

Questions for Alan Thompson, 27.9.21

Some of the questions have been extensively dealt with in your previous questions and are a repetition.

1. Did you ever report David Mackenzie to the South African Council of Educators? If so, when did you do this? If not, why didn't you take this step considering the serious nature of the allegations?

This matter was not reported to SACE as the obligation to report arises only when a child is abused or where an employee is guilty of sexual misconduct. There was no evidence of that type of misconduct and the charges that were brought against Mackenzie were related to gross misconduct and dishonesty in the form of inappropriate behaviour and inappropriate communications between him and learners.

In addition, the relationship between Mackenzie and Kruger was fully investigated by senior officials of the South African Police Services. Thereafter a decision was taken by a State Advocate of the National Prosecuting Authority, who specialises in sexual crimes, not to prosecute for lack of evidence of any abuse, or sexual misconduct. I emphasise that the State has extensive powers to investigate, and far more than the head of any school.

2. After you became aware of Mackenzie's employment at Grey College, why did you not contact Deon Scheepers your counterpart at the Bloemfontein school?

I only became aware of Mackenzie's employment at Grey College after the South African Police Services investigation during March 2019 and the previous answer I gave to question 30 (of your initial list of questions) deals with what information could, or could not, be conveyed to anyone. College was also advised by a highly experienced senior counsel and an advocate who specialises in labour law that an employer may not contact another employer where there was no duty to report to the authorities (and especially when the other employer had not asked for a reference check).

At the outset we took a decision that we would be transparent with schools seeking references from us, and we disclosed factual information with regards to the disciplinary hearing when schools did contact us. Other schools have approached College for references, and the school shared all that it was able to. Because of the number of unsubstantiated allegations, it was advised to carefully walk the line between disclosure of that which was necessary, and defamation.

3. Apart from the disciplinary hearing Mackenzie evaded by resigning, was the school aware of other complaints regarding activity involving pupils that allegedly took place in his flat at Espin House? How did you become aware of these claims and what did you do about them?

As the complaint from Mrs McNutt and Mrs Sauer were being managed, there was concern expressed by Mr Lucas-Bull of boys ostensibly taking extra lessons and counselling with Mr Mackenzie in his Flat which is attached to Espin. He was instructed to desist and to use the library or a classroom. I also refer you to my answer to your previous question 6 and this deals comprehensively with the enquiry conducted by an independent HR consultant.

4. Was David Mackenzie's flat in Espin ever searched?

No, there was no legal, or factual, basis for doing so.

5. In your email to Graeme Lucas-Bull, in which you warn him about the "devastating effects" of sharing the content of the phone messages between Mackenzie and a pupil that he (Lucas-Bull) discovered, what was the intention of your messaging? Was it to warn or threaten Lucas-Bull?

No, it was not to threaten, or warn, Mr Lucas-Bull. College had a legal obligation to protect the privacy of the learners implicated, as a matter of contract, and as a matter of law. I had been advised by a senior counsel and our attorney that this was so, and remains so, as a matter of law. There was absolutely no reason for me to threaten Mr Lucas-Bull, or anyone else.

6. Does the school find it appropriate for a teacher to consume alcohol with pupils? If not, what sanctions have been or are currently part of policy to deal with this kind of transgression or act?

College does not find it appropriate for a teacher to consume alcohol with learners, however, this was fully dealt with in the inquiry by the independent consultant, and I have dealt with that enquiry in answer to paragraphs 6, 7, and 8 of your prior questions.

7. Does the school find it appropriate for a teacher in a boarding house to entertain children in his flat? If not, what sanctions have been or are currently part of policy to deal with this kind of transgression or act?

No, and I refer to my response above, and my answers to paragraphs 6, 7 and 8 of your previous questions.

8. Does the school find it appropriate for a teacher to have flirtatious or romantic conversations with learners? If not, what sanctions have been or are currently part of policy to deal with this kind of transgression or act?

No, and this was fully dealt with above and in answer to paragraphs 6, 7 and 8 of your prior questions.

9. Does the school find it appropriate for a teacher to have private social-media interactions with learners? If not, what sanctions have been or are currently part of policy to deal with this kind of transgression or act?

No, and this was fully dealt with above and in answer to paragraphs 6, 7 and 8 of your prior questions.

10. Do you think any of the behaviours above could play an incremental role in sexual grooming? If not, what sanctions have been or are currently part of policy to deal with this kind of transgression or act?

I have answered this line of question at paragraphs 12, 13 and 14 of your prior questions.

11. In last week's letter to the Andrean community, you mention there were two formal and two informal complaints against David Mackenzie. Is this usual, unusually low or unusually high? In hindsight, should you have taken more decisive action against Mackenzie based on these formal and informal complaints considering your responsibility to the pupils under your care?

Although I have dealt with these complaints and the procedure followed thereafter in answer to paragraphs 6 and 42 of your earlier questions, I can confirm that College does take all complaints seriously and for that reason an independent HR consultant was employed to investigate and make the necessary findings. College followed adequate process, and the facts of the matter show that when evidence did become available, of a more serious nature, within four hours, a disciplinary hearing was scheduled.

12. The SACE Code of Conduct does not regulate social media and digital communication interactions between teachers and learners. Does the absence of a SAC policy on social interactions between teachers and learners constitute a failure by the school?

In the digital era there are many class Whatsapp groups and much tuition that takes place on social media and so digital interactions do happen. If any inappropriate activity were to be reported, the appropriate action would be taken without any delay.

13. Is the school aware that there were reports that Mackenzie allowed boys to drink alcohol during a water polo development squad tour to Croatia, Serbia and Montenegro in August 2017?

