 1997

701 ERO, *Confirmed Private School Review Report - Dilworth School*, February 2004.

702 Previously, form 3.

703 ERO, *Dilworth School Confirmed Private School Review Report*, May 2015.

704 Dilworth Trust Board report, 2017; Dilworth Trust Board report, 2018.

Student selection

- 6.10 When Mr MacLean took over in 1997, the composition of the school roll recorded in an ERO report was 88 percent New Zealand European/Pākehā, 21 percent Māori and 1 percent Samoan.⁷⁰⁵ Mr MacLean told the Inquiry that he identified issues with the selection process, including that the student cohort was not ethnically diverse, and, due to the change in interpretation of “straitened circumstances” that had been adopted in the era of Dr Murray Wilton, that students were not being assessed based on true need.⁷⁰⁶ Using an experienced selection officer to screen applications and reverting to an interpretation based on need, by 2015, the composition became 26 percent Māori, 25 percent New Zealand European/Pākehā, 21 percent Tongan, and 10 percent Samoan, with the remainder of the students from seven different ethnicities.⁷⁰⁷
- 6.11 In 2002, the Board accepted Mr MacLean’s request to screen out students for admission from families where there was abuse of alcohol and other drugs.⁷⁰⁸ Mr MacLean believed a co-relation was proven between this factor and students’ disruptive behaviour and poor academic performance, and that students affected by alcohol and other drugs would have a negative influence on the wider school. He argued Dilworth did not have the resources and services required to assist these students.

Increase in staff numbers and pastoral care

- 6.12 The total staff pool was increased during Mr MacLean’s era and by 2018, was 220.⁷⁰⁹
- 6.13 In this increase of staff, there were positions dedicated to pastoral care, including the appointment of the first guidance counsellor. A pastoral care team was developed, comprising the year 13 dean,⁷¹⁰ head of pastoral care (assistant principal), school nurse, school career’s advisor, school chaplain, school guidance counsellor and learning support.⁷¹¹ This team met weekly to discuss and work to support students and resolve concerns about students.⁷¹²

705 ERO, *Confirmed Statutory Report: Dilworth School*, September 1997.

706 The Inquiry also notes that in 1999, two important amendments were made to the trustees’ powers. The first allowed students to be accepted outside the limits of Auckland Provincial District from any location in New Zealand. The second allowed admission at any age, previously the upper age of 15 had restricted the school’s ability to prevent ‘shrinkage’, which occurs after year 10.

707 ERO, *Confirmed Private School Review Report*, 2015.

708 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966–2006*, Dilworth Trust Board, 2007, p 902.

709 Dilworth Trust Board report, 2018. The ERO, *Confirmed Private School Review Report – Dilworth School*, February 2004 states there were 140 staff member.

710 Year 13 was previously form 7.

711 Mr MacLean told the Inquiry the additional positions were a direct result of approval sought by him from the Board.

712 Staff Member TD statement to the Inquiry.

- 6.14 In 2010, the school also introduced the Isabella Dilworth Lodge, an alternative type of residential accommodation within Dilworth, which provided a separate boarding residence for students who required additional pastoral support for a period.⁷¹³

Family status of students attending the school

- 6.15 As in previous eras, many students were at the school because of a family trauma,⁷¹⁴ either sickness, the death of a parent or a parental separation, and many had no father figure. Only five students from this era who registered with the Inquiry had parents still living together when they attended Dilworth.
- 6.16 Several former students' family members said that part of the reason for sending the student to Dilworth was that the family wanted the student to have strong male role models, and Dilworth was believed to be able to provide this.⁷¹⁵

Policy development, 1997–2018

- 6.17 Under Mr MacLean, several significant policy advancements were made. Indeed, in this period, more policy development occurred than in the combined 47 years prior. In 2000, the 1994 staff handbook was updated. It was the first school handbook to reference the Treaty of Waitangi / Te Tiriti o Waitangi and make specific reference to the mana of Māori students.
- 6.18 Drafts of individual policies covering a wide range of topics were completed and circulated to the school's heads of department by Mr Bruce Owen, the deputy principal. In his covering memorandum, Mr Owen noted:

Here is the School Policies document. They have been prepared by Senior Management over the past year. It is our interpretation of what is policy in our school at present. *Some of them we have had to develop from nothing. In some cases the policy may be the first time you have seen it in writing. Perhaps that is an indictment on the way we have been operating in the past.* [Emphasis added]⁷¹⁶

713 Dilworth Trust Board, Annual report and special purpose financial statements for year ended 31 January 2011.

714 The Inquiry notes that the school's recognition of students' family trauma was highlighted in documents and policies produced by the school. For example, 2018 staff guidelines stated, "In order to be qualify for admission to Dilworth boys must come from homes that have undergone some trauma ... They are the innocent victims of some kind of disruption to normal family life and must make a further adjustment to their lives by leaving the often tattered remains of their family to come and board full-time at this school".

715 See for example, Family Member KQ statement to external agency; Family Member JD, Family Member KK and Family Member UA statements to the Inquiry.

716 Dilworth School, School Policies (draft), 8 August 2000.

6.19 Following the 2000 draft of the handbook, there was a steady flow of policy development. We reviewed the following documents from this period:⁷¹⁷

- School Policies 2003
- Staff Guidelines 2003/4
- Developments 1997–2003, completed after 2000
- Dilworth Trust Board Disciplinary Rules and Procedures, November 2005
- Cybersafety at Dilworth, February 2005
- Staff Handbook 2005, Junior Campus , marked “Confidential to Staff Members”
- Human Resources: Review of Practices 2006
- Senior Campus Day School: Review of Practices 2006
- Dilworth School Boarding Review of Practices 2006
- How to Handle a Complaint, about 2006
- Dilworth Policies 2006: ERO copy
- Dilworth School Policies 2008
- Working with Boys at Dilworth: Preventative approaches to the management of student behaviour and Discipline Referral at Dilworth – Ensuring effective referral in the management of the student behaviour, 2009
- Residential Care 2009/12
- Crisis Management Policy, 2011
- Discipline Referral 2012
- Protocols for the use of Security Cameras, 2012
- Dilworth School Policies 2012
- School Residential Policies and Procedures 2012/13
- Draft Child Protection Policy, December 2013⁷¹⁸

717 Documents disclosed by the school to the Abuse in Care Royal Commission of Inquiry under Dilworth School: Response to Notice to Produce No 2, Schedule A(1) 25 May 2020.

718 This document was not dated. The date given here is that provided by the school in Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

- Staff Guidelines 2018
- Child Protection Policy, full update 6 September 2018
- Crisis Management Response Framework: Abuse, May 2018
- Child Abuse Resource, prepared for Dilworth independent clinical psychologist, 19 September 2018.

6.20 Included in these documents was the school's first policy to address student complaints. Whilst the policy itself is couched in general terms, the school has advised it was intended to cover any type of abuse.⁷¹⁹ In 2006, a further development to the complaints process for students was made in the form of a flow chart entitled How to Make a Complaint.⁷²⁰ We discuss the school's complaints policy and this flow chart for students in chapter 8.

6.21 A key area of policy development occurred in a concerted attempt to address bullying. In his July 1998 report to the Board, Mr MacLean included the accounts of several students who described instances of physical and verbal abuse that the students had experienced and the impact the bullying had on them. This was immediately before the introduction of the Harassment Elimination at Dilworth School or HEADS programme.⁷²¹ The programme's aim was to establish an environment that was safe both physically and psychologically. It was designed to deal with the tensions of living together in a close-knit community where there were few opportunities for private space. The programme required an observation taking place over a 10-day period across both campuses to be carried out by a special education team, comprising more than 12 professionals. Staff, student and parent questionnaires were completed. Mr MacLean reported there was a consistency of data across all three groups questioned. In a report to the Board in October 1998, he summarised the findings:⁷²²

Name calling, put downs and covert verbal bullying, high levels of concern from staff, students and parents. Reasonably high levels of the above observed by professional staff from SES also.

719 Dilworth School, School Policies (draft), 8 August 2000, cl 6.4.

720 Dilworth School, How to make a complaint (flowchart), undated.

721 Mr MacLean told the Inquiry that the HEADS programme was developed by him, his senior management team and a team from the Special Education Service (established by the Ministry of Education). This ensured that the latest thinking about bullying and harassment in schools was included in the programme.

722 Principal's report to the Dilworth Trust Board, 19 October 1998.

Play-fighting -There are concerns about the point at which play-fighting deteriorates into unacceptable violence and/or bullying – high levels of concern from parents; level of concern from staff and students but not to the same high level as for parents. High levels of inappropriate play-fighting observed by Special Education team.

Lack of respect for/stealing/damaging property of others (often used as a form of serious harassment) — high levels of concern from parents; high levels of concern from younger students at Dilworth; lesser level of concerns from staff. Apparently, this particular problem is not well reported by students or their parents.

- 6.22 Mr MacLean told the Board the two-day course for staff trained them on the definition of inappropriate behaviours, the identification of those behaviours and strategies to cope with problems as they are identified.
- 6.23 He also said “the programme is going to be time-consuming — partly because a ‘core group’ of staff from both campuses will have to proceed to come up with structures and strategies for action at Dilworth”. He concluded his report by noting, “while these issues are serious enough, they are also now well identified by all sections of the school community as real problems and can be dealt with in a firm and structured way”.
- 6.24 Mr Owen, said the following about the implementation of the HEADS programme:

Donald was firm in his resolve to eliminate any form of harassment and bullying. It was also an issue that was being pushed by staff, especially the Year Deans most of whom were women. From memory we had a staff only day which included both campuses to discuss the issue and to come up with a plan ...

The Junior Campus engaged with the concept seriously, having a programme at the beginning of each year to introduce it to all new students as well as a reminder for the others. The Senior Campus followed suit with reminders and activities.

- 6.25 In 2004, ERO noted this programme had been successful in developing a clear understanding of harassment in any form and ensuring students knew the steps to take.
- 6.26 Other initiatives introduced by Mr MacLean included a peer mediation programme that involved training students to help other students achieve resolution of issues within the student body.⁷²³ Later, a peer support programme was introduced that connected year 9 students with year 12 and year 13⁷²⁴ students to assist in the transition from the junior to senior campus.⁷²⁵
- 6.27 Staff also received some training. The guidance counsellor attended a course on “understanding sexual offending” in 1998. Three staff members said that during Mr MacLean’s era they received training on how to detect and deal with sexual impropriety between students and/or staff.⁷²⁶
- 6.28 From 2002, a targeted education programme called Keeping Ourselves Safe was delivered annually to students in years 5 and 7⁷²⁷ and focused on understanding what “being safe” meant and developing strategies to respond in situations where they felt unsafe.⁷²⁸
- 6.29 Early in his tenure, Mr MacLean raised his concern with the Board about the lack of detail in student academic reports to parents and the need for parental involvement, noting the important role it played in the school environment. Mr MacLean introduced several initiatives for increasing communication with parents, including advising parents of the importance of attending parent–teacher interviews and following up with parents who did not attend⁷²⁹ and changing the content of student academic reports from the school to allow for more personalised reporting and raising of issues because he believed “a vital part of our role as educators is to communicate in some detail with parents – especially if we are to have them in partnership with us in assisting students to develop”.⁷³⁰

723 *The Dilworthian*, 2001, p 141; *The Dilworthian*, 2003, p 191; *The Dilworthian*, 2004, p 178.

724 Previously, forms 3, 6 and 7 respectively.

725 *The Dilworthian*, 2005.

726 Staff Member QR, Staff Member PM and Staff Member PF statements to the Inquiry who place this training in the mid-late 2000s.

727 Previously, standard 3 and form 1.

728 Junior campus report to the Dilworth Trust Board, October 2002. In 2004, a different programme, Kidpower, visited the junior campus: Junior campus report to the Dilworth Trust Board, June 2004.

729 From 1998, the school informed all form 3 (now, year 9) parents that the attendance at parent–teacher interviews was considered a compulsory part of parent’s involvement in school life.

730 Principal’s report to the Dilworth Trust Board, May 1998.

- 6.30 These initiatives were included in one of the individual draft policies developed in 2000 that placed emphasis on reporting to parents.⁷³¹ The policy stated that the partnership with families is further enhanced by regular and positive communication. The focus was on reporting on student achievement and progress. There are few examples of it being used to respond to issues of abuse.
- 6.31 Two other main developments in the 2000 to 2003 period were policies to address sexual harassment and staff misconduct in a document entitled *Disciplinary Rules and Procedures for Staff*.⁷³² These policies made clear that sexual harassment was not tolerated and inappropriate conduct with students would be dealt with as a disciplinary matter up to and including possible dismissal.
- 6.32 In 2006, the school provided a copy of its full *Dilworth Policies* document to ERO.⁷³³ An addition was the *Policy for Safe School*. A second was *Policies Relating to Staff*.
- 6.33 The purpose of the safe school policy was to state the school's commitment to ensuring students and staff felt safe at school and could be free from violence or threats of violence in all its forms. It stated the school's zero tolerance for personal physical or verbal violence, violence against self and violence against property. This is the first policy we reviewed that emphasised that the violence-free school policy would be "publicised to students and the community frequently and passionately".⁷³⁴
- 6.34 In policies relating to staff, it was noted that all statutory obligations would be observed including informing the Teachers Council of any matters under the mandatory reporting requirements.⁷³⁵
- 6.35 Another development that we discuss in the school response section below, was the Board response to a case of abuse in 2012, with the implementation of protocols for the use of security cameras.

731 Draft policy for reporting to parents 2000.

732 Contained within the tranche of draft policies developed in 2000.

733 *Dilworth policies 2006*: ERO copy.

734 *Dilworth policies 2006*: ERO copy.

735 *Dilworth policies 2006*: ERO copy.

Boarding house review

- 6.36 Mr MacLean regularly raised with the Board in his monthly reports, issues relating to the supervision, multitude of duties, and competing time priorities of boarding house staff (particularly where those staff members also had teaching responsibilities) and noted that staff “burn-out” was something that needed to be closely monitored.
- 6.37 In November 2008, in a paper presented by Mr MacLean for the Board’s school strategy meeting, he noted that the staffing model used by Dilworth was that of a British boarding school, which did not take into account the circumstances and disadvantaged backgrounds of Dilworth students. He went on to note that such a model was “no longer sustainable or indeed appropriate. During my 12 years at the school, we have not seriously addressed the deeper risks and negative possibilities of the student–boarding staff ratio”. Mr MacLean set out the then current staff ratios to illustrate the strain on staff in the supervisory role and observed “this is not a situation that any fee-paying parent in an independent or state school boarding hostel would accept”. He summarised his position as:

Our supervision level of adults to students is not high enough, and the model we are using for this is increasingly under pressure. Too many students are at risk of “falling under the radar”. I am increasingly uneasy about the lack of enough adult supervision, and the vulnerability we face in that regard.⁷³⁶

- 6.38 To address these concerns, Mr MacLean suggested that an enquiry be conducted into the staffing of boarding houses and the suitability of individual staff members holding multiple roles across the school and boarding houses. He noted that the current model of staffing and levels of adult resourcing were not sustainable and it would be necessary for more personnel resourcing in order to improve the experience of the students.

⁷³⁶ Mr D MacLean, paper prepared for Dilworth Trust Board’s school strategy meeting, 24 November 2008.

- 6.39 In 2009, the Board agreed to implement Mr MacLean's suggestion that the school engage a consultant to review the boarding houses, in particular the supervision of the students. The review included an on-site visit by the consultant, who attended the houses at different times during the day and evening over three weeks. The result was a report that made recommendations to improve student welfare, including the appointment of a second assistant housemaster in each house and changes to weekend supervision with a view to providing better care to students and also avoiding staff burn-out. The school appears to have implemented some of the suggested changes, which are noted in a subsequent report in 2011 prepared following the consultant's return to Dilworth to review progress made and note areas of concern that still required addressing.⁷³⁷

Vulnerable Children Act 2014

- 6.40 On 2 September 2013, the Vulnerable Children Bill was introduced into Parliament. It proposed significant changes to child protection law. Included in part 2 of the Bill was the requirement for school boards to adopt child protection policies. This part received royal assent on 30 June 2014, and came into force on 1 July 2014.⁷³⁸
- 6.41 In December 2013, the school took the step of producing a draft child protection policy.⁷³⁹
- 6.42 From 1 July 2014, schools were required to publicise their child protection policies on their website (if they had one) and have them available at the school if a copy was requested.⁷⁴⁰ The Vulnerable Children Act 2014 also required any contractors (including funders) the school worked with to adopt the same policy.⁷⁴¹ The policies were to be reviewed within three years of adoption.⁷⁴²
- 6.43 Although the Vulnerable Children Act 2014 came into force on 1 July 2014, there is no reference in the disclosure material to either the Abuse in Care Royal Commission or the Inquiry to indicate the draft policy was finalised and publicised promptly.⁷⁴³

737 The Inquiry has not been able to review the original 2009 report by consultant Claudia Wysocki, as it could not be located: Correspondence with school lawyers, 26 June 2023. The Inquiry was provided with a copy of the follow-up report, dated July 2011.

738 The original Bill was amended and divided by the Committee of the Whole House into three Bills with parts 1 and 2 of the original Bill remaining in the Vulnerable Children Bill.

739 Date stated by Dilworth in Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

740 Vulnerable Children Act 2014, section 18(b).

741 Vulnerable Children Act 2014, section 18(c).

742 Vulnerable Children Act 2014, section 18(d).

743 As Mr MacLean believed it was in operation, the Inquiry asked the school to search the school and Board records but it could find no documentation that suggested the draft policy was implemented or in effect in 2013 or 2014: Donald MacLean correspondence with the Inquiry, 24 July 2023; 13 July 2023, and correspondence from school's lawyers, 24 July 2023.

- 6.44 Based on the documents disclosed to the Royal Commission and the school's representations in its written response, it appears that the policy was not finalised until four years later in September 2018, when it was approved by the Board.
- 6.45 Also in 2018, the school engaged the assistance of an independent psychologist with expertise in all fields of abuse. A programme of education about the nature of abuse and complaints was delivered to staff and board members and a resource paper was developed.
- 6.46 In the complaints section below, we discuss specific aspects of the policies during the period relevant to the school's response to complaints of abuse.

