

WITNESS STATEMENT

Criminal Procedure Rules, r 16. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Michael McGarry

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Head Teacher

This statement (consisting of 8 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature

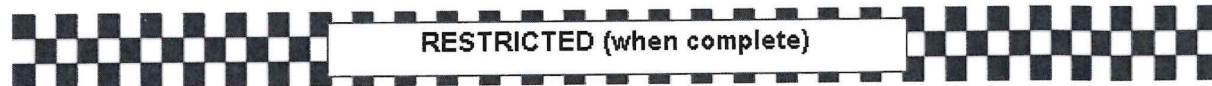
Signature: (witness) Date: 14/08/2024

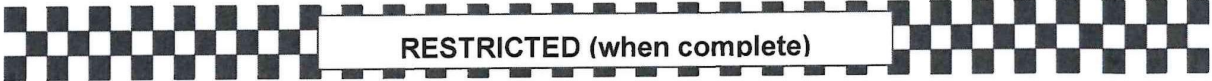
I am the above-named person and I live at the address as provided to Merseyside Police. I am completing this statement in relation to a previous student who attended the High School where I am the current the Head Teacher. The student in question is an Axel Rudakubana. I will refer to him simply as Axel during the course of this statement.

I am currently the Head Teacher at Range High School, Formby, Liverpool. I have been in this role since September 2019 when the term started that year. My role is to oversee the standards of behaviour within the school, the standards of teaching and learning and the day to day running of the school. There are two Deputy Headteachers within the school and three Assistant Head Teachers. This is due to the size of the school as we have approx. 1100 students enrolled. The school caters for children aged between 11 – 19yrs old and incorporates an in house sixth form. Each of my Deputies/Assistants have their own portfolio/role within the school but ultimately, I have overall responsibility. For example, one of the persons I will make mention of within my statement is David Cregeen. David no longer works at the school but began his role as one of the assistant headteacher at the school at the same time as myself. He had previously held a different role within the school prior to this. David left the school to move to a different role in August 2022. David's portfolio was as the Safeguarding Lead of the school. He would have been involved in most of the disciplinary matter relating to students within the school including Axel and includes some of the matters that I will talk about below. The other colleague who I would like to mention is one of the Deputy Head Teachers, Mr Thomas Dolly. His primary portfolio is around the teaching and learning of the students. Mr Dolly was already working at the school when I began and believe he has been here for around 14 years. He will also feature in some of the matters which I will speak about below.

Aside from a general overview of Axel's time at our school, there have been some significant incidents which ultimately led to his permanent exclusion by me in October 2019 which I will

Signature: Signature Witnessed by





also detail below. These include an incident in October 2019 where a referral was made to the school about Axel reportedly often bringing knives into the school and a further incident when he re-entered the school illegally following exclusion and assaulted one of the students with a Hockey Stick. I witnessed that latter incident and will go into some details describing this below too.

The only other person I will make mention of is a Vicky Ashworth. Vicky was another of my Assistant Headteachers and was present during a meeting with Axel following the referral made to us in October 2019.

I have been asked to provide this statement, in my current role, following the awful incident which took place on 29th July 2024 in Southport where Axel is the primary suspect. I should note from a full disclosure point of view that I am aware of the key facts as to what occurred on that date as most of the general public are and have a particular interest given that I was his ex headteacher. However, this statement is being made by me just to provide an overview of Axel during his time at our school.

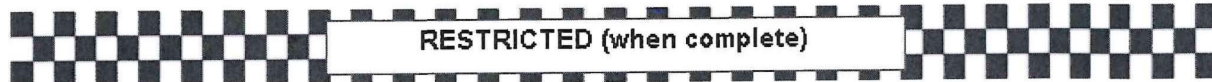
I will start by providing some general facts about his time at our school. Again, it should be noted that I was not a member of staff when Axel started in our school and only became the Headteacher in his latter months of him being a student here. Nevertheless, I have appraised myself of his history at the school from the records that we hold (separately provided to the police) and from speaking to my colleagues here who were teachers at the school during his earlier years.

I will refer to a number of incidents within this statement. The school has also provided the police with several relevant documents. I will exhibit all of these at the end of the statement.

