

## OLD DIOCESANS UNION SPECIAL GENERAL MEETING

MINUTES OF THE SPECIAL GENERAL MEETING OF THE OLD DIOCESANS UNION HELD IN THE WAR MEMORIAL THEATRE ON THURSDAY 31 JULY 2014 AT 6PM

**Present:** The Patron of the OD Union, Michael Watermeyer, the President, Raymond Ackerman, Vice Presidents, John Arenhold, Alan Ramsay, Tony van Ryneveld, Les Masterson.

Chairman of the College Council, Mike Bosman, Principal, Guy Pearson, Chairman of the OD Union, Brian Robertson, SGM Chairperson Thabang Skwambane, Father Terry Wilke.

OD Union Committee Members: Angus Firth, Guy Lanfear, Arthur Mngxekeza, Moshe Apleni, Phil Calothi, John Macey, Dugald Robertson, Anton Taylor, Nicholas Durrant, Jan Newman, Simon Peile, Jonathan Steytler.

**In attendance:** T. Fair (1955); Alexander Rowand (1955); Peter Lamming (1972); Andrew Stegmann (1989); Paul Cannon (1953); Sonia Worthington-Smith (staff); Jan Newman (1976); Johan Kleye (1956); Weca Mnukwana (1993); Russell Peters (1956); John Blackman (1952); Will Mellor (1994); Simon Koch (1977); David Stegmann (1957); John Koster (1979); Michael Austin (2009); Angus Firth (1984); Alan Ramsay (1960); Les Masterson (1963); Reg Hands (1968); Moshe Apleni (1997); Anton Cartwright (1990); Richard Henkel (1968); David Dreyer (1961); Patrick Normand (1960); John Weaver (1972); Henry Stubbings (1972); Brian de Koch (1952); Jim Langford (1963); Tim Hedges (1980); Michael van Ryneveld (1976); Midge Hilton-Green (staff); Jonathan Mort (1974); Wayne Mudge (1986); James Drew (1979); Craig Wilson (1982); Leif Eriksen (1970); Peter Wrensch (1976); Andy Selfe (1968); Mike Boyes (1958); Izak De Villiers (1991); Chris Pickering (1992); John Watson (1979); Paul Robins (1976); Martin Crawford (1967); Peter Veldhuizen (1988); Gareth Lloyd-Jones (1991); Andrew Bourne (2003); Richard Pyott (1956); Peter Sauerma (1954); Mike Frost (1980); Sean Kritzing (1983); Chris Sellier (2008); Stuart Maxwell (1957); Sydney Cullis (1960); Christopher Gregorowski (1956); James Boyes (1993); Deryck Rowe-Roberts (1986); Warren Griffiths (1996); John Bewsey (1957); Thomas Campbell (1972); M Lexter (1974); Seumus Keir (2013); Richard Burton (1981); Christopher Bates (2003); Douglas Bruce (1996); Robert Fleck (1993); Jeremy Ricketts (1957); Wynand van Zyl (1997); Tony McKeever (1973); Rupert Gill (1972); Rupert McNaught Davis (1972); Alexander Jeffery (1982); Gavin Cozen (1976); Nick LeMesurior (1968); Nicholas Greig (2009); Alexander Galloway (2010); Andrew Hathaway (1982); Brandon de Kock (1986); Bruce Robinson (1986); Graham Moy (1970); Derek Corder (1974); Craig Huxter (1978); John Macey (1979); Adam Pike (1992); Henk Kotze (2004); Dirk Kotze (2007); James Falconer (2006); Richard Newton-King (1993); Mark Westcott (1977); Francois Kuttel (1985); Nigel Bailey (1977); David Morris (1977); Lewis Biden (1971); John Powell (1953); Cameron Boustead (1992); Dougie Boyes (1992); Paul Searson (1990); John Dobson; (1986); Stuart Lowe (1980); Rupert Tripp (2010); Hilton Houghton (1992); Simon Dahl (1986); Gregory Brooks (1978); Rudd Thompson (1977); Grant McCoy (1989); Crispian Abbott (1996); Peter Jeffrey (1961); Rob Worthington-Smith (1978); Phillip Wheele (1970); Douglas McClure (1971); Alan Bamford (1953); Anthony van Ryneveld (1942); M Gray (staff); Drummond Worthington-Smith (1952); Michael Madlener (1967); Chris Paton (1967); Relebohile Morojele (2011); Gavin Hope Robertson (1973); Simon Peile