Dilworth Trust Board

- 6.47 Of the 12 Board members who served during Mr MacLean's time, all were either in the professions or business.⁷⁴⁴ None had primary school, secondary school or educational experience or expertise. Six were former students.⁷⁴⁵ Only one of these trustees served for less than 10 years.⁷⁴⁶ Two remain as current trustees.

In the former students' words

School environment

- 6.48 There was a reduction in the complaints about the cold, harsh environment, and those the Inquiry did hear were largely from students who attended before 2009. In fact, some said the junior campus was "not too bad". Generally, students were far more positive about the MacLean era, and a number described the valuable education they received and the positive time they had at Dilworth.⁷⁴⁷

744 Mr Derek Firth, solicitor (1975–2015); Mr John Potter, chief executive of Nestlé (NZ) Ltd (1985–1989 and 1993–2008); Mr Brian Maltby, chief executive of a quantity surveyor business (1990–2021); Mr Peter Tapper, executive general manager in petroleum companies (1994–2004); Sir Wilson Whineray, chief executive of Carter Holt Harvey (1995–2007); Mr Peter Hunter, director (1998–2013); Mr Jonathan Wain, barrister (2004–2018); Mr George France, accountant (2012–2017); Mr Hugh Fletcher, chief executive of Fletcher Challenge (2007–2019); Mr Aaron Snodgrass, accountant (2013–present); Mr Peter Alexander, property consultant and investor (2017– present); Mr Simon Curran, marketing manager (2017–2023).

745 The old boys were Mr Firth, Mr Potter, Mr Tapper, Mr Wain, Mr Snodgrass and Mr Curran.

746 Years of service of the remaining trustees were 10 (2), 12 (2), 14, 15, 19, 30 and 31 years with two current trustees having 6 years' service to date.

747 For example, Student FQ and Student GU statements to the Inquiry.

- 6.49 However, there were still many students whose reported experiences were that of inadequate care and nurturing in the boarding houses.⁷⁴⁸ As in Dr Wilton's era, students also talked about how the warm and supportive 'open days' presented a school that was very different from their later lived reality of Dilworth.⁷⁴⁹ As indicated earlier, 23 reported being sexually abused with the Inquiry being aware of a further eight and 22 reported serious physical abuse. Several of the students stated they believed the abuse was because they were perceived as effeminate or gay.
- 6.50 While there were far fewer staff sexually abusing students, Mr Ross Browne's sexual abuse of students significantly increased the number of abused students in this era. Sexual abuse by students continued. We are aware of 16 accounts of this type of abuse.
- 6.51 An improvement in school life was illustrated by the fact students did not complain about food quality or corporal punishment in this era. Students commented with appreciation about the installation of shower curtains in senior houses and permission for students to use towels when walking to the showers to protect modesty.⁷⁵⁰
- 6.52 However, similar complaints to those raised in other eras were reported:
- homophobic culture of school
 - poor relationship between family and school
 - scholarship withdrawal and financial blackmail
 - imposed public nudity at shower time
 - no narking or no pimping culture
 - failure of the school to stop bullying
 - racist remarks
 - harsh discipline
 - violent bullying
 - sexual abuse – from staff and students.

748 For example, Student HM, Student HV, Student ER and Student IO statements to the Inquiry.

749 For example, Student FZ and Student BK, statements to the Inquiry; Student DZ statement to external agency.

750 For example, Student EL statement to the Inquiry.

- 6.53 One new theme in the former students' accounts of the school environment was the lack of adequate counselling. Counselling was available through a pastoral care team, which was led by the chaplain. Despite this, not all students found this resource helpful. The Inquiry heard from students who said that they either did not consider the counselling effective or of assistance or felt their concerns were brushed aside, and where serious issues had been disclosed (such as sexual abuse), no action was taken or further assistance offered to the student.⁷⁵¹ Some said they learned that what they had spoken about in counselling in confidence had been shared with others, including other students.⁷⁵² The lack of confidentiality stopped some students from seeking assistance.⁷⁵³
- 6.54 A few students spoke to us about their experiences of Mr MacLean as a principal. There was similarity in almost all accounts that students rarely saw Mr MacLean or had anything to do with him.⁷⁵⁴
- 6.55 While some students described Mr MacLean as more personable than Dr Wilton, and someone who clearly cared for students,⁷⁵⁵ he was also described as "hands off", distant and not visible.⁷⁵⁶ Staff members, however, described him as more directly involved in the day-to-day running of the school in a way that Dr Wilton had not been.⁷⁵⁷

Serious physical abuse

Staff

- 6.56 The number of students complaining about physical abuse from staff members decreased markedly. Complaints received largely related to verbal abuse in the classroom and included a teacher throwing items such as whiteboard pens, erasers, or phone books at students.⁷⁵⁸
- 6.57 However, the Inquiry was told about six instances that were more serious. Two involved a tutor and the others involved teachers. One tutor punched Student AL in the back, and Student CB described being thrown into a swimming pool by a tutor with a rope tied to a weight wrapped around him. He sank to the bottom but managed to escape.

751 For example, Student HM, Student EF, Student EL, Family Member JW, Student EU, Student EY, Student HV, Student FW and Student GI statements to the Inquiry.

752 For example, Student HV statement to the Inquiry.

753 For example, Student ER statement to the Inquiry.

754 Student HV, Student AT and Student DE statements to the Inquiry. The Inquiry notes several students did not know Mr MacLean was the principal as they had no interaction with him at all.

755 For example, Student FY and Student GO statements to the Inquiry.

756 For example, Student AL, Student EL and Student GS statements to the Inquiry.

757 Bruce Owen statement to the Inquiry; Staff Members PM and PS also noted the positive attributes and dedication of Mr MacLean.

758 For example, Student EL and Bruce Owen statements to the Inquiry.

- 6.58 The first instance concerning a teacher was from Student AL who said he had been unaware he was listed to do a reading in the chapel service. At the end of the service Staff Member TL approached the student, accused him of failing to fulfil this duty and grabbed him hard at the back of the neck, choking him.
- 6.59 The second instance about a teacher concerned Student HD who said he was ordered out of the classroom by Staff Member TN, then in the hallway TN grabbed the student by the neck and swore at him.
- 6.60 The final instances were both about Staff Member UW. Student HD said UW chased him during a sporting event, put the student in a headlock and “chucked his fingers up my nose ... I could not breathe”. Student EF described UW screaming at him and then punching him in the chest and then telling the student to “sort himself out”.

Violent bullying by older students

- 6.61 Violent bullying continued to be experienced by students. The theme of older students bullying younger students remained prevalent and there were forms of ‘organised’ bullying with students being forced to undertake punishments inflicted by senior students. An example is where a younger student had to run the length of the corridor in the boarding house (the “gauntlet”) while the older students lined up on either side and dished out punches and kicks.⁷⁵⁹ Mr MacLean told the Inquiry he remembers specifically banning the “gauntlet” on his arrival at Dilworth and conveying that to students at assembly.⁷⁶⁰ However, the Inquiry heard from students describing the practice continuing into 2006. Running the gauntlet happened on different occasions but always in the boarding houses, usually at night.⁷⁶¹
- 6.62 Other examples of punishment by house prefects, who were usually six formers,⁷⁶² included “crucifying”.⁷⁶³ This involved the younger student kneeling on the grooved, ridged steps of Tyrone House, stretching out their arms, then having encyclopaedias placed in each arm and having to hold the position. The second was “Chinese squats”, with students sitting 90 degrees to the wall as if on an invisible chair while balancing books on their extended arms.⁷⁶⁴ Student CB described being pulled out of bed by six formers one night and forced to do a “Chinese squat”. The sixth formers put broken glass and sharp metal compass points underneath the student, so when he fell, he fell onto the shards of glass and pointed metal.

759 For example, Student HD, Student EL and Student GS statements to the Inquiry.

760 D MacLean correspondence with the Inquiry, 13 July 2023.

761 D MacLean correspondence with the Inquiry, 13 July 2023.

762 Now, year 12 students.

763 For example, Student EL and Student FC statements to the Inquiry.

764 For example, Student EX statement to the Inquiry.

- 6.63 Students described relentless physical beatings from other students; for example, being hit around the head, punched in the stomach and pushed or thrown down a corridor or stairs.⁷⁶⁵
- 6.64 Student AL said he was knocked unconscious after being king hit. Student ER suffered a black eye and broke his hand. When he was in form 4,⁷⁶⁶ Student CB had his wrist broken after he was thrown into a door by a group of students while being beaten up by them. His hand was jammed in the gap in the door, but he had been too afraid of repercussions to tell staff truthfully how his injury was caused.

Sexualised bullying

- 6.65 Some of the acts of bullying had a sexual element to them. Student ER told us when he was 11 or 12 an older student grabbed his stuffed teddy bear, “cut a hole in it and fornicated into the hole”.
- 6.66 When in form 4, student EF refused to give a “hand job” or “blow job” to an older student and suffered retaliation as a consequence. This involved the spreading of rumours that he was gay; constant name-calling (“faggot”) and being shoved into walls or spat on. He said as the rumours spread, his friends stopped associating with him, and he felt unsafe and uncomfortable walking around the school. Sometimes when he returned to his dormitory, his chair would be turned upside down and “I would be teased that I could fuck myself on it”.⁷⁶⁷

Psychological bullying

- 6.67 Students told the Inquiry that anything slightly different about a student would make him a target for bullying (such as being overweight, being a different or minority ethnicity, or having a disability). Any affectation or interest in a topic that was deemed “not masculine” would be used by bullies against the student. There would be name calling such as “homo”, “poofter” or “bum whacker”. A few examples of more extreme examples of bullying are set out below.
- 6.68 Student AL found other students had created a Wikipedia page about him called “loser” or “loner”. The same students obtained his phone number and made prank calls to him. One of the calls was made by a girl who asked him questions “like would I mind if another boy joined us in a sexual activity. In a homophobic school culture, this was done deliberately to humiliate me”.

765 For example, Student HM, Student EF and Student ER statement to the Inquiry.

766 Now, year 10.

767 In a further example, Student GD was threatened with rumours about his sexuality unless he agreed to perform sexual acts on another student.

- 6.69 Student EU said he was mimicked and called a “little bitch” because he had a high-pitched voice. With up to 50 students joining in the bullying, it was intimidating.
- 6.70 Student GA, who was a self-described bully, told the Inquiry, “We had gangs and learned the art of extortion at a young age ... You knew not to nark. We used to bully the homosexual boys, we would run them into the ground”.

Lack of intervention by staff

- 6.71 Students acknowledged that some bullying happened away from staff members, so it would have been difficult for them to intervene.⁷⁶⁸ As noted by Student CB, however, sometimes physical bullying not only happened in front of staff members but the tutors instigated it. Student EU described being king hit in class, and nothing was done about it, he did not recall teachers ever coming down hard on bullying.
- 6.72 Despite the introduction of policies designed to address bullying or express the school’s intolerance towards bullying, students said staff members were reluctant to intervene when a complaint was made.⁷⁶⁹ Student AT noted that the verbal abuse he suffered happened in places where staff members were present, such as classrooms and the boarding house. He believes staff must have overheard it and, as noted below, given that a teacher continued the bullying comments, it would seem at least one teacher was aware of them. Dorm raids, which happened in boarding houses, were noisy and happened in the vicinity of tutor’s rooms, yet no steps were taken to stop them.⁷⁷⁰ Student HM said despite complaining about the physical bullying he was suffering, no effective steps were taken to stop it from happening.⁷⁷¹
- 6.73 Student AL said:

I found that although there were policies saying there was no place for violence, they were only given lip service. There was very much a mentality of “boys will be boys” and a desire by the school to deal with things quietly and internally.

768 For example, Student BK statement to the Inquiry.

769 For example, Student EL statement to the Inquiry.

770 For example, Student CB statement to the Inquiry.

771 Student EF also said despite complaining about physical bullying, there was no effective response from most staff members, although he notes two managed to temporarily stop bullying when on duty. Student ER said when he complained about the physical bullying he was simply told “boys will be boys”.

Impact of bullying

- 6.74 There were several immediate negative impacts of bullying. Some students isolated themselves. Student ER developed an eating disorder when he stopped going to the dining room to avoid bullying there. Student AT developed body image issues and recalls having suicidal thoughts as a 10 year old.
- 6.75 Student GA told the Inquiry that his friend who endured significant bullying left the school and shortly afterwards ended his life. Student EF described having suicidal thoughts due to bullying. His mother made the decision to withdraw him as not enough action was being taken by the school to address the bullying her son was experiencing.

Bullying by teachers and staff members

- 6.76 Students observed that some teachers had little patience for students with learning disabilities, referring to them in a derogatory way in front of the whole class. One student was made to sit under a table for an entire lesson because they had said something “stupid”. Another teacher identified all the students in the class who would not have survived through the holocaust. Student AT recalls being bullied by students about one of his physical features, and that one teacher would also make comments about this physical feature drawing attention to it and making fun of him.
- 6.77 Students also described teachers making derogatory comments about homosexuals. Student HV who identified as gay and hung around with a group called “the gay boys” told the Inquiry that a teacher accused them of waiting to “ambush [other] boys”, implying that they were sexual predators just because they were homosexual. Teachers would tell these students off for being too effeminate because it was embarrassing to the school.
- 6.78 Many students felt teachers used the ability to punish unreasonably to maintain order. Punishments such as gating,⁷⁷² detention or writing lines would be handed out for minor breaches of rules. This negatively impacted on the relationship between students and staff. Many said how difficult it was to be gated and not allowed to go home to see family, especially when you were as young as 10.⁷⁷³

772 Mr MacLean stated that he banned the practice of gating not long after arriving at the school in 1997. However, the Inquiry notes multiple school documents dated after 1997, including staff policies and a principal's report authored by Mr MacLean dated June 2010, refer to using gating as a punishment, suggesting this was still a widely used disciplinary measure. The Inquiry heard from multiple students and family members who described gating up until at least 2017.

773 For example, Student AL, gated in year 8 (when he was 10) for calling a tutor “a freaking idiot” under his breath.

Sexual abuse

- 6.79 The next paragraphs contain examples of sexual abuse from the many the Inquiry heard. **These accounts are graphic and may be distressing.**
- 6.80 The accounts of former students about sexual abuse in this era have common themes:
- sexual predation by staff (chaplain, tutor, teachers) on students, particularly younger students
 - sexual predation by older students on younger students
 - an inability to have sexual predation stopped despite attempts to do so
 - a reluctance to report sexual abuse due to fear of losing the scholarship.
- 6.81 Below are examples of some of the abuse the Inquiry heard about.

Tutor abuse in boarding house

- 6.82 Students IO and DE were both sexually abused by tutor TS. He was convicted of this offending in 2012.

Abuse of student–teacher relationships

- 6.83 Student DU was groomed by a teacher and induced into performing acts of oral sex and having oral sex performed on him. The relationship continued beyond the student’s time at Dilworth.
- 6.84 Student FW described a relationship he had with a different teacher when he was 15. The teacher would proclaim his love for the student, and the pair would spend a lot of time together, message each other on social media, hold hands and sleep in the same bed.

Abuse by chaplain

- 6.85 Mr Browne continued in the school’s employ until 2006⁷⁷⁴ when he was allowed to resign following complaints that had been made about his behaviour. Mr Browne abused multiple students during the MacLean era. Much of his abuse took the same form as during the Wilton era. The Inquiry has only included detail of abuse that police investigated and that is not the subject of current charges before the court.

774 The Inquiry was told Mr Browne did not return to school after the term ended in December 2005.

- 6.86 **Grooming:** Mr Browne’s abuse started with the grooming of the students and their peers. He normalised his physical touch of students by constantly hugging them or having them sit on his knee. Multiple students told the Inquiry Mr Browne would give “bear hugs” to students, in full view of other staff members, or have students sit on his lap or “click” students’ backs. The Inquiry was told some students could feel his erection when he gave them hugs.⁷⁷⁵
- 6.87 **Massages:** Mr Browne continued to administer massages privately to students. He would tell students to strip down to their underwear and during the massage he would brush or graze his hands against the student’s penis and testicles or pull the student’s underwear down to touch the student’s buttocks.
- 6.88 **Christian Living classes:** Mr Browne continued to teach sex education as part of the Christian Living studies subject until he left the school.⁷⁷⁶ Several students told the Inquiry of the inappropriate discussions he initiated, the most common topic being masturbation. The Inquiry was told how Mr Browne would ask students to share their experiences of masturbation, instigate discussion about techniques, and ask students to write down intimate masturbation stories or questions he would then share ‘anonymously’ with the rest of the class. Mr Browne read out a letter he had (allegedly) received from another student setting out in detail the student’s first-time masturbating. Mr Browne would use that as a starting point to encourage students to masturbate, although there were no reports of masturbating within the classroom occurring, as there had been in the Wilton era.
- 6.89 **Individual abuse:** Some of Mr Browne’s sexual abuse led on from the sex education classes, from massages or from Mr Browne’s normalisation of physical affection. He also used his regular practice of having students sit on his knee to sexually assault them.
- 6.90 Several students told us they (individually) approached Mr Browne to discuss a topic or question arising from the sex education class. This then led to Mr Browne “inspecting” the student’s penis or coaching him to masturbate.

775 For example, Student BY statement to external agency.

776 Although in later years, Mr Browne taught sex education to only senior school classes through his Christian Living classes. The Inquiry has student report cards that confirm he taught Christian Living classes until he left and heard from former students who had him as a teacher in 2005. Mr Browne taught sexual education in the junior school until at least the end of 1998. There are documented complaints in 1998 concerning Mr Browne’s teaching methods and content in respect of the sexual education component. No records were found at the school of when the subject was removed from the year 8 syllabus. However, at some point after 1998, the sexual education component was moved from year 8 to year 9 (which was part of the senior school).