Axel started as a student at this school on 4th September 2017 and went directly into Year 7 (The first year of our school). He remained in the school throughout the following years until his eventual exclusion in October 2019. Axel had not been excluded (even temporarily) up until that point in school. I am not sure exactly what triggered all of this in Axel but it seems to have come to a head in this early October stage (2019) when he was eventually permanently excluded. Aside from what is contained within the documents provided, my colleague David Cregeen may be able to shed some further light on any specific and sudden decline in Axel's behaviour during this time. There were, however, a number of periods of detention Axel received which is recorded on our systems in our 'House Log'. Other than this, prior to October, there was nothing more serious than that.

I would also just like to add that Axel had a brother called Dion who was two years older and so was in Year 9 when Axel started. Dion had been transferred to our school from another school in the Southport area. However, our school was more suited to his DPA (wheelchair bound) and this appears to have been why he was moved here (and further from his home) and subsequently how Axel came here.

Signature Signature Signature Witnessed by





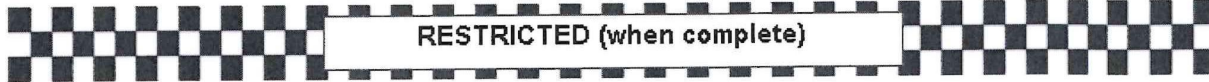
In terms of term dates over the last few years I can confirm that they are the first Monday in September up until 22nd/23rd July the following year. Our school falls under the Sefton Local Authority and follows their term time pattern should this need to be confirmed with them. I know that my colleague Mr Dolly was previously asked about our last day of term this year, 22nd July 2024. I do not know the details of why this date is relevant to the investigation other than that I had heard from another member of staff that Axel may have been in the vicinity of the school on that day. This is all I know of that. Just for confirmation, the 22nd of July 2024 was our last time day of term for our school year and this is the case for every school year in the school from Year 7 – Sixth Form. To reiterate what Mr Dolly has said, the students left at 12:30pm that day with the staff staying a little bit longer for a lunch and general get together. I am aware that Mr Dolly has already shared an internal e-mail with the police which provides a timetable of planned events for that day. Whilst the end of term date would have been widely published on our website, exact timings would not have. Parents of students at the school were separately sent e-mails informing them that the day was not a full day and that their children would be finishing at 12:30 and for arrangements to be made accordingly to collect them etc. Axel and Dion’s parents would not have been included within that correspondence as they were no longer students at the school. I have confirmed this with Stephanie Donbavand who was responsible for disseminating that e-mail. I have provided the police with a copy of that e-mail which I will exhibit below.

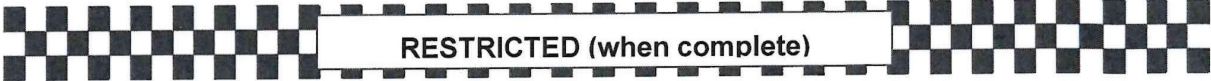
In terms of Axel's attendance during his time here, I would say that this was generally very good. I have had a look on our systems and can see that his attendance for that year (2024) was 100%. The year prior (2018/1019 – year 8) was 95%, and 2017/2018 – year 7) was 98.1%. I can provide a copy of that attendance record too.

In terms of Axel himself, he was not a boy I was immediately aware of in terms of major behavioural concerns. As a new headteacher to the school, we would have had a handover period and my attention drawn to any specific students that I needed to be particularly aware of; Axel was not one of those. He would not have been regarded as a high profile person which is also borne out in his behavioural log in Year 7 and Year 8. As can also be seen in his school reports in Year 7 and Year 8 he was doing reasonably well in school. He appeared a generally capable student but was just distracted quite a bit but that was nothing out of the ordinary for someone of his age. From my perspective this is a very good attendance record and there does not appear to be any concern about Axel’s engagement with school. I can provide copies of those reports and behavioural log which we call a 'House Log' too.

As mentioned, there were a handful of occasions when Axel had received detention for several reasons including disruption in class, not listening etc but these were not so serious at to trigger any form of graduated response and gradation of sanctions etc. If this had been the case, this would also be supported by mentors etc in an effort to try to change

Signature Signature M.McGarry [Aug 15, 2024 13:54 GMT+1] Signature Witnessed by





behaviours and rectify any issues. He was not waving any flags in those early years to trigger anything like this from the school.