(1979); Bruce Risien (1965); Vernon Head (1985); Grant Marinus (1987); Craig Carey (1987); Duncan Okes (1969); John Arnott (1957); Thabang Skwambane (1993); Mac Brisset (1960); Frank Hawks (1961); John Smuts (1969); Jonathan Steytler (1978); Didier de Villiers (2011); Andrew Pickering (1992); Guy Pearson (staff); Mike Bosman (1978); Mike Olds (1970); John Falconer (1972); Tim Langton (1941); Steven Falconer (2011); Mark van Hoogstraten (1987); Gordon Legg (1952); James Strang (2010); Lawrence Hollander (2004); Matthew Kelly (2005); Peter Gibson (2006); Mark Campbell (1961); Clive Corder (1976); Murray Raubenheimer (2007); Peter Newton (1954); Richard Day (1977); Christopher Twycross (1997); James Stewart (2006); John Groves (1951); Jeremy Lawrence (1952); Paul Murray (staff); Matthew Hawinkels (2009); Lubabalo Betnela (1991); Anthony Farr (1989); Storm Reilly (1951); Viresh Valodia (2013); Denham Appleby (2009); Jonathan Oscroft (1992); R. Lambert (1967); Christopher Austin (1972); Brian Lefson (1954); Richard von Hoesslin (1964); Murray Robertson (2011); Anthony Malan (1961); Patrick Henderson (1958); Bob Baigrie (1974); Anthony Gibson (1973); Alistair McArthur (1970); Martin Coomer (staff); Paul Burton (1984); Denis Handley (1974); Martin Barry (1972); Tom Morse (1951); Raymond Ackerman (1948); Kennedy Jimba (1983); John de Villiers (1954); Guy Whitefield (2010); Michael Watson (2011); Chris Newman (1972); Alan Doncaster (staff); David Leslie (1971); Anton Kleye (1986); John van Ryneveld (1975); Bovain McNab (1985); Luc du Plessis (2003); Anton de Waal (1991); Russell Nelson (1991); Andrew Nel (2005); Mark Webber (1970); Bobby Jordan (1988); Peter Day (1964); Andrew Campbell (1982); Michael Morns (2006); Trevor Pasquallie (staff); Richard Morris (1970); Douglas Austin (1977); Patrick Toy (1978); Timothy Lambrecht (2002); Nicholas Huxter (2006); Justin Wilson (1988); Michael Pickstone-Taylor (1982); Richard Nalle (1995); Rob Whiting (1976); Timothy Noakes (1966); Blake Gowar (2005); Kenneth Lukuko (1988); Barry Douglas (1956); Colin Boyes (1965); James Blanckenberg (1991); Ian Lomberg (1962); Paul van Spronsen (1989); Peter Hofmey (1975); Anthony Davies (1956); Andrew Russell (1981); Carolyn Hamilton-Smith (staff); Chris Newton (1949); Simon Burrows (1968); Gavin Douglas-Hamilton (1974); Laurence Gardener (1974); Gus Allen (1982); Michael Watermeyer (1945); Phil Calothi (1968); Jonathan Ackerman (1984); Brian Robertson (1979); Justin Stewart (1988); David Kilpin (1960); James Kilpin (2000); Duncan Cruickshank (1985); Nick Durrant (1991); Marc Kleye (1988); Maurice Devries (1983); Arthur Mngxekeza (1997); Dugald Robertson (2010); Anton Taylor (2005); Paul Henkel (2006); Christopher Leach (2008); Michael Leach (2008); Ken McKenzie (1979); John Charlton (1954); Paul Dobson (staff); Garrick Berch (1969); Mike Gerhardi (1981); Don Ball (1956); Gareth Ackerman (1975); Peter Steyl (1954); John Watson (1962); Richard Llewellyn (1974); Guy Lanfear (1979); Richard Lammy (1957); Don Nelson (1957); George Joubert (1989); Richard Eastwick (1960); Eben Welby-Solomon (1994); Nic Woolaway (1992); Steve Galloway (1974); Mat Bey (1990); Dave Burton (1979); Bruce Jack (1987); Shaun Cowell (2005); Doug Beard (1971); Richard Ling (1974); Cheryl Emvula (2010).

**Apologies:** Blyth Thompson, Malcolm Pollard.

The SGM Chairman, Thabang Skwambane, read the notice convening the meeting, and the necessary quorum being present, declared the meeting duly constituted. He stated that these proceedings will be recorded and minutes will be made available to members. He then asked Father Terry Wilke to open the proceedings with a prayer.

The Chairman stated that the proceedings will go according to the agenda which was distributed two weeks ago along with the resolution which tonight's vote will be based on.

The amended resolution will be put forward as a motion to vote/accept it by the floor.

### **Welcome by Chairman of ODU Committee Brian Robertson:**

This evening ODs will ask me questions relating to the recent developments affecting the OD Union Secretariat. It is right that you do so and that I be held accountable accordingly. I am your Chairman and it is my responsibility along with my committee to manage this affair. I do so in the knowledge that whenever we sit as a committee we are mindful that our responsibility is to serve you as ODs. In the OD Union meeting room are photographs of all the prestigious men that have gone before us and we understand fully that we simply hold the OD Union in trust. It's a stewardship position and is one that we dare not take lightly. This responsibility has been taken very seriously by your Chairman and I apologise that there have been people who believe that I haven't performed my task efficiently. I accept those criticisms fully and as part of today's function I am very happy to listen to or handle any further criticisms. I'm here to serve you. If I could just ask that we ensure that the place where we're looking to be is better than the place that we are in at the moment. Future generations will certainly judge us not by the man who raised his voice the loudest today, but by the wise man who showed humility and showed a passion for his school and the desire to assist in leading us to a better place. I won't be adding anything further to the statement that was released last week. Enough information has been leaked through the media and it is now time for reconciliation before recrimination.

Before I proceed, I would like to introduce your committee. I am fortunate to be surrounded by the combined wisdom and experience of a very strong OD committee. In no particular order of escalating brilliance their name, profession and OD Union portfolio:

- Moshe Apleni – Brand Activator at Saatchi & Saatchi (Hamilton Mvelase Scholarship Fund)
- Phil Calothi – Director Land & Sea (Buildings & Project Management)
- Nick Durant – Director Bluegrass Digital (Marketing, IT, rugby 7s, Business Directory)
- Angus Firth – Director of Rugby, Geography, WH (Liaison with the school)
- Guy Lanfear - Kirkman & Lanfear (Treasurer)
- Arthur Mngxekeza - (MTN SAT) HMSF
- Simon Peile – Actuary Sygnya Asset Management (Finance)
- Jonathan Steytler – STBB MD (Legal)
- Dugald Robertson & Anton Taylor (Young ODs 7s, Tullyallen Trophy)
- John Macey - True North Accounting (Governance)

### **Chairman - Thabang Skwambane (1993)**

Put to floor, any motions for amendments to the agenda? A motion to amend the agenda is the first motion that was put forward. The person proposing it is Grant Marinus.

## Grant Marinus (1983)

At the door this evening there was an amended resolution that was handed out which is substantially the same as the resolution that you would have received via e-mail. There were 3 changes. I need to know if the floor has had the opportunity to even read this.