- 6.91 **Crypt:** The “Crypt” continued to operate into the MacLean era. A pastoral care team member’s office was along from Mr Browne’s office where the Crypt operated. Students told the Inquiry Mr Browne expressed his discomfort with the pastoral care team member’s office being in the vicinity. Students were told by Mr Browne not to talk to the pastoral care team member. Student BY said Mr Browne “said that [the member of the pastoral care team in the office along from his] was evil, and he discouraged us from having anything to do with that person. He became the only person we could confide in”.⁷⁷⁷ Other students echoed these sentiments. Students who observed Mr Browne’s behaviour felt they were all groomed by him to assume what he was telling them and doing was normal.
- 6.92 At some point in the early 2000s,⁷⁷⁸ Mr Browne was told to stop operating the Crypt. However, former students told the Inquiry this instruction was largely ignored. Mr MacLean acknowledges that while the instruction was given, and the Crypt stopped operating in name, students continued to meet in Mr Browne’s office as before.⁷⁷⁹
- 6.93 Mr Browne regularly instigated conversations of a sexual nature with students, encouraged students to talk about masturbation, homosexuality and sexual experimentation, and encouraged students to masturbate and experiment sexually with each other in the form of kissing and touching. He encouraged students to share their recent sexual experiences and to seek each other out during the week for “special time” together.
- 6.94 Student EF told the Inquiry Mr Browne encouraged and facilitated more intimate behaviour between students by providing a private space for them to participate in sexual behaviours.
- 6.95 Student BY said:

Father Browne started encouraging the boys in the group [at the crypt] to be intimate with each other in the room ... He was present with us whilst this was going on ... As I got older there were times when he provided spaces for boys to be more intimate with each other. There was a bathroom next to his office that he would let us use if we wanted to have penetrative sex, oral sex or anything like that. There was also the room opposite his office that had been used for sex in the past but I’d never used that.

777 Student BY statement to external agency.

778 Formal written warning issued by Donald MacLean to Ross Browne, 28 May 2003. This warning refers to the instruction having been given earlier.

779 Donald MacLean Inquiry interview.

- 6.96 **Abuse through position as chaplain counsellor:** Mr Browne used his position as chaplain to provide mentoring and counselling services to students. Student HV was being sexually abused by another student and went to Mr Browne to get help. He told Mr Browne what was happening to him, that he did not like it, that he wanted it to stop, and that he needed help. Mr Browne had HV replay the sexual abuse in detail. Mr Browne informed HV it was “completely normal behaviour” and he should enjoy it.
- 6.97 Some of the students who described the experiences of homosexual exploration at the Crypt said they are not and were not homosexual. Their participation was coerced by Mr Browne, who students saw as someone they needed to obey, and it has subsequently caused many years of confusion about their sexual identity. Student GA said:

At the time I thought I was a homosexual because of Father Browne’s head-fucking shit. He was a master manipulator. He would put things in your head then work on it, see where it went. He would introduce you to different things and implore you to explore your sexual fantasies with boys in order to be comfortable in the name of God.

Sexual abuse by other students

- 6.98 The Inquiry was presented with several accounts of sexual abuse by other students. Some of those accounts are summarised below.

Sexual abuse arising from the Crypt

- 6.99 Some of the incidents of abuse are linked to the Crypt where Mr Browne had encouraged relationships between an older and younger student. Student FQ was younger by several years than another student and they started a friendship that turned into sexual contact. FQ was not comfortable with it but did not feel able to refuse due to Mr Browne “condoning” and encouraging the contact.

Sexual abuse within boarding houses

- 6.100 In form 3,⁷⁸⁰ Student EL was bullied by two older students who were all in the same house. On several occasions the bullying moved to rubbing their bodies against him and trying to put their hands down his pants.

⁷⁸⁰ Now, year 9.

- 6.101 In form 1,⁷⁸¹ Student HD was bullied by more senior students who were in the same house as him. The bullying escalated, and one night he was dragged into the drying room. Five students in the year above him were in there and tried to force HD to perform oral sex. He managed to break free and get out of the room. However, rumours about the incident spread within the school and he was bullied and harassed for several years. He described that other students would often yell “sucky suck” at him.
- 6.102 The Inquiry heard several different incidents of abuse at night in the boarding houses. Student FA described being abused in the boarding house when he was 11 years old. An older student would come to his bed and touch his penis. It stopped only when he was moved to the senior campus. When he was around 12 years old, Student BQ woke in the middle of the night to find an older student fondling his genitals. Student CB was woken up by an older student pulling the blankets off him. The older student performed a sexual act on CB and then pushed his own penis into the CB’s mouth and down his throat, stopping only when the older student ejaculated.
- 6.103 Student HV described the abuse he suffered over a period when he was in year 9:

One day, he texted me and asked me to meet him down by the bathrooms. I go down there, he is there masturbating, tells me to come over to him, I say no, but eventually I go over to where he is. I freeze but he slowly makes me perform oral sex on him. I do remember saying no to him, but it did not stop him from grabbing me, did not stop him from holding me, but he kept saying it was ok. Then I left and went back to my dorm ... This abuse continued for some time over my time in Year 9, probably happened about six times ... I didn’t know how to process what was going on. First off, this was my first sexual experience, I didn’t like it, didn’t want it to happen, had said no, but it kept happening. It was all confusing, was affecting me and my behaviour started to change.

- 6.104 Some accounts were very graphic and went beyond touching. Student CB, when he was in form 3, was ejaculated on, had another student urinate in his mouth, and was defecated on. Student BQ described a situation where in the dorm room just before bed two older students bribed two younger students to penetrate each other anally in return for the older students’ desserts for a week.

781 Now, year 7.

Sexual abuse outside of boarding houses

6.105 The Inquiry was also told of abuse that happened outside of the boarding house setting. Student BE described being abused at a fellow student's home when both students had been given leave together. Student AT told the Inquiry that when he was 10 or 11 years old, he would be subjected to groping, squeezing or grabbing of his genitals by older students at random times throughout the day at school. Student FA said the same student that abused him in the dormitory would also repeatedly grope or touch him while participating in school activities, including while in the pool.

Response of students to physical or sexual abuse of them

6.106 The longer-term impacts of abuse on students are dealt with in chapter 7, but it is relevant to set out some of the students' immediate responses to the abuse they suffered.

- Student CB had suicidal thoughts immediately after suffering sexual abuse.
- Student HV experienced an immediate change in his academic performance. He had been actively participating in school life and enjoyed good grades. After the abuse, he only just managed to pass school certificate and he started drinking heavily.
- Student DE described not being able to sleep at night and becoming tearful and grumpy. His school file notes he showed signs of aggression, had difficulty following instructions and his fine motor skills were affected.
- Student GA said he felt Dilworth was like jail "but with more rape".

6.107 This statement sums up what many students told the Inquiry:

When the abuse took place, I felt incredibly uncomfortable to the point I froze in immense fear. In those moments you go somewhere else and there is a disconnect from your body. It makes you feel numb but it is a way of dealing with the abuse and pain. Now I find it hard to be in my body sometimes, especially in intimate moments as it can be incredibly triggering ... I have questioned my own sexuality and whether I am this way because of what happened to me with Father Browne.⁷⁸²

⁷⁸² Student EU statement to the Inquiry.

- 6.108 Students were very vocal and articulate about their anger at the school allowing situations where the abuse could take place, failing to take any action, and the subsequent denial of any knowledge, particularly in respect of Mr Browne's offending.

I've felt an ongoing sense of shame about what happened. I have bouts of feeling victimised and feeling sorry for myself. It upsets me even to talk through this. I feel betrayed by the school. There was no real support for me. Those who I did turn to were ultimately acting in their own self-interest.⁷⁸³

School response to complaints made

Serious physical abuse complaints

- 6.109 Accounts of bullying between students across the decades are consistent. It has been variously described as rife, endemic and appearing to be baked into the culture of the school.
- 6.110 As described above, in 1998, the school made its first serious attempt to grapple with a response to bullying through a harassment elimination programme (the HEADS programme).
- 6.111 In 2000, in a suite of new policies, one policy set out the school's position in relation to sexual harassment and another addressed harassment elimination. The latter policy noted the school's commitment to providing an environment that is safe, secure and free from harassment. Harassment was defined to include intimidation, bullying (which included any threat of or actual physical violence), verbal, racial and sexual harassment. The policy stated that the school "will treat seriously all proven claims of harassment".
- 6.112 The school's developing approach to the elimination of harassment and bullying was brought into sharp focus at about the same time as the development of the above policies. Student EF recalls that mid-way through his fourth form year in 1999, he was subjected to extreme bullying as a result of being "outed" as gay. Bullying included name calling, physical assaults, including in the middle of the night, and interference with his personal property. The student told his tutors and housemasters. These people acted and were able to limit the scale of the bullying of him, but not remove the behaviour entirely. He continued to raise his concerns with members of the senior staff, including the principal. A file note written by the principal records these attempts, but also notes that the student has to "accept some of the responsibility for deliberately acting in such a way as to attract unfavourable attention to himself".⁷⁸⁴ The note goes on to record that action is always taken "whenever possible" and that an anti-harassment message was given regularly to students.

783 Student FW statement to the Inquiry.

784 File note prepared by the principal, March 2001.

- 6.113 Later, Student EF wrote a letter to the Board and senior management advising that after 18 months enduring continuous harassment from fellow students he felt he could no longer continue at Dilworth. He noted the meetings he and his family had had with senior members of the school to attempt to resolve the issue, but that the meetings were not enough and nothing changed. He noted his great sadness in reaching this decision but felt it was the only option he had available to him.⁷⁸⁵
- 6.114 In response to questions about this student, and his experiences, Mr MacLean acknowledged that at this stage Dilworth was working on becoming a safer environment, but it was a work in progress.⁷⁸⁶
- 6.115 In 2006 or 2007, Student ER complained to his housemaster after he received a black eye from being king hit by another student. This incident followed years of bullying, which he had complained about to two different housemasters and been told that “boys will be boys”. His mother complained to the principal in relation to the king hit incident and was told “well that is not the Dilworth way”. Nothing further was done.
- 6.116 In 2009, Student IK’s mother wrote to Mr Murray Reid, the head of the senior campus and deputy principal, raising concerns about a “fight club” her son was being pressured to join and the bullying that followed. She asked the school to put strategies in place to deal with the violence. She did not receive a response to her letter.⁷⁸⁷ Mr Reid was asked about this letter. He does not recall receiving it but considers it would have been taken seriously. He observed that it was possible the school’s response to the issues raised may not have been relayed adequately to the parent, but that it would not have been a deliberate omission.⁷⁸⁸
- 6.117 The following year, the same mother raised new concerns with a housemaster about bullying another son was experiencing. She was told she was over-reacting. Soon after this conversation the housemaster announced to the boarding house that she had raised concerns about her son being bullied. The bullying against her son continued.

785 Letter from Student EF to members of the Dilworth Trust Board, housemasters, matron and senior members of staff, undated.

786 Donald MacLean Inquiry interview.

787 Letter from Family Member UA to Murray Reid, 5 December 2009.

788 Murray Reid correspondence with the Inquiry, 7 July 2023.

Sexual abuse complaints

Group Life Laboratory disclosure of abuse

- 6.118 The following example of the disclosure of abuse at a Group Life Laboratory (GLL) camp and the consequences of that disclosure, traverses both the Wilton and MacLean eras. We have included it in this chapter as most of the events after disclosure occurred during Mr MacLean's tenure, from 1997 to 1999.
- 6.119 In May 1996, during Dr Wilton's era, a form 3 student, IL, disclosed sexual abuse by a student at a GLL camp during a "trust cards" exercise. The abuse had occurred two years prior when he was a form 1 student. He had not wanted to disclose the abuse but had felt pressured to do so.
- 6.120 Student IL said the week after the GLL camp his disclosure had "spread like wildfire around the campus".⁷⁸⁹ He was physically assaulted by the perpetrator's friends and was the target of persistent daily bullying, including ostracisation, and name-calling. He was deeply traumatised by the fallout from his disclosure at the camp. He said the bullying after was worse than the sexual abuse itself. On one occasion, when he had sought help in coping with it, Mr Browne had yelled at him for not being able to get over the bullying.
- 6.121 The school referred him to an external psychologist for two sessions but when he did not attend the third session, nothing further was organised for him. Most significantly, his parents were not told about the abuse or the serious impact the disclosure was having. They found out about the abuse through an inadvertent statement by a teacher in May 1997, one year after the abuse had been disclosed to the school. The teacher had assumed the parents had already been told.
- 6.122 By this time, Mr MacLean had taken over as principal. Over the course of 1998, Student IL's health deteriorated further. He started seeing the school pastoral team in May. In October, the team sought external advice from two different mental health professionals and was told by both that the parents needed to be involved, although the student did not want this.⁷⁹⁰ Dilworth appears to have decided that this was a decision for the school to make and IL's parents were not immediately informed of the gravity of their son's health. By November, the student was referred for external assistance as his level of distress was increasing.⁷⁹¹ It was not until December when IL saw a psychiatrist that his parents were told about his mental health diagnosis and proposed treatment.⁷⁹²

789 Student IL correspondence. Further details omitted to avoid identification.

790 Memorandum from Ross Browne to the principal, undated. The memorandum covered events up to and including March 1999.

791 Student IL correspondence. Further details omitted to prevent identification.

792 Reporting letter of psychiatrist to Dilworth's doctor, 9 December 1998.

- 6.123 During 1999, Student IL spent considerable time away from school accessing in-patient treatment. Correspondence between his father and the school and Board reiterated the father's anger at the significant impact of the school's mishandling of the whole situation on his son and his family. In April 1999, he wrote:

[the] ongoing deception, most inept direction and failure to inform and consult with the boy's parents and his doctor until the damage had been done, denied [student] the help he needed most to avoid the catastrophe which is now regrettably a reality.⁷⁹³

- 6.124 Mr Browne provided a memorandum to the principal outlining a chronology of events in the school's response to Student IL's disclosure.⁷⁹⁴ Mr Browne recorded that it had been left for IL to determine whether a formal complaint should be pursued when he returned to school after the GLL camp. Mr Browne said IL approached him five days after the camp and, in response to questioning by Mr Browne, disclosed further details, namely that he had been repeatedly sexually abused over the course of a year.⁷⁹⁵
- 6.125 The memorandum outlined the care the student had received between 1996 and 1999, the student's desire to not involve his parents, the expert advice the pastoral care team received that his parents did need to be involved, and the ongoing harassment Student IL was suffering at school relating to the abuse.
- 6.126 Mr Browne did not advise the principal in his memo that he had instigated regular "counselling sessions" after the disclosure. Student IL said at these sessions Mr Browne made him feel very uncomfortable by giving him very long hugs, massaging his shoulders, clicking his back and asking whether the abuse caused him to have an erection.
- 6.127 In May 1999, Mr MacLean's response to Student IL's father, written on behalf of the school and Board, defended the failure to inform the parents on the basis the student wanted the school to hold his confidence and that from the point of disclosure he had received "expert counselling".⁷⁹⁶ Mr MacLean noted that if the student appeared upset, the student had access to the chaplain and received counselling whenever he needed it.

793 Letter from Student IL's father to the Dilworth Trust Board. Further details omitted to prevent identification.

794 Memorandum from Ross Browne to the principal, undated. The memorandum refers to events up to March 1999, so was likely prepared in response to the father's correspondence.

795 Memorandum from Ross Browne to the principal, undated.

796 Letter from D MacLean to Student IL's father. Further details omitted to prevent identification.

- 6.128 Student IL's account of the failures involved in the school's response to this disclosure, reflects our views:

Now that I am an adult, I can see that how my situation was handled by the adults at the school was wrong. I have always found the aftermath of confiding in the chaplains at Group Life Lab far more traumatic than the abuse itself. My parents should have been notified immediately. The chaplains should not have had a night dedicated to requiring children to divulge secrets about themselves. I should have immediately been referred to a professional psychologist. I should not have been encouraged to talk to two chaplains who have since been outed as paedophiles. I was very open with staff members about the bullying that occurred and do not believe enough was done to stop it. Also, there should have been education about sexual abuse and how to report it. Sex Ed class at the junior campus would have been a good opportunity to do that, but Father Browne was too busy ordering my class to close our eyes while he read out a student's graphic account of what it felt like to masturbate and then ejaculate.⁷⁹⁷

- 6.129 The Inquiry notes that over the remainder of 1999 the correspondence and meetings between the school, the student and his family reflect a genuine willingness on the part of the school to support the student with an assisted and flexible return to school.

Ian Wilson, 1998

- 6.130 Mr Wilson's historic abuse continued to be raised with the school during this period. In February 1998, Student GT contacted the school asking for access to his school records. He met with the new principal, Mr MacLean, telling him that Mr Wilson had sexually abused him when he was a student in the 1970s. A file note prepared by Mr MacLean reflected a similar attitude to that taken by his predecessors. He stated his main concern was the impact it would have on the current school and "that it was very difficult for us to divert our energies to dealing with potential fallout from incidents that had occurred at least 20 years ago". He repeated this concern at the end of the meeting, "I once again emphasised to [GT] that it was vitally important that anything happening now did not reflect negatively on, or detract from, the excellent work that we are currently doing".⁷⁹⁸
- 6.131 Mr MacLean told the Inquiry, as a new principal at the time, he followed the Board's briefing in relation to the emphasis on the importance of the school's reputation.⁷⁹⁹

797 Letter by Student IL to Dilworth. Further details omitted to prevent identification.

798 File note of meeting, 13 February 1998, Ian Wilson's personnel file.

799 Donald MacLean Inquiry interview.

- 6.132 The file note does not record any offer of support to Student GT or suggest that the school investigated whether there might be other victims of Mr Wilson's who had not yet come forward.