No

14. Why was Mackenzie not accompanied by Graeme Lucas Bull on that trip, but rather by Scott Jackson?

Mr Jackson has accompanied many water polo trips in a managerial capacity (and indeed has just returned from one). It is not unusual at all. Incidentally, Mr Jackson has taken an active role in disciplinary matters for College, for a number of years, and is presently a Deputy Headmaster with the portfolio of discipline.

15. Did Charl Kruger inform you of alleged inappropriate behaviour by David Mackenzie?

No, at no time did Mr Kruger notify the school of Thomas' unusual behaviour at Pride Rock and the other incidents that he described in the podcast, and at no time before, or after, Thomas left College, nor when he was applying for Thomas to return, or ever since, did Mr Kruger express his concern about Mr Mackenzie. We had no access to the evidence from Thomas' cell phone until we heard it for the first time on the podcast.

16. Did Lesley McNutt inform you of alleged inappropriate behaviour by David Mackenzie?

Yes, although this was not behaviour of the sort described in the podcast. It related to a number of concerns as previously described. No evidence was provided. As indicated in my previous replies, and above, this complaint was escalated and referred to an independent HR consultant who interviewed Mrs McNutt and made a series of recommendations, which were implemented.

17. Did Jacqui Sauer (Marx) inform you of alleged inappropriate behaviour by David Mackenzie?

The answer given to paragraph 16 above is also appropriate to this question. Mrs Sauer and Mrs McNutt met the independent HR consultant before he finalised his report.

18. Did Adrian Leach inform you of alleged inappropriate behaviour by David Mackenzie?

Yes, although these were repetitions of the original complaint and described as such, emanating from discussions with other water-polo parents who knew of the original complaint, and were completely lacking in detail. Mr Leach mentioned his concern about being considered a 'snitch' and asked me to look for evidence. I agreed that if evidence came to light I would act immediately.

19. Did Graeme Lucas-Bull inform you of alleged inappropriate behaviour by David Mackenzie?

Yes, Graeme Lucas-Bull had expressed very similar concerns to the original complainants and had been in regular contact with Mr Leach in his (Mr Lucas-Bull's) capacity as a water-polo coach, and so repeated those comments with genuine concern. Graeme Lucas-Bull investigated the incident that led to Mackenzie's disciplinary process.

20. Did Gunther Marx inform you of alleged inappropriate behaviour by David Mackenzie?

Gunther Marx was involved in the independent investigation and in fact attended one of the meetings where the independent consultant where Mrs Sauer and Mrs McNutt were present. As a Deputy Headmaster of the School, was present at a number of meetings where the complaints and the Consultant's report were discussed, so he was aware of the issues and fully engaged in the conversation around them

21. Did Simon Kroon inform you of alleged inappropriate behaviour by David Mackenzie?

Simon Kroon was instrumental in the investigation that led to disciplinary charges being laid against Mackenzie.

22. Did Scott Jackson inform you of alleged inappropriate behaviour by David Mackenzie?

Not to my recollection, although he was part of the ongoing conversations with regards to the process we were following with Mrs McNutt and Mrs Sauer.

23. Did Alan Redfern inform you of alleged inappropriate behaviour by David Mackenzie?

Not to my recollection, however, Alan Redfern as a Deputy Headmaster of the School, was present at a number of meetings where the complaints and the Consultant's report were discussed, so he was aware of the issues and fully engaged in the conversation around them.

24. As of September 2021, has anyone else informed you of alleged inappropriate behaviour by David Mackenzie?

Not to my recollection, and certainly not in relation to sexual misconduct.

25. Do you regret any of your actions with regards to employing, managing or reporting (or not) of Mackenzie?

No. I emphasise that when sufficient evidence was brought to my attention I acted promptly and decisively without any delay.

26. As headmaster, do you believe you have a duty of care to the boys of College?

I have an absolute duty of care to the boys of College and take it extremely seriously.

27. As headmaster, are you confident you have done everything in your power to fulfil your duty of care to the boys of College?

Yes, for all the reasons advanced earlier.

28. Does the current crisis around Mackenzie reveal institutional failures at SAC?

Not in my view.

29. Are you confident that you are the right person to lead College through and past the current crisis?

I do.

30. Are you confident that you continue to enjoy the support of the School Governing Body?

That question should be answered by the Chairman of Council. Once all facts have emerged Council will be instituting a review of this case and that would be the most appropriate time for them to evaluate my performance in this matter.

31. During our investigation we have come across videos and personal accounts of "lashings" at the school as recent as last year, does SAC have a problem with violence? What steps are taken when violent incidents are reported?

College does not, nor has it had, in the past, a problem with violence. When incidents of violence are reported disciplinary steps are taken immediately and this recently resulted in the expulsion of a learner. His parents challenged the expulsion in the Grahamstown High Court. CASE NO: 2813/2020 ADRIAN LEACH and ST ANDREW'S COLLEGE SCHOOL, delivered on 20 January 2021 A copy of this judgement is available on request.

At that time a video clip emerged showing a fight taking place in a dormitory. I met with the boys and their parents and instituted a restorative process. The Chaplain and the School Psychologist used this incident to conduct anti-bullying forums in the houses.

32. Considering the nature of water polo, which sees coaches in very intimate or close contact with pupils, will you assess how water polo is coached and how you assess the suitability of potential coaches to ensure the safety of children at all times?

Although water-polo has been in the spotlight we have a duty to assess suitability of all candidates in all roles in schools, because this sort of incident could happen anywhere. To single out water-polo while not addressing other risks would be insufficient.

33. Is there anything you would like to add?

I emphasise that I acted promptly and decisively when required to do so and that the charges laid by Mr Kruger were fully investigated by senior members of the South African Police Services after which a decision was taken by the aforesaid State Advocate not to prosecute Mr Mackenzie (for lack of evidence, as explained to me).

I do not intend to answer any further questions until the review described in 3 above has been completed.