In the first paragraph you will note that the resolution that is being called for reads: -

*The Members of the Old Diocesan Union present at the Special General Meeting held in the War Memorial Theatre on Thursday 31st July 2014 resolved that a body be established made up of a suitably qualified person or persons for the purpose of conducting an independent inquiry with the following objectives:*

Changed to: -

*The Members of the Old Diocesan Union present at the Special General Meeting held in the War Memorial Theatre on Thursday 31st July 2014 resolved that an **independent body comprising of at least two members of the legal profession as agreed by representatives on the Concerned ODs and the OD Union** for the purpose of conducting an independent inquiry with the following objectives:*

The inclusion of this is very simple. We have to be seen as doing things transparently. If it is that if we are going to have an independent inquiry then that inquiry almost certainly has to be seen to be independent in every possible sense. It appeared from the resolution that was handed out initially that the OD Committee gives itself the power to appoint that panel which in the circumstances of this matter I would say would only lead to far more confusion and considerable doubt being cast on the outcome of any such inquiry.

It makes a lot of sense that the independent inquiry, if one is to constitute it is seen to be truly independent. That's the reason for that change.

The paragraph one change is really fairly cosmetic.

Originally reads: -

- 1. To consider whether there was any violation of the stated objects of transparency and accountability in the OD Union Constitution in the conduct or actions of the OD Union Committee and/or its Chairman or any other relevant person(s) in the events and processes which later resulted in the announcement of Mr Tim Hamilton-Smith's retirement and in respect of all further dealings or interactions with Mr Tim Hamilton-Smith thereafter.*

Changed to: -

- 1. To consider whether there was any violation of the stated objects of transparency and accountability in the OD Union Constitution which includes **amongst others, promoting the interest of Bishops with transparency and accountability**, in the conduct or actions of*

*the OD Union Committee and/or its Chairman or any other relevant person(s) in the events and processes which later resulted in the announcement of Mr Tim Hamilton-Smith's retirement and in respect of all further dealings or interactions with Mr Tim Hamilton-Smith thereafter.*

I'm sure the committee accept that their role is to represent Bishops in a transparent manner and this is what Mr. Robertson has just stated.

Then paragraph 3, 4 and 5 were initially proposed by the OD Union and appear to require some kind of investigation as to how it was that information has found its way into the public domain and if so to look and find out the reasons why that happened and who leaked that information.

Paragraph five reads: -

*5. To consider whether there was any involvement of ODs in the deliberate leakage of information to the press with the intention of bringing either Bishops and/or the OD Union into disrepute.*

Changed to: -

*5. To consider whether there was any involvement of ODs in the deliberate leakage of information to the press with the intention of bringing either Bishops and/or **any OD** into disrepute.*

This is simply because the OD that isn't here tonight whose name has most certainly been dragged through the mud in the most appalling manner is an OD and if it is that we are going to have an inquiry which considers how information was disseminated and disseminated by any person in this body that finds its way into the public domain, if it is that persons have polluted in having information distributed which is going to tarnish someone's reputation then I think it's only fair and proper that Tim Hamilton-Smith be given the opportunity to know that that inquiry will also look as to why it is that his name has been pulled through the Sunday Times in the manner which it has.

Finally, paragraph six. We thought at the time we saw the resolution that whoever it was that drafted the resolution effectively said that whatever the independent inquiry does its findings would be made known through the ODU office if a person was interested in receiving it. As the number of CODs that I have acted for and am acting for believe that needs to go a step further. That independent inquiry needs to be given some measure of power, it needs to be able to make findings and recommendations as to appropriate steps that should be taken to address and rectify matters because if we are to accept what Mr. Robertson is saying to us tonight, that is ultimately, surely, what everyone must want. We don't want the confusion, the chaos and the very repugnant reporting which has been splattered across the Sunday Times to continue. We want a clean slate so that we can go forward properly.

I would ask that those amendments be accepted.

Adam Pike (1992)

A legal representative must be truly independent and approach the inquiry with objectivity. However I fear that the suggestion put forward by the previous speaker has no locus standi. You have no right of subpoena, no right to draft affidavits ~~nor~~ to make findings and recommendations that are legally binding.

Gareth Ackerman (1975) STATEMENT

I have been reading this resolution that has been put forward here and I am totally opposed to it. I think it's a vote of no confidence in the ODU Committee because there's a self-elected body which call themselves the Concerned ODs and you cannot have them as representing the ODs as a whole. We as ODs have elected a committee. If we don't like what the committee is doing, we should have a vote of no confidence in the committee, throw them out and not allow self-appointed people to drive this process.

**Chairman - Thabang Skwambane (1993)**

My understanding of the resolution is that the resolution is intended to put a commission of inquiry in place that is independent; if the body is not independent we can question the validity of the body.

I suggest if they are members of the CODs or OD Union itself, they would not be independent.

The body must be independent and approved by both the Committee and the CODs.

Guy Lanfear (1979)

The motion is difficult because it includes a number of different aspects to it. We are talking about a motion as to whether there should be an inquiry and then we are talking about the composition of the inquiry body. At OD committee meetings this has certainly come up, we have discussed it, we've pursued this and we've considered it ourselves. In fact, we have approached someone that if this were to happen, has considered taking the position. I look after the money, I'm concerned about who is going to pay for this, and the person that we have approached said that they would do this free of charge/pro bono. I would also like to propose a motion that if that person is acceptable to the CODs then possibly we have achieved something without any fighting.

**Thabang Skwambane (1993) – MOTION**

To accept amendment to the resolution. This matter is put aside to move forward and debate on the actual issue of whether or not the resolution is to be held in and of itself. Are there members of the floor who would like to make statements.

Patrick Henderson (1958)

Question: whether or not the terms of reference of the proposal of the investigation would permit the investigators to enquire as to the just cause that was perceived by the school and previous headmaster and his committee that then asked the union to proceed with their recommendation for Tim Hamilton-Smith to be removed from his post. What the question in essence is, is this clause 6, does it empower the investigators to look into that

fundamental aspect where the story frankly really started? Would the investigators be empowered to look at what happened in the confines of the ODU committee's actions?