Complaints about Staff Member RZ, 2000

- 6.133 In 2000, former student, IM, contacted the school and spoke to Mr Owen, the deputy headmaster, and the general manager of the Board. He advised them that Staff Member RZ had abused him in late 1988 or early 1989 and that he had told his housemaster, Mr Wilson, at the time. He was not aware what Mr Wilson did with this information. He also told the school that the headmaster, Dr Wilton, had also been informed at the time by IM's grandmother. His grandmother was told by Dr Wilton there could be no truth in the allegation and that he had every confidence in RZ as a teacher.⁸⁰⁰ IM told Mr Owen that his behaviour and attitude deteriorated after that and that at the end of 1989 his grandmother was encouraged to withdraw him from the school, before the Board ultimately terminated his scholarship.
- 6.134 Mr Owen prepared a file note of his conversations with Student IM. He records that his review of IM's file demonstrated that his account of his behaviour deteriorating after the abuse is made out. Mr Owen goes on to note "under the circumstances it is no wonder. These comments indicate a student under stress".⁸⁰¹
- 6.135 The Inquiry put Student IM's account to Mr Wilson who said he couldn't recall specifics but he accepted IM's account.⁸⁰² A fellow student, EH, said he also recalled IM making a complaint to the principal around this time and being asked to leave on that date. Dr Wilton told the Inquiry he does not accept he was told about this complaint and maintains he was first made aware of Staff Member RZ's abuse in 1994.⁸⁰³
- 6.136 The Board was informed about Student IM's conversations with Mr Owen and the Board's general manager at the June 2000 Board meeting and the following record was made:

The Board confirmed that they would not hinder [Student IM] in taking a criminal complaint against [RZ] but there was a dearth of information in the school's files. The Chairman will decide after consultation whether it is appropriate for him along with the Deputy Chairman, to meet with [IM].⁸⁰⁴

800 File note of telephone conversations between Student IM and Bruce Owen, 23 June 2000. In a later call, Student IM advised that he had told Dr Wilton himself and was told he was a liar: Summary document of telephone calls with Student IM prepared by Bruce Owen, 11 May 2005.

801 File note of telephone conversations between Student IM and Bruce Owen, 23 June 2000.

802 Ian Wilson Inquiry interview.

803 Murray Wilton Inquiry interview.

804 Dilworth Trust Board confidential minutes, June 2000.

- 6.137 Student IM continued to contact the school, in 2003, 2005 and 2006. Notes prepared in anticipation of a meeting with IM in May 2005, which ultimately did not proceed, record that “he could be taping the conversation” and “point him in the direction of counselling (at his cost)”.⁸⁰⁵
- 6.138 A summary of the school’s response over the years is outlined in the report prepared for the Board’s June 2006 meeting.⁸⁰⁶ It notes that Student IM is drunk or agitated each time he gets in contact. There is no reference to any support being offered or any attempt to ask what he might need from them. It records that IM had been told “to go to Police and ... he should not be phoning us up every couple of years”.⁸⁰⁷ It also demonstrated a clear decision that no compensation would be offered, and there would be no follow up with him. The response to this former student indicates a failure to understand the significant impact of abuse. Had the school been aware of this, it may have reacted to assist him more proactively. To dismiss him as a nuisance indicated a poor understanding of damage from abuse and its ongoing trauma.
- 6.139 Limiting its financial exposure appears to be a key driver of the Board’s contemporaneous handling of another complaint about Staff Member RZ, an assessment accepted by Mr Derek Firth.⁸⁰⁸ A lawyer acting for another former student, IP, had contacted the school in 2006 advising of potential civil proceedings in respect of the abuse he suffered. School documents of the time show the Board seeking advice as to how it could mitigate its financial exposure such as by looking into the availability of accident compensation for the victim and considering the application of a recent Court of Appeal case (which is described in a report for the Board as providing that “perpetrators of crime who are prosecuted cannot be sued for damages”).⁸⁰⁹
- 6.140 Student IP’s lawyer advised the Board that her client did not wish to lay a police complaint. Despite receiving advice from police the previous year that it would not initiate an investigation on a referral from Dilworth in the absence of a complaint from the victim concerned,⁸¹⁰ the Board, through counsel, advised her that it was considering initiating a complaint with the police if her client did not intend to do so.⁸¹¹

805 File note, notes for a meeting with Student IM, 11 May 2005.

806 Dilworth Trust Board confidential minutes, June 2006.

807 A similar statement was recorded in a report prepared for a confidential Dilworth Trust Board meeting, 29 May 2006.

808 Derek Firth Inquiry interview. We note that Mr Firth reiterated that this focus was not at the expense of ignoring the students.

809 Report prepared for Dilworth Trust Board confidential meeting, 31 July 2006.

810 Report prepared for Dilworth Trust Board confidential meeting, 30 May 2005.

811 Correspondence to the Dilworth Trust Board, June 2006. Further details omitted to prevent identification.

- 6.141 In her first letter to the Board, Student IP's lawyer outlined allegations of sexual abuse by Staff Member RZ as well as an incident of physical abuse by caning by another staff member. The caning was alleged to have caused sustained bleeding and an injury requiring stitches.⁸¹² A report was prepared for the May 2006 Board meeting and the section on the physical abuse by caning allegation is illustrative:

[t]he caning issue would appear to have little relevance, would be difficult to prove and the general issues of caning etc in that era is very different to today's thinking. The issue of abuse could be a spurious claim to extract money, or it could be a genuine statement of what happened.⁸¹³

Complaint about Staff Member TX, 2000

- 6.142 The first known complaint in respect of Staff Member TX arose in 2000 and was made by another staff member. An emotional relationship had developed between TX and the staff member's son (not a Dilworth student) and was demonstrated in email and online communications between the two. A subcommittee was empowered to investigate the complaint. The father, Mr MacLean and TX were interviewed.⁸¹⁴ The young person concerned was not interviewed but a written declaration was taken into account.⁸¹⁵ The Teacher Registration Board was also notified, and relevant material provided to it through the process.
- 6.143 The subcommittee reached the view that the relationship constituted "serious misconduct" covered by the Board's Disciplinary Rules and Procedures,⁸¹⁶ and recommended instant dismissal in response. The recommendations of the subcommittee were discussed by the full Board on 22 and 27 September 2000. A public relations consultant was engaged to manage how the outcome of the process would be relayed to the wider school community.

812 Dilworth School/Dilworth Trust Board continuing Disclosure and Update of Response by Dilworth School to Notice to Produce No 2, 7 October 2021, no 49.

813 Report prepared for Dilworth Trust Board confidential meeting, 29 May 2006.

814 Dilworth Trust Board confidential minutes, 18 September 2000.

815 Dilworth Trust Board confidential minutes, 18 September 2000.

816 The subcommittee determined that the relationship by analogy constituted conduct prohibited under clause 3, namely "any sexual misconduct or other misconduct with or sexual harassment of a school student or of a Board employee", as well as clause 8, being conduct that could bring the Board or school into disrepute: Recommendations to Dilworth Trust Board by the subcommittee in respect of conduct of TX a teacher/housemaster employed at Dilworth School.

- 6.144 Staff Member TX attended the second meeting on 27 September, presented submissions in support collected from students, parents and staff, and was able to persuade the Board to step back from instant dismissal. The negotiated outcome was for TX to remain as a member of the teaching staff but to resign from his housemaster role. He received a final written warning containing stringent non-negotiable conditions relating to behaviour and communication with staff and students.⁸¹⁷
- 6.145 The staff and parents of students boarding in Staff Member TX's house were informed by the chair of the Board, Mr John Potter, that TX was resigning as housemaster to take his overdue sabbatical.⁸¹⁸
- 6.146 The Teacher Registration Board was also advised of the outcome of the disciplinary process and, accepting the approach taken by the school, determined it would not cancel TX's licence to teach.⁸¹⁹
- 6.147 Concerns about Staff Member TX's conduct, and in particular, the nature of his relationships with students continued. A second complaint was brought to the school's attention in December 2000. At this stage, the level of contact between a student and TX was raised informally by parents of the student with TY, an assistant housemaster, and a plan was agreed that the parents would return the following year for a meeting once further information had been obtained about the nature of contact between their son and TX. Meetings took place in February 2001 and the matter was elevated to Mr MacLean by way of a letter from the student's mother later that month. Her specific concerns were TX's provision of a cell phone to her son so TX could communicate with him while on leave from the school and the level and nature of contact that occurred between the two of them. Possibly out of a sense of loyalty to TX, the student denied anything else was occurring.⁸²⁰
- 6.148 Mr MacLean issued a memorandum to Staff Member TX, which noted that if the concerns raised by the parents were correct, "it is a very serious matter". TX was reminded by Mr MacLean that inappropriate definition of boundaries was at the centre of the Board investigation into his conduct the previous year and that process should have resulted in his exercising due care to keep "appropriate professional distance from all students at Dilworth". He received an instruction to cease all contact with the student concerned except as "strictly confined to matters relating to his education at the school, if this should be necessary".⁸²¹

817 Dilworth Trust Board confidential minutes, 27 September 2000.

818 Letter from John Potter to teacher and supervisory staff and parents, 2 October 2000.

819 Correspondence with the Teacher Registration Board on TX's personnel file.

820 Student FW statement to the Inquiry.

821 Memorandum from Donald MacLean to Staff Member TX, 19 March 2001, on TX's personnel file.

- 6.149 The Inquiry could find no evidence that this complaint was raised with the Board; nor did Mr MacLean initiate any further enquiry as to whether other students were in similar personal relationships with Staff Member TX that fell outside that expected between a teacher and student.
- 6.150 The next documented concern raised about Staff Member TX's conduct with students occurred in 2017. Concerns were again raised about the nature of the relationship between the teacher and a student, and the blurring of boundaries. The parent in this case noted that her son had received special attention and gifts from TX and she was concerned about a general blurring of the teacher-student relationship.
- 6.151 The files record that Mr MacLean spoke to Staff Member TX but was satisfied with his account that no favouritism had been shown to the student. TX agreed he would distance himself from the student and be very careful around him.⁸²² Mr MacLean also provided TX with the "commitment to learners" section of the Code of Professional Responsibility, which dealt with establishing boundaries between learners and teachers. This teacher is no longer with the school.

Disclosures about Staff Member TU and Ross Browne

- 6.152 During Staff Member TX's disciplinary process, serious allegations about the conduct of Staff Member TU as well as Mr Browne came to light. On 26 September 2000, at a meeting with the chair of the Board, the principal and the Board's lawyer, a student and his father advised that TX had been telling students that Mr Browne was encouraging students to masturbate in his class and that while on an overseas school trip TU had had a physical relationship, observed by other students, with a named student who had just left the school.⁸²³

822 Donald MacLean, Informal meeting – TX, file note, 7 December 2017.

823 Memorandum prepared by school's lawyer covering the meeting at the Dilworth Trust Board offices, 26 September 2000. Attendees confirmed as the student, his father, Mr Potter, Mr MacLean and school's lawyer.

6.153 The making of these allegations against other staff members to students was raised with Staff Member TX, and he was reprimanded for this conduct. There is no sign from the records provided that any steps were taken at this time to establish the veracity of the allegations; rather Board records refer to a “staff member maligning colleagues/making defamatory comments”.⁸²⁴ The following month, the issue was discussed again by the Board:

The Trustees discussed the issue of whether the staff who had been allegedly defamed by [TX], should be advised of the allegations. It was agreed that unsubstantiated allegations should not be passed on to the staff at this time.⁸²⁵

6.154 The Inquiry asked both Mr Firth and Mr MacLean why these allegations were not investigated.

6.155 Mr Firth was unable to explain why the allegation in respect of Mr Browne was not investigated. In respect of the allegation about Staff Member TU, the Board considered the fact the student concerned had left the school was a key factor in not pursuing it further.⁸²⁶

6.156 Mr MacLean told the Inquiry that the decision about how these allegations were dealt with was a Board decision, as advised by the Board’s lawyer. In respect of Staff member TU, like Mr Firth, he considered the fact the student had left school was significant. He said, however, that the school then stopped allowing former students to tour with students.⁸²⁷

Further disclosures about Peter Taylor, 2000s

6.157 In March 2000, Student AM made a complaint to police about Mr Taylor’s abuse. When interviewed, Mr Taylor told the officer in charge of the investigation, “oh no, not another one”. As a result of this comment, early on in his investigation, the officer contacted Dilworth to see what further information it might have on Mr Taylor or his offending. He described Dilworth’s response as professional but not forthcoming.⁸²⁸

824 Dilworth Trust Board confidential minutes, 30 October 2000, from Staff Member TX’s personnel file.

825 Dilworth Trust Board confidential minutes, 27 November 2000, from Staff Member TX’s personnel file.

826 Derek Firth Inquiry interview.

827 Donald MacLean Inquiry interview.

828 Officer SD statement to the Inquiry.

- 6.158 The officer obtained a search warrant to obtain all relevant evidence. He interviewed the school doctor and was told that there was a record of the students who were known to have been abused at the time. In response to his search warrant, the officer was given the relevant 1978 Board minutes and a statement from Mr Owen. The officer did not receive any documents to assist him in identifying other victims. He was also not told that there were members of the Board and former staff who had dealt with Mr Taylor's departure in 1978, who may have been able to assist with his investigation.
- 6.159 Instead, Mr Owen, as deputy principal, was asked to write to the police and relied on what others told him had happened. He had no personal knowledge of the circumstances surrounding Mr Taylor's departure from the school.⁸²⁹
- 6.160 He wrote saying that the school doctor had been involved in the investigation and the parents of the victims were notified and involved in deliberations concerning appropriate steps to be taken. They had met with the headmaster, and it was decided that a police complaint would not be made, Mr Taylor's resignation would be accepted, and he would leave the school immediately. As indicated in chapter 4, this information was patently incorrect.
- 6.161 On 21 October 2001, a parent of a former student, ES, wrote to the Board reporting that her son had been sexually abused by Mr Taylor during his time at Dilworth. The mother also reported that her son had experienced physical abuse by being caned across his kidneys and this assault occurred two weeks after arriving at the school. She wrote:

If the school had done what any decent establishment would have done, prosecute this despicable man, offered the children and their families counselling, maybe all of this heartache the school had put upon not just me and my son, but other families as well, could have been avoided.⁸³⁰

829 Memorandum by Bruce Owen, deputy principal, 30 March 2000.

830 Letter from Student ES's mother to the Dilworth Trust Board, 21 October 2001.

- 6.162 On 12 November 2001, the general manager of the Board, responded with advice that when complaints about Mr Taylor were made, he was instantly dismissed, the matter was reported to police and he was prosecuted. Further, those students identified as having been abused were given counselling at the time. The general manager's letter also advised that the Bishop of Auckland was informed of Mr Taylor's actions and his licence to act as a minister in the church was removed. Again, this advice by the general manager was incorrect.⁸³¹
- 6.163 The general manager offered Student ES an opportunity to meet the president of the Dilworth Old Boys' Association to whom they had previously referred former students who had also been bitter about their time at the school.
- 6.164 It is unclear from the file whether the parent took the complaint any further with the Board, as there appears to have been no response to the 12 November 2001 letter.⁸³²

Another disclosure about Peter Taylor, 2007

- 6.165 A parent of a former student wrote to the Dilworth principal and the Bishop of Auckland. He asked whether there had been any complaints or suspicions about sexual abuse by Mr Taylor while at Dilworth and raised a concern about his son.⁸³³ Mr MacLean expressed regret and referred him to the police for information about Mr Taylor. The Bishop said he was sorry to hear of the parent's concern and referred the parent back to the school as Mr Taylor's employer. The Bishop advised that Mr Taylor had not been licensed as a priest since he was charged by the police in 1994.⁸³⁴ This was not correct either. No offers of support for either the former student or his parent was made by the school or the Bishop, in their correspondence.

Disclosure to Ross Browne, 1999

- 6.166 A 13-year-old student disclosed to Mr Browne that he was in a non-consensual sexual relationship with a seventh form student. Both students were attending the Crypt during the time it was occurring. Mr Browne took no steps in response to this disclosure and the abuse ended when the senior student left school at the end of that year.⁸³⁵

831 As outlined in chapter 4, ongoing complaints about Mr Taylor were made soon after his arrival at the school in 1976. When he was finally dismissed, the matter wasn't reported to the police and his licence to act as a minister wasn't cancelled. He was moved into the role of Papakura vicar. His licence wasn't cancelled until 1987 after the church discovered Mr Taylor had engaged in further sexual misconduct with boys. Finally, there is no evidence of counselling having been provided to any of Mr Taylor's victims.

832 Dilworth School/Dilworth Trust Board continuing Disclosure and Update of Response by Dilworth School to Notice to Produce No 2, 7 October 2021.

833 Letter from a father to D MacLean, August 2007.

834 Letter from Bishop of Auckland to parent, August 2007

835 Student FQ, statement to the Inquiry.

Student IN, 2005

- 6.167 A year 10 student disclosed harmful sexual behaviour between himself and other students to an external counsellor engaged by the school. The counsellor made a referral to Child, Youth and Family Services.⁸³⁶ Given the seriousness of the allegations, a multidisciplinary team involving members of Child, Youth and Family Services, New Zealand Police, SAFE,⁸³⁷ senior school leadership and a member of the pastoral care team was involved in the investigation. From a review of the documentary record, it appears Child, Youth and Family Services ultimately determined that the sexual activity was not forced or coerced, but the student had wanted the behaviour to stop. The school co-operated with the investigation and worked with the student and his mother to facilitate a return to school, based on the advice of Child, Youth and Family Services and police. The return to school was also accompanied by a programme of counselling.
- 6.168 Child, Youth and Family Services further recommended that clear boundaries be put in place as to what is acceptable behaviour between peers and that training be given to staff about safe sexual behaviour. The school implemented this advice the following year. A programme focused on learning about “safe/unsafe, acceptable/unacceptable, legal/illegal sexual activity” was delivered to the senior campus staff and students.⁸³⁸

Student HV, 2005–2007

- 6.169 **Complaint to Ross Browne:** A 14-year-old student, Student HV, was forced to perform oral sex on an older student on a regular basis for about a year. The student confided in Mr Browne that he was being made to participate in sexual activity he did not consent to and didn't know how to stop it from happening. Mr Browne told him to enjoy it as it was normal and what students do sometimes. No further action was taken with the complaint and the abuse only stopped when the student moved out of his boarding house the following year.
- 6.170 **Complaint to sexuality educators:** Student HV's second complaint, two years later, to external sexuality educators about what had happened to him did initiate a response. Mr Owen was informed and made a referral to the police. Student HV was taken to the police station to make a statement without the school organising for any support person to attend.

