

is also regrettable that D2's solicitors appear not to have revisited the question of disclosure once D2 had been ordered to answer C's request for information.

63. D1 was recalled to deal with the allegations contained in the Abbot's note of X's allegations. He said that X had left the senior school aged 18 in July 1999. He agreed that after swimming the boys would line up in the changing room and he would look to see if they were dry before they got dressed. He did not recall feeling or checking the boys manually to make sure they were dry. As he checked them he used to tap them on the shoulder.
64. He confirmed that the boys taken to swimming classes used to clip their locker keys to the top edge of their swimming trunks. He accepted that he could have joked that a missing key might have got lost down the boy's trunks. He went on: "I don't think I looked. There was no reason to look in the trunks for the missing key. I cannot conceive that I did look. The allegation that I did is untrue".
65. D1 said in evidence that he did not remember examining X with his trousers and underpants down when he complained of a rash. He accepted, however, that since there was no nurse, if a boy had been concerned about a rash he would have asked to be shown the affected part. If the boy had said "I don't think it's below" he would not have looked below; if the boy had said he thought the rash was on his abdomen, he might have checked below because he had had medical training when studying dentistry. He denied that he would have insisted on looking at X with his trousers and pants down if X had said that the rash was not below the waist.
66. In respect of the allegation of what happened in the bathroom when he took boys on holiday to [DPA], D1 said that he remembered that the shower was faulty. There was something wrong with the hot and cold water balance. He managed to get a reasonable balance between hot and cold and then stood in front of an 11 year old boy whilst he used the shower. He said that he stood in front of the boy in case the shower did not work properly. He did not stay whilst the other boys showered; he hoped that they would not adjust the hot/cold balance. He denied watching boys shower on the following days of the holiday. He knew nothing about a boy persuading other boys to accompany him whilst he took a shower by threatening to reveal "illegal" penknives and could offer no explanation for this allegation.
67. D1 admitted the allegation made by Z. The allegation was made to the Diocesan Child Protection Officer in the summer of 2004. The incident had occurred about 30 years previously when D1 was in his first year as a teacher. He remembered it because it had been the first time he had been invited to teach a child the facts of life. He was formally naming the male parts and was just pointing when he touched Z's penis. Z was in his pyjamas in his bedroom. Asked how Z's penis came to be exposed to be touched he said that he probably suggested to Z that he expose it because he was naming the parts, but he could not recall. He accepted that it had been unnecessary to touch Z's penis.

What weight should be given (if any) to the similar fact evidence?

68. The first question is whether I find that the allegations of X, Y and Z are true in their entirety or only to the extent that they are admitted by D1.