Simon Koch (1977)

We should now vote, whilst all these ODs are present and elect a new committee and then they can put the resolution forward.

Carolyn Hamilton-Smith

I want to appeal to everyone present tonight, and not present, to put a stop to this dreadful saga, all the stories of half-truths, the damaging rumours and the e-mails. It's horrible for everyone concerned, both sides included. Do you think the complainant would be pleased to know that part of his e-mail was sent to all ODs worldwide? Is it fair to rubbish a man's dedicated career of 46 years? This must all stop before it's too late, to allow those that have been hurt deeply to now heal. I'm sure we'd all love to turn the clock back to have handled the matter differently. Unfortunately too many mistakes were made at the time. Once again we'd like to say how very sorry we are to the young man and his family who suffered the abuse whilst in Founders House in 1983. This was a truly terrible experience for him and which will no doubt stay with him for all his life. I would not wish this on anyone let alone a new boy in our care. I do however have to reiterate that this type of abusive behaviour is something Tim cannot abide by, me neither. If he had known what was happening, he would have definitely had the perpetrator removed from the school. It was a pity that the boy never told Tim, his tutor, his parents or his peers about what he was going through at the time. In hindsight I'm sure he wished he had. Bishops and the OD union have been our lives since we arrived at the school in 1968. We both loved our long involvement and have both met wonderful people as a result. Why then would we leak anything to Noseweek or the Sunday Times? Why would we want to destroy the excellent reputation of the very institution that fed and nurtured us? Of course we didn't. Why would we want to see ourselves in the press and suffer the abuse of derogatory messages? It's so sad that people can really believe that we did this. We have no wish to tarnish the reputation of Bishops and cause a great split among the people that make up the OD union. I therefore appeal to you all for the truth and reconciliation and healing. This is surely the Christian principle in which the school was founded and part of the school's vision and ethos. We can then close this sad chapter in the history of Bishops. Thank you for listening to me. The stories must stop and the truth be told. We agree that the inquiry will be one way of achieving this. **Tim endorses whole-heartedly all that I have just said.**

Professor Bob Baigrie (1974) - STATEMENT

Thank you Mr Chairman.

I want to share with you some thoughts I had about this matter and quote from a letter I wrote to the headmaster after he wrote to us all about Richie Ryall's "A Brush with Bishops".

*I was a fan of Richie and Paul Murray, but it is hard to summon up any enthusiasm for memorabilia and warm, touchy-feely emotions for the school at this time. The school took advantage of a man's moment of maximum vulnerability, physically and mentally (8 months bed-bound with complications in my hospital), to extract a concessional agreement from him*

*and then bind him to silence. The Vatican of 30 years ago would have admired these tactics. Carolyn Hamilton-Smith, doubtless the best OD secretary of my 40 years, is now no longer in post and I know she is bitterly sad and feels very unfairly victimised.*

*Ludovic Kennedy, a great supporter of lost causes who I greatly admired, was fond of quoting Goethe:*

*“Distrust all those in whom the urge to punish is strong”.*

I received a very graceful response from the headmaster and I hope he won't mind my quoting from his letter. He wrote:

*We need to remember in this instance that the victim was to boy who was abused over 30 years ago, he has carried that with him all his life. The very least we can do is to show some empathy and compassion towards him. Tim could not do this. That is what all this is about.*

*This response got me thinking about apologies and apologising and I wrote back thanking him for his kind response.*

*Your point about the ability to apologise is a good one, but I wanted to share a perspective on this, which I thought you may appreciate and hope you will indulge me.*

Mr. Chairman I hope you will indulge me too.

*I am a bowel and abdominal surgeon, weekly performing complex surgery, where up to twenty percent of patients suffer terrible, unexpected complications, even death (my old assistant housemaster, Mike Fisher, was one such heart-breaking loss). This often involves a slow process of rescuing the patient. During this time, preserving the patient's and their relatives' confidence is sometimes a real challenge. When bad outcome happens, the surgeon will usually want to apologise. This is natural and usually straightforward, because the family/patient accept that everything possible was done etc. But when the family/patient ~~are~~ resentful, even angry and accusatory, and relations have become difficult, then the apology becomes more complex. The medico-legal lawyers brief us on this very carefully with euphemisms like “expressing regret” and qualifying one's apologies. It all becomes very murky and emotional, especially when the doctor is feeling vulnerable and wrongly accused by the family. After all, he/she is going through a private journey of loss and failure and guilt and, and, and... I have been there many times.*

*The point I am making, and which I hope you are still finding interesting enough, is that Tim explained to me months ago that he felt real hostility from the father and although he expressed regret, it was clear that the family wanted him to fall on his sword, as it were (my words not his) and he struggled with that, given his failure to even recollect the incident or be certain of its veracity. Nevertheless he expressed real regret and he and Carolyn sent a signed card afterwards.*

*As a surgeon faced by a hostile family/patient, one can be inclined to put up the shutters and go on the defensive. It may be incorrect to do so, but it is natural behavior and it is easy for those detached from the process to later look back and believe they might have responded differently in the same circumstances.*

*I am glad the OD Union has finally seen the sense of airing this matter at a SGM. Without such a process, like the arms deal, it won't just fade away. These things never do. The impact*

*on school morale is inevitable, but the school will rise above it in due course and be all the stronger for having dealt with the matter openly at last, and for respecting John Donne's principle: "No man is an island and the death (or diminution in this instance) of any one man, diminishes us all".*

Mr. Chairman, I don't believe there are any nasty, vindictive inherently bad people in this affair. THS and Carolyn, the victim, his parents, Grant Nupen, CODS, ~~Messrs~~Messrs. Robertson and Bosman, who I don't know at all, who are surely primarily good men, doing their civic duty; all these are decent people, all trying to do the right thing. Only the perpetrator seems to have continued on a sad path through life.