836 Reporting letter from Child, Youth and Families Services to the Dilworth Trust Board, 10 August 2005. The referral had been made on 27 July 2005.

837 SAFE provides specialist services for concerning or harmful sexual behaviour towards or involving children and young people younger than 16 years old.

838 Principal's report to the Board, 31 July 2006, item 06/06/04.

- 6.171 **ACC counselling arranged by not followed through:** A staff member then arranged for Student HV to have counselling through the Accident Compensation Corporation (ACC) and the school organised transport. However, after two introductory sessions there were school holidays. The school told him that his mother would have to take him. Unfortunately, she was working and could not afford the cost of transport given the distances involved. Although he had cancelled two appointments, when he returned after the holidays the school, being annoyed with him for not cancelling the third, stopped organising counselling and he then had no further ACC counselling while at school, despite this being his legal entitlement as a sexual abuse victim.
- 6.172 Student HV said that later a member of the pastoral care team asked if he would attend a session with the student who abused him. They told him that the other student's counsellor had requested a meeting that would be mediated by the student's counsellor and said that he could refuse. HV was told that the student had had a hard time and wanted to apologise to HV and move on. HV got the impression the school wanted the meeting to take place. HV's immediate reaction was "absolutely no". He did not want to be in the same room with the student. He wondered "what about me", "who is thinking about me?". He felt he was being pressured to forgive the student who came from a popular family with connections, and he felt this was more important to the school than he was. The student had a counsellor, but HV did not, and the school knew this. HV declined the meeting but felt he had disappointed people by not agreeing and that it was his responsibility he was not up to the meeting. His overall experience of making the complaint had been a negative one, and he told the Inquiry that this has had a much longer-lasting impact than the abuse itself.⁸³⁹

Student BY, 2005–2006

- 6.173 Student BY told the Inquiry that in the course of a counselling session, he was pressed to talk about his attendance at the Crypt. Student BY had previously told two different teachers about what was happening in the Crypt. There are no records of these disclosures or any follow-up action as a result.⁸⁴⁰
- 6.174 Student BY said he reported that during his time at the Crypt he had witnessed Mr Browne's encouragement of students to engage in sexual activity with each other, and he had engaged in sexual activity with another student. Student BY was 16 and the other student was under 15. Reflecting on it, Student BY said he was concerned about what had occurred.

839 Student HV Inquiry interview notes.

840 Student BY statement to external agency.

- 6.175 The conversation was reported to the school leadership, and meetings were held with Student BY and his parents, KJ and JW, and school representatives.⁸⁴¹ At the first meeting, BY and his parents were told a referral had been made for BY to attend the SAFE programme, a programme for those who display harmful or concerning sexual behaviour. The mother told the Inquiry no other options were put forward for discussion. Attending the programme was presented to them as a “fait accompli”.⁸⁴² At the second meeting, a SAFE representative was also present but BY was not. The parents said they were made to feel unwelcome.⁸⁴³
- 6.176 The Inquiry asked the acting principal, Mr Murray Reid, who attended the second meeting in place of Mr MacLean for his account.⁸⁴⁴ He had not been involved in setting up the meeting so was taken by surprise to see a SAFE representative present. Mr Reid, said the meeting was tense, and he could not get specific details from the parents about what the concern with Mr Browne was. He did not feel at that stage there was sufficient detail to initiate a disciplinary process. He later handed over the matter to Mr MacLean and recalls being told by Mr MacLean that he had it under control.⁸⁴⁵ JW, Student BY’s mother, disputes that she was invited to speak at the second meeting and said she would have told the school her concerns if asked. Further, she said that at no stage did anyone call to apologise for what had happened to their son or to offer any assistance.⁸⁴⁶
- 6.177 Student BY initially attended the SAFE youth programme, but on turning 18, was transferred to the adult programme. An adult male on the programme, who had abused his own son, started acting in a predatory way towards BY. Shortly after starting in the adult programme, a SAFE counsellor apologised to BY and said that he should never have been placed in the adult programme.⁸⁴⁷
- 6.178 The Inquiry has spoken with the school who said the SAFE programme was the only programme that specialised in dealing with concerning or harmful sexual behaviour, and it felt there were proper grounds for making the referral. Further, it was for SAFE to determine whether acceptance on to the programme was appropriate, which it did.⁸⁴⁸

841 Mr MacLean told the Inquiry that he suggested the Student BY should contact the police. He believed that was discussed by the school with BY and his parents. Others told the Inquiry they do not recall this being raised.

842 Family Member JW statement to the Inquiry.

843 Family Member JW statement to the Inquiry.

844 Mr MacLean was away on leave at the time of the meeting.

845 Murray Reid statement to the Inquiry. Mr MacLean does not recall being given a handover from Mr Reid or telling him he had it under control.

846 Family Member JW statement to the Inquiry.

847 Student BY Inquiry interview notes.

848 Staff Member PW additional statement to the Inquiry.

- 6.179 We find that the school referred Student BY to the SAFE programme inappropriately, without consultation with him or his parents or discussion of other options. We were told by the school that as soon as Student BY advised that he, under Mr Browne's supervision and encouragement, had sex with a student who was a year younger than him, the conversation was stopped and the referral made. Despite the school knowing the background concerning Mr Browne's grooming and inappropriate encouragement of students to engage in sexual activity, the school viewed Student BY as an offender, rather than a victim. Student BY's parents were not involved in making the decision about BY's care or treatment nor was their consent as guardians sought. The fact he was accepted into the programme does not excuse the school's ill-conceived actions in referring him without consultation with BY or his parents. The SAFE programme did not know the full background of Mr Browne's involvement.
- 6.180 Of equal concern is the fact there is no suggestion that the school made any attempt to identify the other students involved in sexual behaviour in the Crypt sessions and make the same referral to the SAFE programme for them. In other instances, students who had disclosed abuse or were accused of abuse were referred for individual psychological assistance. We know of no others who were referred to SAFE, although we were told of instances of sexual behaviour between students that was encouraged by Mr Browne where the age difference was considerably greater. As described by Student BY's mother, it appeared to her that the student was made a scapegoat for Mr Browne's actions, and because no other student came forward about their involvement in these sessions, the student was left adversely affected by his decision to disclose. The referral also resulted in further harm for Student BY.

By Dilworth sending [Student BY] to SAFE, [BY] was held to account for his behaviour, while Father Browne, the adult in the room who had been grooming and making this sexual behaviour appear normal to these young guys, just got moved on without consequence.⁸⁴⁹

- 6.181 Despite this occurring almost simultaneously with the employment process occurring in respect of Mr Browne (see below), extraordinarily, this disclosure of Mr Browne's conduct was not brought to the attention of the Board.⁸⁵⁰

849 Family Member JW statement to the Inquiry.

850 The Board disciplinary process involving Ross Browne took place in February 2006, although he did not return to the school in 2006.

Ross Browne

- 6.182 Mr MacLean told the Inquiry that he received no indication in his handover that there were any issues in respect of Mr Browne's conduct. In fact, he recalled he received very positive feedback as to the way he carried out his role as chaplain.⁸⁵¹
- 6.183 However, complaints continued to be made about Mr Browne's conduct under Mr MacLean's leadership. Students complained, a parent complained, staff complained and even official visitors to his Christian Living class complained about Mr Browne's behaviour.
- 6.184 In 1998, two student teachers who observed a sexual education class taught by Mr Browne were concerned enough to discuss their observations with the principal of the junior campus after the lesson. During that discussion, the student teachers stated that Mr Browne had confirmed, in answer to a question from students, that he had caught students masturbating in class. The principal of the junior campus completed a file note of the conversation, and this was placed on Mr Browne's file.
- 6.185 Following the same lesson, another staff member wrote a file note of a conversation he was privy to between the student teachers about the sex education lesson they had observed. The conversation was overheard by an older student who expressed his shock that this was "still" happening. One of the student teachers and the student said they believed it was inappropriate. The file note states the student and student teacher were speaking from "personal experience". That file note was also placed on Mr Browne's staff file.
- 6.186 Following this, the principal of the junior campus had a conversation with Mr Browne concerning the contents of the file notes and subsequently sex education was removed from the year 8 curriculum. However, no other action was taken in respect of the disclosure that Mr Browne had caught students masturbating in his classroom.
- 6.187 A member of the pastoral care team said they had often raised their concerns about Mr Browne with Mr MacLean but he seemed uninterested unless there was a formal written complaint from someone. It came to the point where, having had no satisfactory response, the staff member decided, following the advice of their psychologist supervisor, to put their concerns in writing.

851 Donald MacLean Inquiry interview.

- 6.188 They wrote two letters to Mr MacLean raising their concerns about Mr Browne's behaviour and, in particular, his involvement in counselling students in respect of their sexuality. In the first, in August 2001, the issue of relationships between different aged students was also raised, and specific examples were provided, as well as the staff member's fears relating to "possible underage/overage relationships in a house with a member of the Dilworth staff". The staff member wrote:

We walk on potentially dangerous ground. If I was a [parent] to a vulnerable 12 or 13 year old student here and aware of a fraction of the experimentation, that Ross tells me that goes on here, I would be very angry. There are others who share my concerns, as I am sure you are aware.

Is there Preventive Education about unwanted touching? Is there a policy on this? Do students know where to go to talk safely about unwanted touching? What physical contact is okay between staff and students? Could I speak with other residential schools to find out what their policies are regarding these issues?⁸⁵²

- 6.189 The follow-up letter, written early in 2002, addressed both concerns about the continuation of the GLL camps and the suitability of Mr Browne to teach sexual education. The staff member wrote that "his role of chaplain and counsellor here is seriously impaired at Dilworth and therefore his students here have been missing out on functional teaching and Christianity for a long time".⁸⁵³
- 6.190 The staff member said that the letters were handed to Mr MacLean. Neither letter was responded to in writing. The Inquiry located the letters on file, as well as an undated diary note by Mr MacLean that appears to record the substance of a meeting with the staff member. The note records his agreement that the GLL camps need to stop. He goes on to note "that the school can't act on gossip and innuendo" and that it "only takes one person to come forward to open an enquiry".⁸⁵⁴ The deputy principal told the Inquiry that in spite of repeated efforts by him and the headmaster to pin down the basis for the "gossip and innuendo" until a group of former students came forward with specific accounts, they remained very concerned about Mr Browne but felt unable to act decisively.

852 Letter to D MacLean, 7 August 2001. This letter also addressed the inappropriateness of the GLL camps.

853 Letter to D MacLean, 31 January 2002. The Inquiry notes that in a subsequent review of the information and school's action in 2019 by the Board's consultant psychologist, Dr Blackwell, it was noted that the staff member had acted ethically and responsibly in the situation by raising the concerns in the two letters, and that those concerns were ignored.

854 This position was reiterated at his interview with the Inquiry.

- 6.191 In 2003, a parent complained of a sexually explicit joke her son repeated that he said came from Mr Browne. She also expressed concern about Mr Browne's "very friendly" and "familiar" relationship with her son and, as a result, she did not want Mr Browne to spend time with her son or give him sexual and religious instruction. She said she was also aware that Mr Browne was continuing to meet with a group of students despite Mr MacLean having earlier put an end to Mr Browne's meeting with students in "the Crypt".⁸⁵⁵
- 6.192 Mr MacLean met Mr Browne, who accepted that his conduct in telling the joke was "totally unacceptable".⁸⁵⁶ Mr MacLean issued a formal written warning, and Mr Browne was told his conduct could "easily be defined as a form of sexual misconduct as defined in the Trust Board Disciplinary Rules and Procedures and any recurrence would mean a formal referral to the Dilworth Trust Board".⁸⁵⁷ Mr MacLean also told Mr Browne he expected him to attend a workshop on "boundaries" that Bishop Paterson required all priests in the Auckland diocese to attend. The Inquiry has seen no record on Mr Browne's school personnel file to confirm that he ever attended. The Anglican church also has no record of Mr Browne's participation at the workshop and does not appear to have had checks in place to ensure he attended.⁸⁵⁸ Bishop Paterson told the Inquiry it was up to individual priests to honour their responsibilities to attend such workshops. He said had he learned of a priest's failure to attend a workshop, that priest might have faced disciplinary action.⁸⁵⁹
- 6.193 The Board was informed of the incident, as was the Auckland Bishop, who issued Mr Browne an episcopalian warning.⁸⁶⁰ It appears in the context of the handling of this complaint that there was an offer made by the church to Mr Browne to move him into another position within the diocese, but he rejected it. The Bishop also sent a letter to the parent of the student to offer a "very sincere apology for this most inappropriate behaviour" by Mr Browne.
- 6.194 In the same year as Mr Browne's first formal warning, Mr MacLean strengthened the sexual harassment policy. It expressly articulated, "In the case of students, all behaviour of a sexual nature between adults and students is by definition sexual harassment due to the age and power relationship involved".⁸⁶¹

855 Letter from a parent to D MacLean, 8 May 2003.

856 Meeting notes, 27 May 2003.

857 Letter from Donald MacLean to Ross Browne, 28 May 2003.

858 Letter from the Anglican church to the Inquiry, 27 July 2023. The church told the Inquiry that its old practice was to maintain a spreadsheet that simply recorded the date of the last course attended. The church says the Diocese of Auckland is now keeping a record of courses actually attended.

859 Letter from the Anglican church to the Inquiry, 27 July 2023.

860 Dilworth Trust Board minutes of confidential meeting, 28 July 2003.

861 Dilworth School, Dilworth School Policies, 2003, cl 5.6 (policy for sexual harassment).

- 6.195 The policy stated that sexual harassment in any form was a breach of the mutual respect between members of staff and students and would attract disciplinary action up to and including termination of employment.
- 6.196 Staff disciplinary rules were also clarified, both in 2000 and 2003, evidently to ensure staff clearly understood the type of behaviour the Board considered unacceptable. The policy provided that instances of serious misconduct might result in instant dismissal. Specific examples of serious misconduct were given, including “any sexual misconduct or other misconduct with or sexual harassment of a school student or of a Board employee”.
- 6.197 The next investigation into Mr Browne’s conduct took place in May 2005. Three students had complained of a variety of behaviour, including his use of sexual innuendo and inappropriate joke telling, having students sit on his knee, giving hugs and a specific instance of “manhandling” a student. The last allegation was substantiated, and Mr Browne was warned again. In respect of the other conduct, Mr MacLean observed that the students had been unable to be specific, but that the complaint had raised “wider issues regarding the blurring of boundaries” and that Mr Browne’s engagement with students had “become unsafe”. Mr Browne was invited to offer practical suggestions for keeping himself safe.⁸⁶² There is no record on the file of Mr Browne responding in writing to this request. There is also no record of the Board being told about this disciplinary process.
- 6.198 **Final complaints leading to Ross Browne’s resignation:** In December 2005 and then in January 2006, the school received letters from two former students, who wrote independently, to advise that during their years of sexual education classes in 1994 and 1995, Mr Browne had encouraged students to masturbate in his presence. A disciplinary process was initiated that resulted in Mr Browne’s resignation from the school.
- 6.199 The substance of the allegation was identical to that first brought to school’s attention in 1998 when the student teachers advised that Mr Browne had confirmed he had “caught” students masturbating in his class. In 2000, when the allegation was made in the course of Staff Member TX’s disciplinary process, it was again brought to the school’s (and particularly the Board’s) attention and ignored.
- 6.200 As a consequence of receiving the letters in December 2005 and January 2006, six students, who were in either the 1994 or 1995 sexual education classes, were identified and spoken to by school and Board members and were able to corroborate the accounts.

862 Letter from D MacLean to Ross Browne recording the outcome of the investigation, 1 June 2005.

- 6.201 The Inquiry heard from one of the students interviewed. Student FY told the Inquiry that he recalled meeting with Mr MacLean, Mr Owen and other men from the Board. He told them about Mr Browne's conduct and that he had witnessed one person in class masturbating. The student was thanked and told they would handle it. He heard nothing more from the school and believed Mr Browne remained at the school.
- 6.202 Three staff members were interviewed, former headmaster Dr Wilton, Staff Member PR and Mr Owen. A subcommittee established in January 2006 investigated the complaint and reached the following interim conclusion, which the Board accepted:

To allow or encourage masturbation to occur openly in class we are of the view would constitute serious misconduct. Such encouragement would amount to a gross dereliction of duties by a teacher, especially in a senior role of trust such as a Chaplain.⁸⁶³

- 6.203 Mr Browne sought to resign, rather than be dismissed, and despite reservations by senior staff⁸⁶⁴ this was agreed to by the Board. It was agreed Mr Browne's resignation would be effective from 3 March 2006.⁸⁶⁵ Having taken legal advice, the Board's expressed rationale for this decision was that it was not criminal offending, it was of a historic nature and there was no evidence of recurrence.⁸⁶⁶
- 6.204 **Deed of Settlement:** Mr Browne and the Board entered into a negotiated settlement. As Mr Browne had resigned, rather than been dismissed, he received three month's salary in lieu of notice as well as an additional 10 weeks of sabbatical leave. He was also allowed to remain in his school-provided house for a further three months.
- 6.205 The deed imposed a strict confidentiality clause on Mr Browne, while allowing the Board absolute discretion to make any disclosures it considered necessary. This allowed it to report the matter to the Teachers' Council as well as to the Auckland bishop.

863 Subcommittee report on investigation into letters of complaint by Dilworth School old boys concerning Ross Browne, undated; letter from John Potter to Bishop of Auckland John Paterson, 6 March 2006.