This was up until the occasion when there was a rapid escalation in his behaviour where he viciously attacked a fellow student in class. This was on 06/10/19. I recall the matter being brought to my attention at the time. The incident took place in an English lesson. I was made aware of the incident and that Axel was subsequently placed in an isolation room. The matter was raised with me, I authorised a temporary exclusion from the school whilst an investigation took place. Mr Cregeen was asked to phone Axel's parents and asked to pick him up and that he was not to return to the school until the conclusion of the investigation into what had happened. I didn't speak to Axel myself that day. This is not unusual as I try not to get too involved with the incidents themselves in relation to the student personally. This is because it provides me with a bit more of an independent oversight of the incident and the exclusion which I then need to authorise. What I do know of the incident was that there had been some clear 'ill will' between these two boys for some time. There was clearly some previous history between them and a suggestion that this student was bullying Axel.

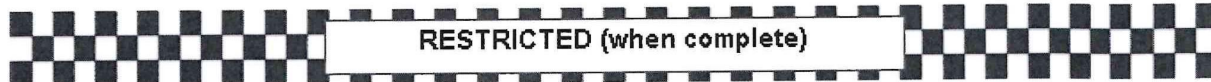
This was already being looked into by colleagues who were also in discussion with both sets of parents. From the initial findings to this fight, it seems that this student had pushed a button too far and Axel had snapped and physically attacked this student. What I would say is that is quite unusual for this to happen in a school of this size. We often have the odd fight in the playground but not in a classroom. I am not sure how this matter was then concluded (if at all) because when this investigation started and statements/accounts started to be collated from persons present, a furthermore serious event unfolded which superseded this which I will go on to detail.

The following day (7th October 2019), Mr Cregeen received an e-mail from a police officer called PC McNamee saying that Childline had alerted him to a concerning report they had received. Childline had been contacted by Axel directly and had told them he had a knife in his bag because he was getting bullied at school. I do not know anything further about the details of that report. The officer was very concerned of the serious nature of it and that the situation may escalate. That e-mail was then sent to Mr Cregeen on the evening of 7th October. I recall Mr Cregeen phoning me late that evening due to the severity of the report and explaining it to me.

I do not recall whether we were being made aware by the police prior to them speaking to Axel's parents or vice-versa. I vaguely remember saying that we would need to inform the parents if they were not already aware. Arrangements were then made for Axel to attend the school the following morning to ask him directly about this, to hear it from him directly and ask him whether he had actually made this report or not and understand what was going on. A copy of that e-mail between that police officer and David Cregeen is provided by us too.

Signature

Signature Signature Witnessed by



RESTRICTED (when complete)

Vicky Ashworth (Assistant Head Teacher) and David Cregeen subsequently spoke to Axel (after Axel's Dad was informed) on the morning of 8th October 2019. During that meeting at the school, Axel admitted to those members of my staff that he had had a knife in his bag and had done this anything up to 10 occasions in school. They then brought that information to me and I decided that Axel was to be permanently excluded from school. I informed his father verbally initially and then a formal process began which includes written confirmation to parents and the appeals process should they wish to appeal my decision. Again, I have included this in my documents provided to police which I will produce below.

When this information came to light, especially given the seriousness of carrying knives into school, this was a red line for me and so his temporary exclusion was then turned to a permanent exclusion by me for the safety of my staff and students. What followed was several referrals by the school into agencies including the police, MASH (Multi Agency Safeguard Hub) and CAHMS (Child and Adolescent Mental Health Services). His dad had provided his permission for us to do this.

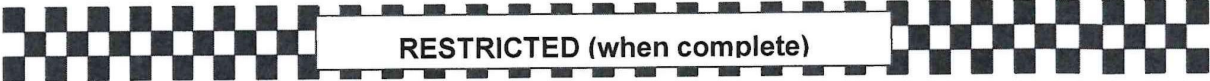
After Axel left our school, I know that he was then admitted to the Acorn School in Ormskirk. I know this because we had contact with Acorn on 22/11/19 requesting us to provide information to them relating to Axel. This is because they were concerned that Axel had become fixated on another child. Axel's dad had been in contact with that school and told them Axel was being picked on like 'he had been with that boy in the other school'. I believe he was referring to the incident with the boy in the English class as previously mentioned. They were also concerned that Axel had been carrying out concerning searches on the internet in relation to school shootings. Axel's dad had said that this was not the case even though it was logged on the school computer. We then shared our logs with them to help them build up a bigger picture around Axel, it seemed to draw some parallels to his time in our school with regards to this particular student he had had the fight within the English class. Mr Cregeen sent Acorn school across this information. Again, that information is contained within the 'House log' which I will provide.