It might be a bit naive and dewy eyed for some, but as one who has been an expert witness in court but has also spent days and nights seeing real suffering, emotional and physical, I'd like to suggest that consideration is given to spending the money on a professional reconciliator aimed at allowing all parties, all of who feel aggrieved and hurt, to meet and work towards expressing their apologies and feelings, and be able to walk away feeling that their own morality is intact. Flights included, that will be a cheaper than the lawyers.

I believe Tim told me that he would be prepared to do this. He just wants to be welcome back at Bishops, the school he loves and has served for 45 years.

Now wouldn't that be a good story for Noseweek?

**Thabang Skwambane (1993)**

Dr. Baigrie, are you putting that forward as a motion?

Professor Bob Baigrie (1974)

Mr. Chairman, I am afraid I have not got my thought sufficiently organised to have thought of that. But thank you for doing so for me.

**Thabang Skwambane (1993)**

Fine, we will leave it as a statement for the moment.

Alan Bamford (1954)

I'm a life member of the OD Union of 60 years' standing. I expect to join the ranks of senior ODs in 20 months. I have kept regular contact with past OD secretaries especially over the last 27 years, with my cousin Brian Bamford (8, 5 years), Brian de Kock (12 years) and Tim and Carolyn Hamilton-Smith (6 years). The quarterly magazine keeps my interest in Bishops and the OD union alive together with my contact with secretaries. I do not know these gentlemen behind me. I have also had contact with old principals Clive Watson and Grant Nupen and with staff notably Paul Murray.

The Tim Hamilton-Smith saga: I do not have e-mail so I knew nothing about the saga until picking up the June 2014 Noseweek's bold front cover "Sex cover up rocks Bishops school" at Pick 'n Pay, Grahamstown. I wrote to Tim expressing my horror. I noted the letters in Noseweek supporting Tim. I now have all the documents from both sides of the saga on file. When I wrote this I didn't notice that I didn't have them all but I got more today.

Cover up: I've concluded that because the school had an unreasonable expectation to prevent the saga from becoming breaking news it was decided that Tim, now 70 years old, would be sacrificed, blamed, and sent to Coventry and pilloried. It is monstrous. I asked myself how could the principals and chairman reasonably expect the story to be kept under wraps among 6500 ODs, 1400 Bishops staff and boys, 2400 parents, that is 10 300 people plus countless old parents and friends of the school.

Mr. Bamford's time was cut short.

#### Bovain McNabb (1985)

While we are in this process; I'm sure this is not an isolated incident, there are in the OD community previous pupils who will have similar concerns or issues. I think a forum needs to be created where these ODs that are out there can be brought in within the process as well.

#### John Falconer (1972)

I understand the terms of legal entities and we're talking about the OD union here but on the other side is actually the school. Now if Brian de Kock had been secretary of the OD union we wouldn't be sitting here tonight. We have a fundamental problem in that we have Tim who happened to be the OD secretary and was made to be the scapegoat. So the resolution tonight addresses the role of the OD union and nowhere do we address the role that the school partakes in this whole issue and my perception is that poor old Tim that sat in both camps is now being hung out to dry and we are only addressing the issue in the OD union. My amendment to this resolution is that the school also be involved and the role of the council also be involved in this investigation because I don't think you can separate them whatsoever.

#### Douglas Bart (1971)

I think there is a fair amount of knowledge amongst us from over the past few weeks of what's been going on and I think we're just going round and round in circles. Let's just vote and decide whether we're having an inquiry or not and then do the terms of reference after.

#### Anton Cartwright (1990)

One piece of information I wanted to know was what did Tim know, when, and I think I heard that very clearly from Mrs. Hamilton-Smith. In terms of reference was it reasonable to expect them, not knowing about the abuse, to have acted differently at the time. I think that's going to be a very subjective matter. I'm not sure how any inquiry, no matter how astute and thorough, can really come up with a definitive answer on that. And given that, I'd really like to endorse Dr. Baigrie. Let's get past the litigious accusations and when we convene an inquiry let's focus on the reconciliation that needs to happen across all people.

#### Adam Pike (1992)

Do they send out subpoenas, how do they get people to speak? What if nobody wants to speak to them. They don't have statutory powers to get the information they need to arrive at a reasonable decision. This is not a court of law, this is not a statutory commission, this is a commission that will have very limited access to documents. They can try and speak to people but people are not going to want to speak. At some point a judgement is going to have to be made and a report is going to have to be issued. They've got no power, there is

nothing in the constitution that will allow the union to call a commission and how is this commission going to get information out of people that don't want to speak. I think it's an applaudable idea but I don't think we have the power or the OD union has the power to call this thing. I understand that there are concerned ODs but who are they? This motion has been proposed by a certain group of concerned ODs, should we not know who these people are?

Paul van Sprongson (1989)

I wasn't taught by THS, I don't know him, I have no opinion as to what he did. I believe that what happened back then is probably not knowable and without knowing what happened we cannot say whether or not he was fairly treated. People will have opinions because if they knew the man, its emotion and not fact. It's my intention to vote against this resolution, I think it's a waste of the OD union's time, a waste potentially of money and I don't think it has any clear benefit to the school, to its learners, to the ODs and even to Tim Hamilton-Smith because even if we were to try and find out or even if this inquiry did find out that Tim knew nothing of what was going on, that will not appear in the news, it is not sexy, so he will not be cleared in the media no matter what we do.

Mark Webber (1970)

Do we have an amended motion tabled but not yet voted upon? Is that what is being put before us? I'm not sure it has been approved. Put forward the amended motion for approval and then talk to the amended motion.

**President Raymond Ackerman (1948)**

Firstly thank you all for coming. This has been a really difficult time for the school and I just want to say a few things about what I've done in my role since March. I knew nothing about this when elected by you as your president so I decided with Brian's approval and Mike's to do my own inquiry.

I went into the matter very, very deeply and I won't bore you with a lot of details, with the excellent points that have come out tonight.

But I would like to say that in my career, I've been involved in government investigations, judicial investigations, conflicts with the government about apartheid and all sorts of things and all I can tell you is that they are very long and drawn out and they take a hell of a lot of time and cause a huge amount of anguish.