864 Murray Reid statement to the Inquiry.

865 Dilworth Trust Board minutes of confidential meeting, 17 February 2006.

866 Letter from the Dilworth Trust Board chair to Bishop of Auckland John Paterson, 6 March 2006.

- 6.206 **Mandatory report to the Teachers' Council:** In May 2006, the school sent a 'mandatory report' about Mr Browne to the Teachers' Council. It was referred to the council's Complaints Assessment Committee. The outcome was the issue of a letter of censure that Mr Browne was required to present to any school he applied to for employment.
- 6.207 Mr MacLean raised his concern with the Teachers' Council that this approach would not work in circumstances where Mr Browne was working at a school on a temporary basis or in a non-teaching capacity. The matter was resolved by agreement with Mr Browne that his name would also be put on the cancelled teachers' list.⁸⁶⁷
- 6.208 **Murray Wilton's reference:** In the course of the disciplinary process, Dr Wilton prepared a document for "the purpose of placing on record a summary of the qualities which made Ross Browne a valued senior member of staff from 1980 until my retirement in 1997". The document described in glowing terms the different ways in which Mr Browne had contributed to the school and reminded the Board of the "considerable credit balance of his contribution to Dilworth over a lengthy period".⁸⁶⁸
- 6.209 **Information provided to the school community:** As had occurred when each of the previous staff members left the school for sexual misconduct reasons, the community was provided with an alternative explanation for his departure.
- 6.210 In an email to staff, Mr MacLean announced that Mr Browne "has resigned as he did not feel able to carry out the role of an energetic and active Chaplain as he would like".⁸⁶⁹
- 6.211 Later that year, in *The Dilworth Legacy*, his retirement was described in the following way:

After a tenure of twenty-six years, far exceeding the longevity of all his predecessors and of most school chaplains, Fr Ross Browne retired at the beginning of 2006. His contribution to the spiritual, pastoral and cultural life of the School was very significant. He continues his radio work and awaits the outcome of several applications for a new position in the church.⁸⁷⁰

867 Correspondence between D MacLean and the Teachers' Council, September 2006 to February 2007.

868 Murray Wilton, document addressed "To the members of the Dilworth Trust Board Re: Chaplain, Father Ross Browne".

869 Email from D MacLean to all staff and Dilworth Trust Board, 20 February 2006, from Ross Browne's personnel file.

870 M Wilton, *The Dilworth Legacy: The first one hundred years of Dilworth School 1966-2006*, Dilworth Trust Board, 2007, p 929.

Another complaint about Ian Wilson, 2010

6.212 In August 2010, a former student spoke to Mr Reid, the acting principal, in person about sexual abuse by Mr Wilson in the 1980s. Mr Reid contacted Mr Firth and was told that Mr Wilson had already been convicted after Dilworth notified the police. This advice was incorrect. It was former students, not Dilworth, who made a complaint to the police. It was also not made clear to Mr Reid that the prosecution referred to did not relate to abuse of the student who had come to see him.⁸⁷¹ Mr Reid told the Inquiry that had he appreciated that fact he would have treated this disclosure as a new complaint and contacted the police.⁸⁷²

Sexual abuse by Staff Member TS, 2011

6.213 Staff Member TS was an overseas tutor who started employment as a tutor on 1 August 2011. Concerns about TS's behaviour with students began soon after his arrival. In October, a student told another tutor that TS had invited him into the common room, which was out of bounds to students, and that TS had told him that he wanted to touch him. The tutor told the student that he would keep an eye on TS.⁸⁷³

6.214 The tutor then discovered Staff Member TS drinking alcohol in the presence of students in the common room and continued to receive other disclosures from students, including that TS had shown a student his penis. The tutor raised his concerns with other tutors but was reluctant to escalate it further at that stage. One tutor in this group described the group's general disbelief that "this could ever happen".⁸⁷⁴

6.215 He was not the only one who did not act immediately on concerns. Another tutor, in a different boarding house, told police he received a disclosure in October from another student about being invited into Staff Member TS's room and common room and being shown pornography by him. The tutor described not taking it too seriously and not wanting to make a big deal out of it. He recalled TS regularly spending time in his boarding house, which was not TS's boarding house, and that TS came over for the purpose of spending time with the students while the tutors of that house were in their common room. Another member of staff described her discomfort at seeing TS wandering around the boarding house with only a towel on.

871 It was in fact abuse that had occurred in a different era.

872 Memorandum from Murray Reid to Rob Campbell, 30 August 2010; Murray Reid statement to the Inquiry.

873 Tutor statement to external agency.

874 Another tutor, statement to external agency.

- 6.216 The tutor's handbook at that time provided that if tutors had students in their room, the tutors' common room or another closed room, this would be deemed "serious misconduct".⁸⁷⁵ Despite this policy, tutors did not consider, when they received allegations and, in some cases, observed Staff Member TS breaching this rule, that it was necessary to notify senior management.
- 6.217 It was not until the middle of November when the tutors received yet another complaint that they felt it should be escalated to senior leadership. The complaint was raised with a senior staff member, YE. TS was interviewed by staff member YE that day and accepted the complaint. TS was then taken to stay off campus, and the principal informed. Later that night, TS admitted that his offending went beyond what had been complained of by the student. Police were contacted the following morning and initiated an investigation.
- 6.218 As part of the police investigation, a second student victim was identified, and TS was charged in respect of offending against both students.
- 6.219 The Board was informed and first discussed the issue on 28 November 2011. Despite the known admission by Staff Member TS to senior leadership of his conduct going beyond propositioning, the matter is recorded as one of an "improper suggestion" having been made. Beyond noting that police had been informed, the only other matter noted in the minutes was the need to engage a lawyer to ensure the school obtained name suppression.⁸⁷⁶
- 6.220 The minutes from the next Board meeting on 19 December 2011 recorded that "affected parents" were invited to meeting at the school to outline "care arrangements". During this meeting with the parents, the principal apologised, and it is recorded that "the parents were thankful to have been kept informed".
- 6.221 **First student's experiences after disclosure (Student IO):** Student IO, the first student to disclose to the school, spent the year after the abuse at the rural campus where he was protected by the rural campus principal and recalls no reference to the abuse. When he returned to the senior campus in 2013, however, he was subjected to verbal bullying and name calling about being abused. He also discovered that the students in the senior school had been told what had happened to him and that no one was to pick on him. He told the Inquiry he was shocked to discover he had been "outed" and it had happened without him being asked whether he wanted that done. He recalled complaining about one specific bullying incident, but nothing happened as a result. He told the Inquiry of the significant impact of the bullying. He had counselling sessions at the school but does not recall being offered any external professional assistance while at school, although his mother was given forms to enable him to make application for assistance to ACC.

875 A Snodgrass first statement to the Abuse in Care Royal Commission of Inquiry.

876 Dilworth Trust Board minutes of confidential meeting, 28 November 2011.

- 6.222 UA, Student IO's mother, told the Inquiry that it took 24 hours after her son disclosed abuse for the school to tell her. He had already been interviewed by police without her knowledge, consent or support. When she questioned the delay in advising her, in another instance of the school assuming the role of the student's guardian, she was told it was an agreement reached between the school and police.
- 6.223 She wrote to Mr MacLean in January 2012 advising him of some of the early impacts of the abuse for her son and his brothers and sought reassurance that her sons were in the right place and that the school was doing all it could to address the matter. She noted that no one from the school had attempted to contact her, aside from mentioning the possibility of making an ACC claim. She also advised Mr MacLean that she was not happy about the school's response to the verbal bullying that had already occurred, and the current passive approach was not a very effective plan. She concluded by noting the "person he becomes will be shaped by how we handle it".⁸⁷⁷ Mr MacLean responded by inviting her in for a meeting. She met with Mr MacLean and another member of staff and asked what measures were going to put in place to support her son. She recalled that the school did not have a plan, but she was told her son would be "looked after like everyone else". There was no specific support plan put in place at any stage.⁸⁷⁸
- 6.224 In February 2014, the school got in contact with UA to discuss her son's behaviour. She wrote back reminding it not to forget that Student IO had been abused by someone "recruited, placed in a position of authority and trust, and paid to look after my son by the Dilworth Trust Board" and that what he needed was support.⁸⁷⁹ She told the Inquiry that during her son's time at the senior school she was aware of the bullying that followed his disclosure, but not the extent. She learned later about insensitive comments made by teachers, including one teacher who taunted him by reference to the abuse he had suffered, which a senior staff member described as unacceptable. In year 13, his final year at school, the school tried to convince her to remove her son as he wasn't doing well academically.
- 6.225 Mr MacLean told the Inquiry that under his direction the school took steps to support Student IO.⁸⁸⁰ While this may well have been done, UA does not accept that they were effective to meet IO's needs or to prevent the bullying and harassment he faced. UA's request that a specific support plan be put in place was not implemented.

877 Letter from Family Member UA to Donald MacLean, 21 January 2012.

878 Family Member UA statement to the Inquiry.

879 Letter from Family Member UA to the school, February 2014.

880 The steps identified were funding counselling in year 9, having a year at a different campus (rural campus), and continuing professional support during the rest of his schooling and after he left the school: Donald MacLean correspondence with the Inquiry, 13 July 2023. The Inquiry notes that spending a year at the rural campus was a result of being a year 9 student, rather than a specific response to his abuse.

- 6.226 UA was left with the overall impression that her son, as well as his brothers who were also at the school, were punished for speaking up.
- 6.227 **Second student's experiences after disclosure (Student DE):** It appears the meeting referred to by Mr MacLean involved only the parent of the first student. Mr MacLean told the Inquiry that he did not know about the specific instances of abuse in respect of Student DE but did not see it as being similar to that of the first student.⁸⁸¹
- 6.228 Student DE's mother said she was not invited to a meeting; nor was any apology made by the school. Her first meeting with the school came in the middle of the 2012 following receipt of a letter from the Board chair Mr Firth, indicating that the Board was postponing the decision as to whether her son could continue into year 9 due to concerns about his progress and development.⁸⁸² She said that at this meeting with Mr MacLean and Staff Member YE, there was no acknowledgment of the impact on her son of the abuse by Staff Member TS. In fact, Mr MacLean made it clear that he did not consider there was any correlation between the abuse and her son's behaviour. She said she left the meeting feeling let down, powerless and angry. The school's approach to providing any pastoral care was virtually absent. The mother was provided with details of ACC-funded counselling if her son wished to access support, but there was no offer by the school to help facilitate this.
- 6.229 **Board's approach:** The school records disclose that obtaining name suppression, and then ensuring there was no breach of the non-publication order was again the focus for the Board. In an email sent by the Board chair to Mr MacLean and the Board manager, referring to a recent New Zealand Herald article about the case, he expressed the need for "urgent advice" from their "suppression expert" lawyer and media consultant about how to ensure the suppression order wasn't breached. The email also reveals a serious mischaracterisation of the offending, "Everyone was fully briefed about this last year (although I was not expecting to see 'rape' mentioned – I must be out of touch with the present law because it used to mean without consent, even for underage people)".⁸⁸³

881 Donald MacLean Inquiry interview.

882 Family Member JD, statement to the Inquiry.

883 Email from Derek Firth to Donald MacLean and the Dilworth Trust Board's general manager, 12 February 2012.

- 6.230 The Inquiry has not been able to view the application for name suppression or the affidavit filed in support when Staff Member TS came before the court. We are advised they cannot be found.⁸⁸⁴ We have, however, been able to review the submissions filed by the school's lawyer in support of the application. These refer to the adverse effect of publication of the school's name on the education and wellbeing of students, as well as on the school's reputation. One of the grounds submitted in support of suppression of the tutor's name was that it may lead to the identification of the victims as he was only in contact with "a very small number of pupils".⁸⁸⁵
- 6.231 In response to Staff Member TS's offending and prosecution, the school conducted a review and recommended to the Board changes to recruitment and supervision practices.⁸⁸⁶ One of the changes agreed was the installation of cameras in the corridors of the junior campus boarding houses.⁸⁸⁷
- 6.232 However, rather than a new policy,⁸⁸⁸ this appears to have been a continuation of a work programme started in 2008 when security cameras were installed in the corridors of the senior campus.⁸⁸⁹ The purpose of the security cameras as confirmed in 2007 Board minutes was for the "monitoring of unauthorised movements especially during the night".⁸⁹⁰ Mr MacLean told the Inquiry that installation of cameras at the junior campus was already planned before Staff Member TS's offending came to light.⁸⁹¹
- 6.233 The school also developed a policy to cover the use of security cameras.⁸⁹² The wording of the policy makes clear it was developed to retrospectively cover the use of cameras in the senior campus,⁸⁹³ rather than to address the new installation of the cameras in the junior campus. The policy states:

884 Email correspondence between the Inquiry and Dilworth's lawyers.

885 Submissions of counsel for Dilworth School in support of application for suppression orders, 29 May 2012.

886 Mr MacLean told the Inquiry that one of the changes was that the human resources manager would interview overseas applicants by Zoom, rather than rely on a reference: Donald MacLean Inquiry interview.

887 Dilworth Trust Board minutes of a confidential Board meeting, 27 February 2012.

888 As advanced in Dilworth's response to the Abuse in Care Royal Commission of Inquiry, Dilworth School: Response to Notice to Produce No 2, Schedule A(1), 25 May 2020.

889 Dilworth Trust Board minutes, 21 April 2008 and 26 May 2008.

890 Dilworth Trust Board minutes, 29 October 2007.

891 Correspondence with the Inquiry, 13 July 2023.

892 Dilworth School, Protocols for the Use of Security Cameras, 2012.

893 The Board did not draft a protocol to cover the use of the cameras at the time of installation in the senior campus: Dilworth Trust Board minutes, 26 May 2008. The Inquiry has not been provided with any subsequent minutes that discuss the drafting of a protocol before 2012.

Security cameras operate at Dilworth Senior Campus as part of a security plan aimed at ensuring the highest levels of student safety. This plan, formulated as part of an extensive review, takes into account the requirements of safe residential care and the school's central city location. The plan involves alarms, security coded gates, regular security patrols by outside contractors and comprehensive supervision operated by the House Staff.

- Security cameras are located in the boarding houses and certain outside areas at Dilworth Senior Campus to address the following security concerns.
- The possibility of intruders entering the premises and compromising students' physical and emotional safety.
- The possibility of 'on site' staff and family's safety being compromised by intruders, particularly at weekends.
- The possibility of intruders entering the premises and removing students' property.
- The possibility of harassment compromising the physical and emotional safety of students.
- The possibility of a student removing another student's property.
- The possibility of wilful property damage going undetected.
- The frequency with which outsiders use parts of the school, especially the cloisters, as a thoroughfare.

As the students' home it is important that boarding houses are not 'fortified' with heavily locked and alarmed doors. Within the Dilworth context cameras are considered to be a less physically intrusive security measure than more alarms and security doors/gates. Because there are large periods of time when the students are not in the Boarding Houses, continuously recording cameras are not used. Sensors are activated by movement and the cameras only record for short periods of time.

- 6.234 We assume the policy was communicated in its original form to staff because it is marked "Confidential to Dilworth Staff Members". We have not received any information that shows whether or in what form the policy was communicated to students and families.

- 6.235 Of the seven justifications provided by the school in the policy, the predominant theme is protection from “intruders” and “outsiders”. There is one oblique reference to “the possibility of harassment compromising the physical and emotional safety of students”, but not one specific reference to protection of students from physical or sexual abuse by staff or other students. Despite part of the impetus for the development of the policy being a response to Staff Member TS’s offending, this was a notable omission. In our view, this is yet another example of the Board keeping tight control on the narrative in response to issues of abuse.

Keith Dixon, 2012

- 6.236 Mr Keith Dixon’s abuse was brought back under the spotlight in 2012 when former student, Student BV, contacted the school and subsequently made a police complaint about the abuse he suffered in the early 1970s.
- 6.237 Contact was made to the school initially by his lawyer and led to Mr Firth, on behalf of the Board, replying in part:

You will appreciate that one has to be very careful about historical complaints because:

- Many cannot be authenticated because of the passage of time
- We are informed that a relatively high proportion tend to be made late as an excuse for difficulties which have arisen in the person’s life – this is not to say that the abuse did not occur
- We are informed that a number of late complaints are motivated by an intention to seek Accident Compensation.⁸⁹⁴

- 6.238 The letter also made clear there would no question of payment of any kind being made to Student BV.
- 6.239 The letter was obtained by the media and published. It led to public criticism of the school’s response by representatives of victim advocacy groups.

⁸⁹⁴ Letter from Derek Firth to Student BV’s lawyer, 15 January 2013.

- 6.240 It also caused another former student to write to express his concern at the school's handling of the complaint after reading the media coverage. In response, Mr Firth described the letter from Student BV's lawyer as a "bolt out of the blue" and appears to justify his "defensive" response on the basis they could not find any record of an assault, or complaint, in the school records.⁸⁹⁵ Given the number of historic complaints of sexual abuse Mr Firth had dealt with over the course of his time as a trustee, and his understanding of the paucity of records made, or at least kept, by the school, this explanation is unconvincing.
- 6.241 Mr Dixon was prosecuted and pleaded guilty to the charges he faced in respect of Student BV. The school's response was again to seek a non-publication order and advice from their media advisor of the time.⁸⁹⁶ In support of the application for a non-publication order, an affidavit was sworn by Mr MacLean. The affidavit asserts:

[11] I consider that publication of the name of Dilworth in relation to the offending by Mr Dixon would compromise the safe and secure culture of the school and its pupils, many of whom are as young as nine or ten years of age. For example, some of the more vulnerable pupils may consider that there is the risk of such harm at present. There would inevitably be discussions between pupils about the offending. This would be distracting to the pupils at the very least. I consider such discussion would not be an appropriate topic of discussion for pupils. *There may be unwarranted speculation that the offending covered a wider period than is the case or that more pupils were involved.* There may also be teasing of the pupils by the students of other schools. In short, I consider that the education of the pupils will be compromised by publication ...

[15] I am also concerned that the reputation of Dilworth will be detrimentally impacted upon by publication. Dilworth has been providing free education to underprivileged boys since 1906. In that time, it has built up an excellent reputation. That a sex offender had been in the employ of the school is something that I consider will inevitably adversely impact on the reputation of the school even though the offending was historical. Despite the fact that the school has for some years had rigorous background checks in place in relation to its employment policy, I consider the reputation of the school will be tarnished by the publication of the name of the school.

