

## Part D – Abuse and Response

### 5. Abuse

#### 5.1 Nature

- i. What was the nature of abuse and/or alleged abuse of children cared for at the establishment, for example, sexual abuse, physical abuse, emotional abuse?*

The School has undertaken extensive research in order to comply with the Section 21 Notice. In the course of that research we have identified some sexual, some physical and some stand-alone psychological/emotional abuse or alleged abuse. The School has identified peer-to-peer cases and staff-to-pupil cases. The type of incidents can be described as bullying of various types, voyeurism, and some examples of physical or sexual assault.

**Aberlour House 1999-2004** as far as we are aware, any abuse/and or alleged abuse of children cared for at the establishment was peer to peer and bullying in nature.

#### 5.2 Extent

- i. What is the organisation/establishment's assessment of the scale and extent of abuse of children cared for at the establishment?*

The timeframe of the Inquiry is more than 70 years. In the course of that time, there have been thousands of students and hundreds of staff at the School. From this, the School has identified 11 incidents of abuse and/or alleged abuse of children involving staff. The spreadsheet of examples in response to 5.9 shows a total of a further 82 cases of peer to peer abuse.

In order to comply with the Section 21 Notice issued by the Inquiry in respect of Parts C and D, the School has undertaken significant research, taking account of the personnel and resources available to it and the scale of the task:

- Staff files have been reviewed for the purpose of identifying any cases of proved or alleged abuse made against staff members (see answer to 5.2.i).
- As part of the corporate memory interrogation, we spoke to the two surviving former Headmasters, Mark Pyper and Simon Reid; the former Chairman of the Board of Governors, Bryan Williams; three former long standing members of the School's Pastoral team, Carleen Broad, Chris Barton and Diana Monteith; a former Deputy Head, David Monteith; and a number of former Housemasters and Housemistresses – including staff still employed by the School; we also spoke to the former Director of Staffing & Planning, Tony Gabb. These individuals were able to provide the School with information from their recollection.
- The School reached out to its alumni through two emails in 2015, one in response to a case reported more extensively hereafter, and the other after a press article published in The

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Observer newspaper. This resulted in former pupils contacting us. Since 2015 the School has always made it clear to those who contacted it that the police would be informed, and that the Inquiry Team and any other relevant agencies would also be contacted.

- The School took other opportunities, including speeches to former pupils at reunion events, articles in alumni publications and media interviews in the intervening period, to urge those affected by abuse to come forwards either directly to the School or to the police or the Inquiry.
- The School has thousands of former pupil files covering the 70+ years which the Inquiry is reviewing. While it has not had the resources to review every single file, the School initiated 'random sampling' (See Part D Appendix 2 for methodology) of available student files for the years between 1935-1999. This timeframe was chosen for a number of reasons. One was because it was clear the historical record keeping was not of the type and standard of the 21<sup>st</sup> century. It was therefore considered important to review across many previous decades to try to illustrate, where possible, what procedures/policies were in place in any given era and to identify the recording of instances of peer to peer abuse and/or alleged abuse. File sampling was not undertaken after 1999 as, from this time, the School's policies and procedures in respect of recording and dealing with allegations of abuse are a clearer matter of record. From 1999 any information relating to abuse or alleged abuse of or by students is recorded in child protection logs and, from 2013, in the School's electronic Wellbeing System (see Part D Appendix 1 for definition).

If the Inquiry Team wishes the School to conduct further review of pupil files, then School will gladly facilitate this.

More specific reference will be made to the contents of these files, where applicable. And they will be referred to, throughout Parts C and D as the 'sampled student files'

As a result of our research and review of files, and in addition to repeatedly reaching out to the School community, by the date of submission of Part D, a total of 11 cases of alleged abuse by adults have been reported to the School.

- 8 allegations of incidents of the sexual abuse of students have been made against 6 adults.
- 2 allegations of physical abuse of students have been made against 2 adults.
- 1 allegation has been made against the Gordonstoun staff as a whole.

The cases that we have recorded took place over a broad period of time, from the 1960's to the 2010s, affected children of different ages, both boys and girls, and took place in separate locations- both in and out-with the School. They range at the most serious from an allegation of rape, to a report of a teacher holding hands with a pupil whilst on a [REDACTED] tour.