I've been through all of this in my life and I want to just go through with you very briefly, something that hasn't cropped up in all the mass of paper that we all received is that firstly Mr. Nupen and then later Guy Pearson took the clear decision that in future Bishops will not hide behind or cover up any abuse of a sexual harassment nature. Deep rules have been put in place which were started by Mr. Nupen and Tim knew all about these and he told me about them when I met with him and it goes deeply into the fact that from now on Bishops will not cover up. It means that when an item is investigated, obviously the people involved, not with the actual abuse but the people involved with discipline etc. are going to feel very uncomfortable. Mr Pearson is absolutely convinced that he wants to put this down as law in Bishops.

Now that fundamentally, and I want to say this to you clearly, is actually the cause, the basic cause why we are all here tonight, because Brian and Mike and Mr. Pearson, they had to

make the decision, do we go forward or don't we? Do we investigate according to the new rules. Once this item was brought to their attention it had to be looked into. The rules are clear that any item of sexual abuse must be reported to a body, a very sensitive body in the school, it's all there in writing, all the staff know about it and it's been explained to the boys. The sensitivity of it is absolutely clear but nothing will be covered up, now or in the future. I just want to get that right because that really is why we are here today, because if that rule hadn't been put in, we probably would have overlooked this report of 30 years. But Mr. Pearson's statement in the rules of this school is that if any boy or any OD puts forward a matter that occurred while he was there the matter will be investigated.

I just want you to know that, in all the writings I've received I've seen one little note about these new rules and that is one of the reasons we are here.

Now when there's a problem and I've trained myself with all the difficult experiences I have had. I analyse what the problem is and then look to the causes. The problem we're all here tonight to face is not Tim Hamilton-Smith, and as important as it is. I'll come to that and the fairness for otherwise what happened. Bishops is precious, there's not a single person here who doesn't love this school, respect the school, have memories good and bad of the school, like I have, and good things happened to me, bad things happened to me. We all love this place. In my new role I went to America and spoke to the New York ODs and I went to England with Guy and Mike and Brian and we had one hundred ODs at a dinner and they are all so loyal to Bishops, so upset about this. I appeal to you tonight and I am not in any way ignoring the sensitivities expressed by you, Carolyn, and which I understand. I'll come to that in a moment. But that Bishops here and Mr. Pearson, probably the best candidate we could ever have to run the school, have had an awfully difficult time getting this new spirit in the school. The parents love what is happening, the boys are happy, the parents are happy, but everyone is worried about this Sunday Times or Noseweek story that comes out week after week after week.

So that's what needs to be made clear. That I've trained myself, after going through all my problems, to analyse what the problem is and the problem is more to stop this thing in its tracks, but not cover anything up on the contrary. This has been because Mr. Pearson and Mr. Nupen put in these new rules which meant that we had to go into this matter, be it of 30 years ago.

Now when they went into it, and this is very important, they had to analyse what do they do about it. You have to analyse a solution to a problem, not just talk about it. Do we do nothing? That was the old way. Do we do something? They decided we had to do something, what were they going to do, and they went through all the alternatives very carefully, as honestly as they could. I believe they made some mistakes and I've told them so. I've had meetings with Tim and Carolyn and went through with them that I was very concerned with all the things you mentioned Carolyn and all that the doctor mentioned, and recognising it, Bishops was number one here but the problems with Tim Hamilton-Smith were critical and whether he made mistakes or whether he didn't. The family says he did this, he says he didn't. I've tried to be an honest broker, an honest enquirer and I've gone through the whole thing as carefully as I can and one thing is clear, and I went through it with the Concerned ODs. Steve Galloway and I had a long meeting to try and bring this thing to a conclusion, and it so nearly worked, about 6 weeks ago, and we wouldn't have had the last 6 weeks of all this press stuff. And the solution I discussed with Steve clearly was Bishops first. We must try and get rid of all this publicity for the sake of the school, Mr. Pearson, our boys, our parents and the future. If there is a problem about the way Mr.

Hamilton-Smith has been treated and handled, then lets tackle that and tackle it with the acceptance of Mike and the acceptance of Brian. I used my own judgement and my own experience to put down 5 or 6 things that we should do to help mediate the problem with Tim, particularly with his illness, particularly with the uncertainty. There's so much uncertainty, one says this, and somebody else says that. All the letters you received, it's one side and then the other side so I just want to make it clear that we had that meeting and we nearly got it right and then the Sunday Times came out the next day with statements apparently by Tim or apparently by Mike but views that were really unkind and unfair to the school and to Brian and the OD Union.

So this inquiry, I'm not suggesting I'm a judge because I'm just a grocer, but I've been around a long time and I've built a company, I've had to fight like hell against government, so I really understand what it's like to be involved these investigations. All I can tell you is if we go the route of an inquiry, we'll be at this for one month, two months, 3 months, 6 months, maybe a year and I tell you that's exactly what's going to happen. Some of you expressed that. I agree that we must bring it to a head for Bishops' sake and we must make damn sure that we look at the Hamilton-Smith situation which I tackled with the two gentlemen from the Concerned ODs and I think we had a very good meeting. We would have come to a conclusion. So you can see that I was, on behalf of the OD Union, insisting that we had to do something on the Tim Hamilton-Smith situation because his family are writing to him from England saying "I believe you're involved in a sexual harassment case." This is too terrible. They think that he has been involved, that's how bad it is for him, besides his health, besides all the years he's put into Bishops. We've all been conscious of that, so I just want you to know I had this meeting with these two gentlemen, it nearly worked. It didn't work because of the Sunday Times story.