895 Response letter by Derek Firth, May 2014.

896 Various correspondence and Dilworth Trust Board minutes on file.

[16] The offending took place over forty years ago and the circumstances of the school and society today, are entirely different from that era. I consider it would be of considerable detriment to Dilworth, its pupils and their parents for this matter to be published so long after the event. [Emphasis added]

- 6.242 When asked about this affidavit, and in particular the basis for the emphasised sentence, Mr MacLean told the Inquiry the school lawyer drafted the letter and that he was reliant on the information he had been provided and had no other personal knowledge. He was unaware of other potential victims.
- 6.243 Mr Dixon was one of the former staff charged again as a result of Operation Beverly in relation to three additional complainants.⁸⁹⁷ He died before these charges could be determined.⁸⁹⁸

Staff Member SV, 2018

- 6.244 In 2018, Student DC contacted the general manager of the Board and disclosed an incident of abuse by Staff Member SV, a tutor. The general manager made enquiries of Mr Owen to ascertain details of SV's employment and advised he would look at SV's personnel file to see if there were any other records of similar complaints. He also suggested DC contact Mr Owen in his capacity as president of the Old Boys' Benevolent Trust to access some counselling.⁸⁹⁹ The general manager followed up with DC, but DC said he did not want to do anything further with his complaint at that time.⁹⁰⁰ The student re-initiated contact in February 2020 because of the distress he was experiencing from embarking on the counselling process and the emerging of previously suppressed memories. Although he was already engaged with the Listening Service,⁹⁰¹ the student was encouraged to talk to Dr Fred Seymour.⁹⁰² He was also advised of the possibility of engaging with both ACC and the Abuse in Care Royal Commission of Inquiry.

897 The Inquiry is aware of a further six students who were abused by Dixon

898 Confirmed in Court Minute dated 25 October 2022

899 Correspondence with DC, August 2018.

900 General manager, diary note, 18 September 2018.

901 A service established by Dilworth providing and paying for psychological therapy by an independent clinical psychologist.

902 As part of the Listening Service

Student DY contacts Dilworth, 2018

- 6.245 In March 2018, Student DY contacted the school, spoke with the Board's general manager and disclosed incidents of abuse by Mr Taylor and Mr Wilson. The following month he prepared and submitted a report to the Board outlining in more detail his experiences at Dilworth and suggested questions the Board needed to ask itself, particularly concerning identifying unknown perpetrators and victims. DY also identified principles he considered the Board needed to be guided by in developing its response to historical abuse, in particular that institutions should work with survivors on the resolution of historical abuse. He indicated his willingness to work collaboratively with the Board on its response. DY's report was later described by the general manager as "largely the catalyst for the actions we have taken in addressing the issue of abuse at Dilworth".⁹⁰³
- 6.246 In May 2018, Mr Aaron Snodgrass became chair of the Board and, as he told the Royal Commission, he received from the previous chair several documents that documented the school's knowledge of the abuse, and he shared these with the Board.⁹⁰⁴
- 6.247 The Board met on 28 May 2018 to discuss historical abuse. A record of that meeting confirms the Board held confidential files on 14 known perpetrators of abuse who were either teachers, tutors or people in positions of authority at the school. A decision was made to review all the files held by the school in relation to historical abuse. The Board also agreed to meet with Student DY to hear from him about his personal experiences and how to approach the issue of responding to abuse more generally. This meeting did not occur until the following year, on 26 August 2019, and an apology was made.
- 6.248 Dilworth told the Inquiry it believes it dealt sensitively and comprehensively with Student DY by meeting him, allowing him to read a copy of its draft paper on child sexual abuse, providing a full Board apology and listening to his suggestions. Unfortunately, DY does not see the experience in the same light, although he has acknowledged the professionalism and sensitivity shown to him by the general manager and the positive impact of the genuine apology given to him by the chair of the Board.⁹⁰⁵

903 General manager, Student DY board visit, report prepared in advance of Dilworth Trust Board meeting on 26 August 2019.

904 Abuse in Care Royal Commission of Inquiry hearing, 20 October 2022.

905 Student DY statement to external agency.

- 6.249 Student DY remains concerned that his proposals were devalued by the Board. It had been his intention to work closely with the Board so it could utilise his views and experiences as it developed its strategies to deal with the school's extensive history of child sexual abuse. Valuable suggestions made by him as a representative of survivors about how to deal sensitively with them were overlooked and ignored. He felt under intense pressure when, immediately before the Board meeting, he was given a draft paper prepared for the Board on protocols for dealing with child sexual abuse but not allowed to take time away from the Board offices to study it. He described the experience as being akin to sitting an exam. When he asked that some terminology be altered to meet survivors' sensitivities and perceptions, this was refused in favour of the Board expert's advice that was to him, completely inappropriate. He formed the view from this meeting with the Board's consultant, that the Board has no conception of the value of collaboration and that his offer to work collaboratively with the Board to help it understand and resolve survivors' concerns was dismissed. This has added to his trauma and forced him to take other actions to help protect and support other survivors.
- 6.250 In 2018, the Board started to focus on what steps were needed to respond to the growing awareness of the extent of historical abuse at the school. One of those steps was to engage the assistance of a clinical psychologist with expertise in sexual abuse to review the files and further develop the school's Child Protection Policy (see further analysis of this policy development in chapter 10). The school also reviewed its physical environment and developed an education programme for students, staff, parents and caregivers on abuse. The school described the focus of this programme as to ensure "boys could identify inappropriate abusive behaviour and discuss it with an appropriate adult".⁹⁰⁶

Inquiry assessment of the nature and extent of abuse

Former students' accounts

- 6.251 As in previous eras, the Inquirers had no difficulty in accepting the accounts of former students spoken to as credible and compelling.
- 6.252 While the school environment was not as harsh as in previous eras, and students suffered less physical abuse at the hands of staff, there was still an overwhelming sense of isolation reported by those who spoke to the Inquiry, especially for those students who were bullied.

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

Serious physical abuse

6.253 We find there were instances of serious physical abuse in this era, in the form of serious bullying. Though fewer than in the earlier eras, the accounts were disturbing, could not be called isolated and have had a life-long, detrimental impact on the recipients.

Sexual abuse

- 6.254 We find there was extensive sexual abuse by Mr Browne, a senior staff member who abused his position as chaplain and had unchecked power in the school community. There were also disturbing sexual assaults and abuse by schoolboys, often directed towards students perceived to be different from the mainstream or who were homosexual.
- 6.255 The police prosecutions of two staff members for sexual abuse and predation while employed at Dilworth during this era and a review of Dilworth reports, records and other documentation provide strong confirmation that the former students' accounts are credible.
- 6.256 The number of staff who sexually offended was much lower than in previous eras but the persistent and abusive behaviour of students towards students who were different remained similar.
- 6.257 Mr MacLean told the Inquiry that to his knowledge, there was no massage table in the anteroom connected to Mr Browne's office when he took over. However, that is to some degree inconsistent with the multiple student accounts. The Inquiry considers, given the detail and number of student accounts, it is evident Mr Browne continued to massage and abuse students throughout his remaining time at the school, including during the nine years that Mr MacLean was headmaster.
- 6.258 As with abuse by staff, student-on-student sexual abuse had serious consequences for the survivors, who were usually as seriously affected as those abused by men in positions of trust within the school. Schoolboy abusers were themselves immature and possibly victims of grooming or sexual abuse by adults at the school.

Donald MacLean and Derek Firth – response

- 6.259 Mr MacLean told the Inquiry he is appalled by the reported abuses in the draft report and struggles to recognise the school being depicted in the examples of abuse and bullying provided. He acknowledges the serious and tragic effects of such abuse and is devastated that the policies and practices in place while he was principal ultimately failed to protect some students. With the benefit of hindsight, he acknowledges there must have been more that could have been done to prevent such abuse occurring and that students must be better protected.⁹⁰⁷
- 6.260 Mr Firth told the Inquiry that he bitterly regrets the abuse and the impact on the victims. He believes everyone connected with Dilworth has been devastated by it.⁹⁰⁸

School response to complaints

- 6.261 Aspects of the school's response to disclosures or complaints of abuse improved markedly during Mr MacLean's tenure. Some of the improvements were directly related to legislative changes (for example, mandatory reporting to the Teachers' Council) and some to policy work undertaken by the school leadership (for example, following Staff Member TS's offending). However, there remained some failures.

Ross Browne

- 6.262 It is apparent that the school leadership had increasing concerns about Mr Browne's behaviour and influence within the school during this era. Some of his activities came under greater scrutiny and some were curbed. Mr MacLean says he instigated what he has described as a "very thorough 360 review of Browne", and noted no allegations of abuse emerged from that process. However, given the review process involved feedback from staff, rather than students, that is perhaps unsurprising.
- 6.263 Mr MacLean told the Inquiry, based on legal advice the Board had received, the Board instructed him that the school required a specific complaint before an investigation could be undertaken into Mr Browne's conduct.⁹⁰⁹ This approach meant that widespread, persistent rumours and expressions of unease about Mr Browne's behaviour from many quarters, including from the staff member in the pastoral care team, were not actioned, in favour of waiting for a specific complaint of abuse.

907 D MacLean correspondence to the Inquiry dated 13 July 2023.

908 D Firth, statement to the Inquiry.

909 Donald MacLean correspondence with the Inquiry, 13 July and 31 July 2023.

- 6.264 We make several comments about this approach. Waiting for a specific complaint, demonstrates a failure to appreciate the context in which sexual abuse of children in schools occurs and the school's responsibilities to its students. In itself, this is a failure of school leadership and governance.
- 6.265 The allegations of underage students engaging in sexual activity with the knowledge, and possible support, of Mr Browne, as outlined in the first letter written by Mr MacLean's staff member in August 2001, went beyond "rumours" and amounted to the necessary "complaint". The allegations should have raised significant concerns about unsafe behaviour.⁹¹⁰ The concerns raised required further investigation by senior leadership especially when the school was in loco parentis ("in the place of a parent").
- 6.266 The letters were received after the school had been made aware of the student teachers' account that Mr Browne had confirmed students had been masturbating in his class, accounts that had not been investigated in 1998. They were also after serious allegations against Mr Browne had been raised in the disciplinary process involving Staff Member TX in 2000. Again, these allegations were ignored. When the second letter was received from a member of the pastoral care team in January 2002, there was more than enough information for the school and the Board to have implemented an investigation. If a properly supported investigation, using an external investigator with expertise in sexual complaints, had been undertaken when the concerns were raised in 1998, 2000, 2001 and again in 2002, then there would have been an opportunity to uncover the more serious abuse being carried out by Mr Browne.
- 6.267 There was a further opportunity in 2005 and 2006 to uncover the extent of the abuse perpetrated by Mr Browne and to protect and provide students with care and support. Establishing an investigation led by those with expertise in the field of child sexual abuse, instead of one conducted internally by those with little or no experience in this field, may well have identified Mr Browne's sustained abuse, and led to a police referral and reporting to the church. Reporting his abuse would have demonstrated that the Board had the students' welfare and interests at the forefront.
- 6.268 When one former student met with Mr MacLean in 2018 to disclose abuse by Mr Browne, although Mr MacLean recalls encouraging him to report the abuse to the police, the student got the impression he was being discouraged from making a formal complaint.⁹¹¹

910 The Inquiry notes that the Board's consultant psychologist, Dr Blackwell, was also of the view that the concerns of the member of the pastoral care team should have been addressed by school management or leadership.

911 Student EU statement to the Inquiry.

- 6.269 The Board's decision to treat Staff Member TX's allegations as not requiring investigation demonstrates a cavalier attitude towards the protection of its own students. Had it made even the most superficial enquiries, the Board would have discovered that the allegations could be substantiated. It took five more years before Mr Browne was required to leave the school and over 10 for the other staff member. In the interim, other students were abused by Mr Browne and students could have been at risk from Staff Member TU.
- 6.270 We find the school leadership and principal failed to protect students from ongoing harm by not investigating and closely monitoring Mr Browne's interactions with students following persistent ongoing expressions of unease and concerns reported by many, including a member of the pastoral team.
- 6.271 It was wrong for the Board to conclude, during Mr Browne's disciplinary process in 2006, that he should be permitted to resign. It was wrong in the absence of enquiries of students to conclude that complaints were historical. It ignored persistent rumours and complaints and failed to discover the extent of Mr Browne's offending. It was wrong to resist reporting to the police. When considering Mr Browne's employment in 2006, the school and the Board, even armed with legal advice, were not qualified to decide that Mr Browne's clearly criminal behaviour could be dealt with only as an employment matter. Had Mr Browne been reported to the police, a proper criminal investigation would have followed, and survivors given the support they needed then, rather than 13 years after his resignation. The school did not consider that the wider school community, or even an affected group of former students and their whānau, had the right to know the truth behind Mr Browne's departure.
- 6.272 The decision not to provide the community with the real reason coupled with the decision not to report the matter to police, created yet another missed opportunity for Mr Browne's undetected victims within the student body at that time, as well as in the community of former students, to come forward and get support.

Inconsistent treatment of students engaging in sexual behaviour

- 6.273 The school's referral of a student who was encouraged by Mr Browne to have sex with another student who was a year younger (and underage) to a programme for those who display harmful or concerning sexual behaviour was difficult to comprehend and damaging for the student concerned. He was a victim of Mr Browne and did not fit the category. In contrast, the older student who abused Student HV and against whom HV specifically made a complaint was sent to external counselling. Student BY, against whom a complaint had not been made, should have been referred to private sessions with a psychologist to address any counselling and treatment needs he and the school felt he needed. The inconsistent treatment of two students both of whom had sex with younger students suggests a lack of any considered policy or principle about what to do in these situations. While the school points out that no punishment was intended in the referral to the SAFE programme, it was perceived that way, and in fact resulted in further damage to BY.

School handling of fallout from Student IL's disclosure in Group Life Laboratory

- 6.274 The practice of eliciting disclosures of sexual abuse students were experiencing at the school (whether by staff or peers) and then leaving it to the student to determine whether he wanted to make a complaint was dangerous and seriously misguided. It unfairly placed an enormous burden on a young student who had already been through a traumatic experience. The decision not to inform Student IL's parents in a timely way about the abuse he had reported, was a significant failure. The management of the consequential bullying and IL's seriously deteriorating mental condition, was inconsistent with the advice that his parents be involved, given by those who were consulted about his care. This failure is compounded by the subsequent stance taken by the school to defend its position rather than accept fault.
- 6.275 The school failed to provide adequate care for Student IL and his parents, and the outcome was a serious deterioration in the student's mental health. On anyone's interpretation, including Mr Browne's own, it was certainly incorrect to refer to Mr Browne as providing "expert counselling".⁹¹² In spite of Mr Browne's lack of counselling qualifications and concerns about his interactions with students, the school told IL's parents he had been an appropriate person for this seriously affected student to be assisted by.
- 6.276 Nor were any serious attempts made by the school to stop the bullying of Student IL, continuing across the Wilton and MacLean eras. In the Wilton era, there was abject failure to develop policies to eliminate bullying and harassment. In MacLean's era, there was serious failure to properly implement newly developed policies to eliminate bullying.
- 6.277 The school failed in pastoral care duties to its students in two further ways. Although a review process was specifically provided for in its policy documentation in 2000,⁹¹³ there is no evidence of any review by the school leadership of the Student IL case to ensure the same mistakes did not occur again. More significantly, knowing the harm was attributable to the GLL process of eliciting highly sensitive disclosures, the school did not immediately stop the GLL camps, but allowed them to continue for six years after the date of disclosure by Student IL.⁹¹⁴

912 It is noted that Mr Browne, in the undated memorandum to the principal, observed that what he was providing to Student IL "could not really be understood as 'Counselling' in the formal sense of the word".

913 Dilworth School, School Policy, 2000, cl 1.8. We record Mr MacLean's response that school policies are reviewed every three years by ERO. The Inquiry notes that the process is that the Board is required to complete a self-audit checklist in which it declares whether it has, since the last ERO report, reviewed the relevant policies. ERO does not necessarily review the specific policy contents.

914 School documents indicate that the last GLL camp was in June 2002, with the one prior in March 2001.

Staff Member TU

- 6.278 Mr Firth's belief there was no inappropriate behaviour when a teacher engaged in sexual activity on a school trip with a student who had just completed the final school year the month before shows a failure to comprehend his vulnerability and the imbalance of power between a teacher and very recent student. Further, the decision to take no action against the teacher shows a failure to understand that the teacher's behaviour might indicate a risk to current students and needed investigation.

Staff Member TS

- 6.279 Though junior staff delayed passing it on, the school acted commendably rapidly once it received a complaint about Staff Member TS. He was removed from the school within hours and reported to the police. These actions are fully in line with the school's pastoral responsibilities to its students. However, the school's approach to providing pastoral care to both students who were abused and their whānau was seriously deficient. Student IO's mother describes unsuccessful attempts to have the school implement a proper plan to assist her son following disclosure of the abuse and to address the bullying that followed. Student DE's mother had no communication from the school and was given no information about her son's experience. The first she learned of it was following her son's police interview when the police officer outlined his account. Both mothers were left to organise external counselling for their sons.
- 6.280 The failure of the school to take into account the potential impact of the abuse when each student's progress and future at the school was being considered in the years that followed, demonstrated a lack of understanding and care on the part of the senior leadership.
- 6.281 The Inquiry does not know what evidence the chair was relying on to suggest criminal sexual offending by the tutor involved "consent" by the student, but considers the statement demonstrates a failure to understand the dynamics involved in the sexual abuse of children by adults and its impacts. The same ignorance was seen in Dr Wilton's description of Staff Member RZ's abuse as a "lovers' tiff". For too long, given the extensive material prepared and disseminated by the state education authorities, the school and Board leadership were out of touch with contemporary knowledge and understanding in this area.
- 6.282 Whilst it is clear from Dilworth's response to the Royal Commission,⁹¹⁵ that the security camera policy was a direct response to Staff Member TS's offending, the school, with the benefit of suppression orders in favour of the school and TS, was able to articulate the policy change in general and potentially misleading terms, without specific reference to sexual abuse by staff.