It was only a couple of weeks later that things escalated even further. This was two months after Axel had been permanently excluded from my school.

On 11th December 2019, whilst delivering an assembly at the school that day a teaching assistant appeared at the back of the assembly hall accompanied by a male who I immediately recognised as Axel. I was very surprised to see him given that I had permanently excluded him two months prior. He was wearing a yellow puffa jacket. I have no idea how he managed to get into school as by this time in the morning all the doors and external gates would be locked. Having viewed the CCTV footage, I do know that he tried to climb over the external fence to the school having through a backpack over the fence. He was not able to climb over the fence and I believe that he has managed to eventually get in through one of the classroom doors somehow. As the students began to file out of the hall, I approached him and asked him why he was on school premises. He didn't respond to me and seemed quite agitated. He then suddenly ran off out of the room and into one of the

Signature Signature Signature Witnessed by

RESTRICTED (when complete)



main school corridors. I immediately called after him to tell him to stop and then started to run down the corridor after him. In the meantime, Mr Dolly and Mr Cregeen had been alerted to the fact that Axel was on school premises when he shouldn't be. I continued to follow him at a distance of no more than 20yds. I had a clear view of him throughout. I then noticed a group of students coming down the corridor towards us. I remember him dropping his backpack (I believe a teacher may have handed this back to him at some stage) and which I hadn't initially noticed due to a large puffa jacket he was wearing. Out of nowhere, he then produced a hockey stick from beneath his coat which surprised me. Up to that point it hadn't really struck me that he was going to attack anyone. I immediately recognised the item as a hockey stick. I then witnessed Axel lift the hockey stick above his head and strike a student. I don't remember exactly where he was struck but I do know that he was hit quite hard and it was quite apparent to me that Axel was intent on causing injury. I know that student to be a [DPA]. I then instinctively 'bear hugged' Axel to prevent him moving his arms anymore and causing further injury. Mr Dolly had joined me at this stage and had to wrestle the hockey stick out of his hand; he did not want to give it up easily.

My immediate priority was to then take Axel to a place of isolation to prevent him causing any further injury to anyone. I brought Axel to my office and closed the door and locked it to prevent him from running off again. I asked Mr Dolly to check whether the other students were ok and to ensure that the police were called. Somehow, I don't remember how, but his backpack also made its way into my office and onto the table. I spoke to Axel in the office and remember asking him why he was behaving like he was and he told he was: "Wanting to attack [DPA] (This was same student who he had the fight with in English class in October). I explained to him that it was not that boys [DPA] fault why he had been expelled from school and tried to reason with him. Axel just sat in a chair in the corner of my office. He didn't try to run or do anything; maybe because he knew the door was locked. I just remember him being very angry and frustrated. When I asked Mr Dolly to check on the other child and to check where the police are Axel then said: 'It's [DPA]'. Axel would have known who [DPA] was as he was in same year group as him. There had been no reported issues between Axel and [DPA] at all during his time in school. [DPA] was probably one of the nicest students in the school at the time and appeared to be just a random attack on the first student he knew.

The next thing I remember is two police officers coming to my office and speaking with Axel. I recall Axel being very unphased at this point despite the presence of the officers in all their kit and the situation he had found himself in; I was surprised at this. One of the officers then asked Axel whether this was his bag pointing to the bag on the table. The officer then opened his bag and took out a large knife from his bag. I was further shocked by this. The knife I would describe as one you would find in a kitchen. It was around 30cm in length (slightly less than the length of a A4 sheet on paper). The handle, from what I recall, was white/grey in colour, it was straight on top with a curve on the bottom blade which was flat and not serrated. I remember being horrified when seeing this. I do not know what else, if anything, was found within Axel's bag. I am also not sure what happened to the Hockey stick and assume the police took it away. Of note, we do not teach hockey at this school and do

Signature _____

Signature Signature Witnessed by