Then I had a meeting with Tim and Carolyn and a very good meeting, a sensitive meeting. I went through with them exactly what I discussed with the Concerned ODs and I said this is what we're prepared to do for Tim and you Carolyn and I went through it and I thought they were very receptive of it in a very nice manner. But Tim said finally "I've just got to get vindication of the whole situation". I said "Tim, I think you're going to be sorry because it will drag on, the press will go to the inquiry, from the inquiries I've been at they are not held privately, the press manage to find out who went and they report on what this person said, or possible not even what was said. They go on for a long long time and my strongest advice is to not go with an inquiry" and I'm being absolutely objective here because I can see both sides of the coin, particularly the sensitivity with the Hamilton-Smiths, the difficulty they're going through. I've also gone through this carefully with Mike and Brian, in particular the difficulty they've been going through. They've been trying to do the honourable thing, I'll repeat that, they've been trying to do the honourable thing and they've been trying to do the sensitive thing as well. It hasn't come apparent with all the papers flowing. But I just want to say I've been through the meetings with Mike etc. I've been with the Hamilton-Smiths; I've been with the ODs.

I decided I had to do my job. I took a trip to see the English ODs, had a wonderful evening, I told you that. Then I went to America and I talked to the New Yorkers, and they all want this matter solved as quickly as possible. There's such pride in Bishops there. I was quite amazed and it was a wonderful feeling. But they hate what's going on, they said please try and settle this quickly. One person came up to me and disagreed. After the meeting I met with the young man concerned, we had a private meeting. He gave me his version. Unfortunately it was very different from Tim's version and that's come through in all the papers. He just said

to me "Mr. Ackerman, thank you for talking to me, I would like to get an OD tie for the next time I come back to an OD meeting. Thank you for taking the trouble to come and see me. I've had an awful time, so have my parents and we're not trying to blame Bishops. We want to thank Bishops. Will you go back to them and say thank you for taking some action and not stuffing it under the carpet". And his message to all of us is "No-one can understand what I've been through. I made the mistake of only talking to my parents shortly before it came out, and I was so embarrassed, so ashamed of the whole situation. I now feel I can come to OD meetings, please send me a tie." Which I've done for him. And with tears in his eyes, he said "I want you to know that this did happen to me, please don't ask me to come to an inquiry ", which he's been reading about, "I don't think I can ever face talking about it again." And that was his appeal, if I ever addressed you.

That is my message tonight and I just want to end with this. I've always believed that leaders deal in hope. We all need to be leaders here, we need to lead Bishops into solving this problem tonight, and if we can't do it tonight, then maybe we need a meeting as to what we want to do with the Hamilton-Smiths, which I've expressed to the ODs, I've expressed it to Carolyn and Tim but we haven't actually resolved this. It's on the table. No one is saying that Tim is guilty. On the contrary, let's acknowledge what Tim has done for Bishops, let's acknowledge that the matter had to be investigated according to the new rules set by Mr. Pearson and if we can come to some conclusion about whether we vote tonight for or against, my view as an objective person, we will regret the day, the press will continue, the inquiry will continue, all the articles will continue and that's the last thing that Bishops needs. Simultaneously if we do the right thing, we can resolve the matter, we can put it aside and if anybody feels like they would like to come and see me or talk to me, to say what are you doing, what are you advising Brian and Mike do for the Hamilton-Smiths, we can discuss that matter separately, that hasn't been discussed publicly at all.

It has been sensitively handled as I know from my full experience and I believe we should leave here tonight, not with a vote either way, but a vote that we get things right for Bishops and prevent the publicity which is affecting our boys, our children and particularly Mr. Pearson and his love for what he wants to do with this beautiful school of ours. There's no question in my mind that from my experience, that is how I view it as your President. Rightly or wrongly I feel correctly. I do believe that we should leave here without any antagonism. The Committee have really worked terribly hard. I know that they did things in interest of what they felt was right. There's been a lot of criticism in the papers about what the OD Union have done, about Mike as a council member and I've seen behind the scenes just how much they've tried to handle this as honourably as possible. A lot of you will no doubt agree with that tonight.

Thank you very much.

### **Chairman – Thabang Skwambane (1993)**

Thank you Mr. Ackerman. I think everyone at this point agrees that we all want to do the right thing and sometimes the right thing leads to an unintended consequence of our good intentions and so I'm going to move it forward with the alternative resolution at this point. I think it's very important to recognise the statements that have been made on all sides and whatever happens I do believe that our intention, at least at the end of this evening, one way or the other, is we take care of the school, the school that has nurtured us and raised us. I have to say on a personal level that Mr and Mrs Hamilton-Smith raised me practically as

a full-time boarder and it is important that they are restored as well, but there are ways to do it.

So first on the agenda and I will be strict about this, is the motion to amend the resolution, put forward by Grant Marinus and seconded by Guy Lloyd Roberts. Can I see by a show of hands the approval of the amendment to the resolution? Those in favour of the amendment to the resolution.

#### Professor Bob Baigrie (1974)

I'd like to propose the motion that a professional mediator be sought, who would be acceptable to all parties and briefed to work with all parties, to develop a statement of reconciliation acceptable to all parties.

Failing this, an independent inquiry would proceed with the terms agreed this evening. The idea being that we don't go through the process which Mr. Ackerman has described but instead we indulge in a process of reconciliation and immediately that sends a different message entirely to the media. That the school has appointed a reconciliator rather than set about by a legal inquiry and that is immediately a good start, it brings back a feel good factor and I believe we'd all walk out of here feeling a bit more warm and caring about each other than if we walk out here with an inquiry.

#### Secunder – Paul Burton (1984)

Paul Burton seconded Professor Baigrie's proposal and added the motion that the President be elected to lead that reconciliation process.

#### **Chairman Thabang Skwambane (1993)**

We have a proposal to put together a professional body that will look into or will provide reconciliation to all the parties and I hope you remember there was a statement made by Professor Baigrie made "failure of which will result in" so he is not saying that the resolution to get an inquiry in place is off the table, but if that reconciliation body is unable to reach a point of reconciliation we can then proceed with an inquiry.

#### Secunder – Peter Lamming (1955)

#### **Chairman Thabang Skwambane (1993)**

Mr. Ackerman has stated that the reconciliation body needs to be convened immediately and he's happy to head it or he's willing to head it up if needs be. I think the main point at hand is the suggestion that it starts immediately from this evening.