⁹¹⁵ Dilworth School: Response to Notice to Produce No 2, Schedule A(1) and Schedule A(2)(a) which references the confidential minute of the Dilworth Trust Board, 27 February 2012.

Name suppression applications, Staff Member TS and Keith Dixon

- 6.283 The factual basis for the legal submissions filed with the court were inaccurate, bordering on selective. In particular, reference is made to the submission that Staff Member TS was in contact with only “a very small number of pupils”. The boarding houses each housed 48 students. Several members of staff spoke of TS’s repeated night-time visits and close contact with students in another boarding house. This conduct had been raised with the housemaster concerned, and TS had been told to stop the evening visits with the students of that house. Given his contact with the students of two boarding houses, the submission that because contact was limited to a “very small number of pupils” publication may lead to the identification of the victims, lacked the necessary factual foundation to justify its being made.⁹¹⁶
- 6.284 The affidavit prepared in support of the application for name suppression for Mr Dixon is also deeply concerning. In making it, the school knew it was not dealing with an isolated and historic issue as the affidavit implies. TS had been before the court for sexual offending two years earlier, and Mr Browne had been removed following a long history of complaints about his inappropriate conduct. The school was also aware of Mr Dixon’s previous criminal history for similar offending and that Student BV had named other students who he believed may also have been abused by Mr Dixon.⁹¹⁷ The school must have appreciated there was at least a reasonable possibility that Mr Dixon’s offending at Dilworth was greater than the charges indicated given their experience in dealing with previous staff members accused of sexual abuse.

916 Dilworth’s submissions in support of name suppression application, 29 May 2012.

917 Letter from Student BV’s lawyer to Dilworth School, 19 December 2012.

Reputational priorities

- 6.285 There was a deep-seated failure in the school and Board leadership to engage with the significance and extent of the sexual abuse problem in the school. The overriding concern throughout this period appears to us to have been to prioritise the school's reputation and finances. The reputational focus is demonstrated by the Board's failure to inform the school community, the school's routine applications for non-publication orders when the Board knew it was not dealing with isolated cases, and its failure to report Mr Browne to the police. A financial prioritisation was conceded by the then Board chair as being a motivating factor in how historical complaints were handled. All these omissions resulted in ongoing harm for students and, ultimately, far greater damage to the school's reputation.
- 6.286 Preferring to treat each complaint as an isolated case and as the full picture of a staff member's abuse was a short-sighted approach that led to the major scandal now engulfing the school. The Board cannot claim ignorance of its pastoral care obligations. It had its own legal advice from 1994 that it should consider the possibility of undetected victims, as well as evolving guidance from the Department of Education. The most egregious example of this abrogation of its responsibilities in this period to the children in its care was allowing complaints, rumours and indications of abuse-related behaviour about Mr Browne to go unchecked.
- 6.287 The Inquiry finds the Board failed Dilworth students and their families by not:
- referring the complaints about Mr Browne to police and checking whether there were other children affected by his or other staff members' offending
 - providing adequate and ongoing support and care for abused students
 - advising the school community honestly of the reasons for staff resignations and new security arrangements so parents could advise their children how to protect themselves against unwanted sexual behaviour and decide whether Dilworth remained a safe and trusted school for their children to attend
 - understanding or seeking advice about the reasons for such widespread and lengthy offending against children in the Board's care so as to put in place protective measures
 - prioritising student welfare over protection of the school reputation and finances.

Inquiry observations of the Anglican church's handling of Ross Browne

- 6.288 Two bishops were involved in responding to complaints about Mr Browne's conduct at Dilworth:
- John Paterson, Bishop of Auckland 1994–2010
 - Ross Bay, Bishop of Auckland, 2010 – present day.
- 6.289 In earlier paragraphs, we described Bishop Paterson's response to the 2003 complaint about Mr Browne. The Bishop told the Inquiry he has no recollection of being told about the complaints raised by students about Mr Browne in May 2005.
- 6.290 In December 2005, when allegations of Mr Browne having encouraged students in his classes to masturbate emerged, Mr MacLean advised the church that an investigation was under way. In February, Mr MacLean reported on the outcome, and a few days later the bishop spoke with Mr Browne.⁹¹⁸
- 6.291 On 6 March 2006, the Board chair, Mr Potter, wrote to Bishop Paterson describing the school's investigation into Mr Browne's conduct and its outcome.⁹¹⁹ He explained that the school allowed Mr Browne to resign because of legal advice that his conduct was not of a criminal nature, that it had taken place "some time ago" and "did not appear to have been repeated since".⁹²⁰
- 6.292 The letter included the letters of complaint from former students and the report of the school's subcommittee appointed to investigate the allegations and Mr Browne's responses.

918 Report to the Anglican Diocese of Auckland on matters arising from the ministry appointments of Ross Browne, 28 April 2022, para 2.6.

919 Letter from John Potter to Bishop of Auckland John Paterson, 6 March 2006. Mr Potter wrote, "This investigation was necessary following complaints received from former students of Dilworth relating to alleged incidents in Ross Browne's classroom in 1993 and 1994, which, if true, amounted to unprofessional conduct, as well as dereliction of duty on the part of someone in a responsible position with young people".

920 Letter from John Potter to Bishop of Auckland John Paterson, 6 March 2006.

6.293 Bishop Paterson provided evidence to a 2022 inquiry commissioned by the Diocese of Auckland into the church's actions following Mr Browne's departure from Dilworth (the 2022 church Inquiry).⁹²¹ The Bishop's actions were described as follows:⁹²²

On 9 March 2006, having received the letter of 6 March from the Chairman of the [Board], Bishop John met with Mr Browne. Mr Browne was accompanied by his wife who chose to remain.

Bishop John delivered an oral reprimand but concluded the meeting by advising Mr Browne that he remained a priest in good standing. The reprimand was not administered pursuant to any formal process. It was not the admonition which may be delivered as one of the formal outcomes where misconduct has been established. Mr Browne was reprimanded by Bishop John as part of the pastoral relationship existing between bishop and priest.

Bishop John's advice to Mr Browne that he remained a priest in good standing was similarly proffered as part of the pastoral relationship. It would have conveyed clearly to Mr Browne, however, that he would continue to be eligible for appointments within the church.

The term "priest in good standing" is found in the schedule to Canon VI Title D. It is the operative part of the prescribed form of Letters Testimonial which is requested when a bishop, ordained minister or lay person seeks or is proposed for appointment to any office.

The proposed appointee requests the Bishop of any Diocese where he or she has previously served to forward Letters Testimonial to the licensing Bishop for the sought or proposed appointment. In advising Mr Browne that he remained a priest in good standing, Bishop John was making it clear that his misconduct at Dilworth would not stand in the way of appointment to offices in the church.

Bishop John's decision in that regard was based on his view that what Mr Browne had done was unlikely to be repeated. In reaching that judgment he took into account the time that had elapsed since the incidents had occurred and the assurance Mr Browne had given him that there had been no further incidents of that nature.

921 The 2022 church inquiry was limited to an examination of questions as to what was known by Bishop Paterson when he appointed Mr Browne as the vicar of Manurewa, and Bishop Bay's actions and the basis for them when he became aware of allegations about Mr Browne and the reason for his leaving Dilworth.

922 Report to the Anglican Diocese of Auckland on matters arising from the ministry appointments of Ross Browne, 28 April 2022, paras 3.1 – 3.6.

- 6.294 He assessed the conduct that led to Mr Browne’s resignation as “isolated incidents unlikely to be repeated”. Having made the decision to treat Mr Browne as a priest in good standing, Bishop Paterson supported his attempts to secure a position in the church. Following Mr Browne’s resignation, the church received a complaint from JW and KJ, the mother and stepfather of a former Dilworth student, Student BY, who was also interviewed by the Inquiry. The stepfather said he was “really angry at how Browne’s departure had been managed”.⁹²³ He rang and spoke to someone from the church office about it. He said the person from the church, who he thought was the Bishop, told him Browne left for medical reasons and wouldn’t discuss what had happened to their son because that was not church business. The mother recalls the speaker gave an assurance that Mr Browne would no longer have “anything to do with children.”⁹²⁴ No record of this call appears to have been kept by the church, and later enquiries could not find anyone in the office of the Auckland diocese who recalled speaking with KJ.⁹²⁵
- 6.295 KJ told the Inquiry that the church did not advise him of his right to lay a complaint against Mr Browne using the church’s Title D process.⁹²⁶
- 6.296 Subsequently, the church helped Mr Browne secure positions as priest in charge at the parish of Bombay–Pokeno (2007–2008) and as vicar of the parish in Manurewa (2008–2020). The Bishop told the 2022 church Inquiry that a factor in his decision to appoint Mr Browne to priest in charge, was Mr Owen’s support of Mr Browne. By then, Mr Owen was himself an ordained priest. According to the 2022 church Inquiry, Mr Owen’s endorsement of Mr Browne was taken as fairly strong affirmation that what happened at Dilworth “was a school-related issue and not a parish related problem”⁹²⁷. Mr Owen was not interviewed as part of the 2022 church Inquiry but says while he did support the application, he was not involved in Mr Browne’s disciplinary process and did not know the full detail of Mr Browne’s misconduct at Dilworth.⁹²⁸ The terms of Mr Browne’s resignation were confidential and not disclosed to Owen.

923 Family Member KJ statement to the Inquiry.

924 Family Member JW statement to the Inquiry.

925 Report to the Anglican Diocese of Auckland on matters arising from the ministry appointments of Ross Browne, 28 April 2022, para 6.6.

926 Family Member KJ communication to the Inquiry, 6 May 2023.

927 Report to the Anglican Diocese of Auckland on matters arising from the ministry appointments of Ross Browne, 28 April 2022, para 4.3.

928 Bruce Owen statement to the Inquiry, 18 May 2023.

- 6.297 A former senior member of the Bombay–Pokeno parish told the Inquiry they were never told by the church about Mr Browne’s past, and had they known there was “no way” they would have supported Mr Browne’s appointment. In his role, he took regular services at which children and adolescents were present. This person was “appalled” to learn that the church appointed him priest in charge despite what it knew of his conduct at Dilworth and believed the church had preferred Mr Browne’s denials over the testimony of vulnerable students. The bishop needed to “hold the difficult task” of caring for both his priest and the students, now adult men. They asked “in what universe was it acceptable for a teacher to allow actual or simulated masturbation in a classroom and not stop it”.⁹²⁹
- 6.298 The Manurewa parish committee overseeing the appointment of a vicar had asked the Bishop about Mr Browne’s resignation from Dilworth and been told it was a “case of discipline at the school”, that the police had not been involved and that Mr Browne had been at the school for too long.⁹³⁰ The Bishop explained to the 2022 church Inquiry that he had not disclosed all he knew because he was conscious Mr Browne had signed a confidentiality agreement about which the Bishop had to be very careful and he was concerned about damage to the school’s reputation. He was conscious of his pastoral obligations to support Mr Browne and noted that disclosure would have been fatal to his prospects of appointment as the vicar of the Manurewa parish.⁹³¹ The Bishop did require Mr Browne to undergo monthly professional supervision once he became vicar of Manurewa and did this as “a sense of general caution”.⁹³²
- 6.299 We are aware that the following comments are not strictly relevant to Dilworth and they are not required within the Inquiry’s terms of reference. When meeting representatives of the church, however, we were urged to provide it with as much assistance as possible as it works to improve the ambiguous relationship between school and church in the appointment and supervision of Dilworth chaplains.

929 Church representative SM statement to the Inquiry.

930 Report to the Anglican Diocese of Auckland on matters arising from the ministry appointments of Ross Browne, 28 April 2022, para 4.6.

931 Report to the Anglican Diocese, 28 April 2022, para 4.7.

932 Report to the Anglican Diocese, 28 April 2022, para 5.6.

6.300 Out of respect, also for the several people who registered concerns with this Inquiry about the church's handling of Mr Browne's licensing and employment after he left Dilworth, we make the following observations in the hope they will provide future guidance to the church in its handling of these types of complaints:

- Given its separate and independent role of licensing chaplains, the church should have conducted its own investigation instead of relying on the school's inquiry and made its own independent assessment of the need to report Mr Browne's conduct to the police.⁹³³
- The description of the 2006 allegations as "isolated incidents unlikely to be repeated" was inappropriate given the episcopal warning Mr Browne received in 2003. Browne's behaviour was not isolated.
- The church should have written to each complainant and apologised on behalf of the church (as was done for the parent who made a complaint about Mr Browne in 2003).
- The church placed its obligations to one of its licensed clergy, and its need to provide pastoral care to him, over its obligations to children and young people in its parishes. Given the vulnerability of these children and the church and community's fundamental responsibility to place their welfare at the forefront of all its activities, this is a serious failure, not excused by a non-disclosure agreement. It is vital the church reorients itself in all future handling of sexual abuse claims to take account of its dual obligations.
- The complaint by KJ should have been recorded, investigated and records retained. KJ should have been told of his right to make a Title D complaint under the church's procedures. These were additional allegations to those resulting from Mr Browne's resignation and would have given the church a fuller picture of Mr Browne's risk to its parishioners after Dilworth.
- While the parish subcommittees may not have been entitled to see documentation concerning Dilworth's handling of Mr Browne's resignation, it should have been told the truth as to the reason for his departure from the school, even if that would have been fatal to his employment prospects. The committees had a right to make their own decisions as to how to protect the children and young people in their parishes.

⁹³³ Letter from the Anglican church to the Inquiry, 21 July 2023. Bishop Bay has said that the one thing that has been learned is that the church must conduct its own investigation and come to its own assessment of a person's fitness to minister. Bishop Bay told the Inquiry that unquestionably Mr Browne's conduct breached canon law.

- 6.301 **Ongoing complaints about Browne’s later employment:** JW said that in 2013 she spoke with the new Bishop of Auckland, Ross Bay, to check Mr Browne was no longer in a pastoral position. She was horrified to learn that the new bishop did not know what she was talking about and that Mr Browne was working in a parish in Manurewa.⁹³⁴ She also provided Bishop Bay with a letter advising him formally that she was dissatisfied with the school’s handling of complaints against Mr Browne. She said Mr Browne had actively encouraged older students to interact with younger students sexually, that she had been assured by the church that Mr Browne would not have access to children and young people, and was dismayed to learn he was a parish priest.⁹³⁵
- 6.302 The Bishop consulted both the headmaster Mr MacLean, and a Queen’s Counsel, and then he responded to JW saying the school was unaware of her son’s complaint of misconduct by Mr Browne and that “the circumstances around Mr Browne’s departure from Dilworth school had been the subject of much conjecture and hearsay. As they related to Mr Browne’s employment they rightly remain confidential to Mr Browne and the School... if there was anything of a criminal nature involved that would have been reported to the appropriate authorities at the time.”⁹³⁶ JW told the Inquiry she was “totally gobsmacked and distressed” by the bishop’s response but didn’t feel she couldn’t take it further.⁹³⁷ The bishop told the Inquiry that at the time of his contact with JW in 2013 and 2014, he did check to ensure Mr Browne did not have unsupervised contact with children or young people at his Manurewa parish.⁹³⁸
- 6.303 We believe the church should have initiated an investigation on the basis of what JW had disclosed, despite the fact JW told Bishop Bay that her son did not want to complain at that stage.⁹³⁹ The issues were wider than those her son had experienced and potentially affected many other children.⁹⁴⁰ A broad enquiry without direct reference to his complaint could have been undertaken. Student BY also told the Inquiry if the church had proactively contacted him in 2013 and 2014 to offer him the option of making a formal complaint, he would have done so.⁹⁴¹

934 Family Member JW statement to the Inquiry.

935 Letter from Family Member JW to Bishop of Auckland Ross Bay, 13 December 2006.

936 Letter from Bishop of Auckland Ross Bay to Family Member JW, 17 April 2014.

937 Family Member JW statement to the Inquiry.

938 Letter from the Anglican church to the Inquiry, 21 July 2023.

939 Transcript of Bishop Bay’s interview with Rodney Hansen KC for purposes of the 2022 church Inquiry, 9 March 2022.

940 Family Member JW communication to the Inquiry, 24 July 2023.

941 Student BY communication to the Inquiry, 24 July 2023.

- 6.304 Following Mr Browne's arrest, in early 2021, Bishop Bay met with JW and apologised for how he had responded to her concerns in 2013 and 2014. The bishop said he told JW the matter could have been placed before a church tribunal when she first disclosed what she knew about Mr Browne.⁹⁴² A tribunal may have come to the same conclusions that the bishop reached in relation to the evidence but, whatever the outcome, there would have been a more transparent and objective process applied. The bishop told the Inquiry he had learned from the experience and again wished to apologise to JW for not pursuing this possible action at the time and for any resultant harm caused to her and her son Student BY.⁹⁴³
- 6.305 Again, in the interests of improving the church's future handling of complaints of sexual misdemeanours by its chaplains we make the following observations:
- When a person writes a letter disclosing allegations of serious misconduct it should be treated as a complaint. In this instance, the content was not 'conjecture', but actual information JW had received from her own son.
 - The church should have recognised that all these complaints represented a pattern of seriously inappropriate conduct by Mr Browne at Dilworth to a number of students.
 - Instead of taking the investigative steps the situation demanded, Bishop Bay seems to have accepted at face value his predecessor's 2006 response to the original investigations. The additional information in the complaint makes it clear it was wrong not to re-open the matter.
- 6.306 Bishop Bay says the church has now reformed its disciplinary process to ensure in the future a bishop would have no choice but to refer allegations, such as those made about Mr Browne by JW and KJ, to the church's Ministry Standards Commission. The commission is an independent body appointed by the church to oversee the church's ministry standards and complaints process. We acknowledge this represents a significant improvement to the process that existed when KJ and JW raised their concerns about Browne.

942 Letter from the Anglican church to the Inquiry, 21 July 2023.

943 Letter from the Anglican church to the Inquiry, 21 July 2023.