#### President Raymond Ackerman (1948)

I believe that this should be done in the next three days, two people from ODU and two from the COD's and myself as Chairman, if this meeting will abide by the reconciliation.

Professor Bob Baigrie disagreed with the motion. An entirely independent person must perform the reconciliation. We cannot rush through it in three days.

Rob Whiting (1976)

With respect Raymond I think you told us quite adequately that you had already attempted the reconciliation and it failed. I think we should be going with Bob Baigrie's suggestion, an entirely independent reconciliation company.

Storm Riley (1951)

You cannot invite all of us to come here and then walk away with amendments. I am a lawyer. If I had to run an analytical eye through the way this meeting has progressed, I'm afraid I'm going to have to be very critical. You cannot just deprive people of their rights to come and say things. I've been an attorney for 55 years. This meeting should not take any vote. We should move against the adoption of whatever these various motions are. The best settlements in law are ones where both parties are antagonists and walk away feeling vaguely dissatisfied. We should say we are moving forward with this motion or it is being scrapped. Between sensible people you'd be able to solve this. I believe the chairmanship has been poor because we haven't been able to debate each particular component and I sense that most of us are sorry that we even have to go into all of this. The amendments should be withdrawn, the resolution should be withdrawn, there is another way of doing things.

**Chairman Thabang Skwambane (1993)**

The comments are respected and everyone's comments are respected in this room. It has to be said, this is a complex issue, and it is a difficult issue and trying to manage everybody's viewpoints including your own, as critical as they are, are things we need to do and embrace in this situation. So we have a number of motions. What we do have at this point is a process towards reconciliation.

Paul Van Spronson (1989)

I agree with the gentleman that has just spoken. However, if we want to push forward with Dr. Baigrie's motion then I must request that the two parts of his motion be separated into separate motions, the first one being about the reconciliation and the second part being what happens in the failure of that. Those are two separate issues and should be voted on separately, if it comes to that.

**Chairman Thabang Skwambane (1993)**

By show of hands is everyone in agreement to move this forward as a reconciliation rather than an enquiry, adopting the first part of Dr. Baigrie's suggestion that this be a reconciliation and not an enquiry.

The second motion is that if the reconciliation body that is put together fails to reconcile all parties, that an enquiry be instituted.

Professor Bob Baigrie (1974)

To propose the motion that a professional reconciliation organisation be sought but failing that reconciliation being achieved, an independent enquiry would proceed along the terms

agreed here this evening. I myself would like to withdraw that second motion and I agree with Mr. Wheeler that we should go ahead with the first part and stop it there.

**Chairman Thabang Skwambane (1993)**

Prof Baigrie rescinds that motion. There is a general sentiment at the moment (this is an informal meeting): We shall look toward reconciliation, we shall be positive and we shall all come together and find a way to make this the special place that we so love.

Anthony Davies (1956)

I stand here as a very concerned OD. The CODs have done a lot of work, they have worked hard, they have endeavoured to be as fair as possible and they have looked at the interests of Bishops. We have quite a lot of evidence that needs to be looked at and evaluated and I think it is essential that the CODs do take part in whatever process is decided.

**Chairman Thabang Skwambane (1993)**

The motion proposed by Professor Baigrie has been passed by the overwhelming majority of the house that the professional body be constituted in terms of finding a place of reconciliation and the professional body will be constituted in agreement. If there is any disagreement, the CODs will be part of the body but it will be an independent body.

President Raymond Ackerman (1948)

What this needs now is a group of well-disposed people and the chairman can be anybody but me. A professional body means that Bishops is not going to stop the press comments, it's going to go on and on and on. I think there should be a professional independent Chairman, and I agree with Anthony: two CODs and two of the OD Committee members.

**Chairman Thabang Skwambane (1993)**

With the agreement of the CODs and the OD Union that this professional body be a group of people, doesn't have to be a national organisation, it can just be a group of individuals, and would be selected in agreement. We all want to get to the same place; there is just some detail that needs to be ironed out.

Andrew Russell (1981)

There's a person who is not here who I've been communicating with, and I think he is an amazing person. He has Bishops at his heart and is a committed Christian, Hugh Fynn. Hugh Fynn is a reconciliatory expert and he is available and has agreed to be involved somehow. I think he could add massive value and could bring this to a conclusion.

**Chairman Thabang Skwambane (1993)**

Noted.

Patrick Henderson (1958)

I recommend Professor John Cartwright. I've mentioned this to Brian Robertson

### **Chairman Thabang Skwambane (1993)**

Noted. I think if anyone has specific names of individuals, please forward them to the OD Union. I'm going to give the floor to Brian Robertson at this point in time. I think we're all in agreement to move things forward.

### **Brian Robertson (1979)**

Thank you Thabang. Thank you gentlemen for your attendance. Thank you very much Dr. Baigrie. I think the point I made very clear from earlier on is that what got us here didn't work. We need something different to get us to a better place for all concerned. Carolyn and I have worked incredibly well for many years and I have the utmost respect for her and I would love nothing more than to welcome her and Tim back to Bishops. So what I'm proposing is very much along the lines Thabang has summarised from the meeting: two from the OD Union committee and two from the CODs convene with the President and we'll come up with a person who is a professional mediator and who takes us forward in terms of that process. Is everybody comfortable with that? *Clapping.*

Thank you very much for your time, it is appreciated. The one point I want to make this evening before we leave is that I'd been warned time and time again about the so called "John Peak AGM" in terms of the OD Union. I was there and it was an awful experience, and I want to commend you all this evening because of the way that you conducted yourselves, in a reasonable and mature manner, which indicates that as an organisation we've matured greatly since those days. We've settled for reconciliation above recrimination and revenge. Thank you for your attendance and we'll get back to you in terms of who the person is that is going to facilitate the meditation process.

**Meeting closed at 7:55pm.**