The School acknowledges that there were problems with peer bullying at certain times in the School's history. The emphasis at Gordonstoun is on encouraging respectful behaviour between

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teenagers and discouraging bullying or abusive behaviour. This is and has always been an ongoing responsibility of Gordonstoun.

In the boarding houses, as was the case in many boarding schools, the oversight of junior students by their seniors could include the issuing of punishments. However, it is clear that this was overstepped at various times in a manner which was at odds with ethos of the School and the principles of Kurt Hahn. It appears to have been the case that some victims did not tell or feel able to tell staff if there were any problems with this or within their own peer group. Therefore, the School's awareness of an underlying problem of bullying at certain times in the boarding houses has been primarily informed by alumni recollection and the 'closed' Facebook group mentioned at Part B 3.3 & 3.4. Some of the arising incidents are also referred to in the response to 5.9 (part D Appendix 4). The School accepts, and regrets, that this happened, but because of record keeping at the time, is not in a position to make an informed assessment of the scale of this form of peer-to-peer bullying at Gordonstoun. That said, we were encouraged recently by an incidental remark in a research report that involved the survey of 1183 OGs, and focus groups with 50 of them. Because the research into 'The Nature and Impact of Gordonstoun's Out of Classroom Offer' involved OGs, it also covers 'living memory,' and provided a further opportunity to engage with our alumni about their experience at school. It was led by Dr Simon Beames of the Moray House School of Education at the University of Edinburgh. In the report he remarks:

*"Equilibrium seems to be maintained by social structures such as in-house roles and the colour bearer system. These structures seem to function through a generative process of role modelling. Furthermore attitudes within the student body also helped to achieve balance within the school community with nearly all participants noting that they observed very little bullying at the school." (p.23 of the report)*

It is noticeable that 70% of the respondents were in the over 50 age range, which helps fill in the gap in the School's formal record-keeping for that period.

Since 1995, with the introduction at the School of more comprehensive child care and protection policies, and a more unified approach to sanctions, and with the development of a more 'telling' culture, we have clearer records of where inappropriate behaviour has occurred and what the consequences were. This is evident in the response to 5.9 (Part D Appendix 4).

The School's electronic Wellbeing System (See Part D Appendix 1 for definition) now records a range of concerns which means that reporting is more comprehensive, although most Wellbeing reports relate to personal circumstances and issues rather than abuse. The incidents reported to the Inquiry from the late 1990s onwards in the response to 5.9 (Part D Appendix 4) demonstrate the detailed nature of the School's wellbeing reporting.

A challenge which faces boarding schools, particularly co-educational boarding schools, lies in the management of sexual behaviour in the teenage year groups. There have always been clear expectations outlined in the School rules and the subsequent Code of Conduct (Part C Appendix 2) regarding acceptable behaviour, and Gordonstoun is committed to helping children develop a healthy and respectful attitude to sexual behaviour. Notwithstanding this, there are 10 recorded



incidents of peer to peer sexual abuse occurring between students, including 4 incidents of non-recent sexual abuse (defined as incidents which took place before and up to the 1990's).

#### **Aberlour House 1999-2004**

It is our understanding that there were no cases of abuse involving staff at Aberlour during this time. Incidents of peer bullying are reported at Part D Appendix 4, 5.9.

#### ***ii. What is the basis of that assessment?***

This assessment has been made on the basis of:

- Cases known to the School and to the police
- Cases that have been brought to us as a result of our direct and proactive appeals for survivors to come forward
- Cases that have been identified to us through alumni networks both online and through alumni events
- Examination of 347 files of former staff from the retention point of 1990 onwards, which is when files were retained. These files cover the whole period of a former member of staff's employment e.g. 1947 – 1995. If the member of staff left the School before 1990, the School has not been able to access their file for the purposes of the Inquiry as it is not known where those files are or if they have been retained. A comprehensive search of the School's campus has been undertaken as part of the research for the preparation of this response to the Inquiry. Any issues which arise for members of staff from 1990 are found in the Complaints File and/or Disciplinary File rather than in a staff file. Those complaints/disciplinary files have been reviewed for the purposes of the Inquiry response.
- The sampled student files (see Part D Appendix 2 for methodology)
- Examination of specific student files (prior to the introduction of the Wellbeing System) where the research conducted by the School produced a student identity
- Review of pastoral and child welfare paper records since 1997
- Detailed analysis of our 'Wellbeing Information Sharing System' (see Part D Appendix 1 for definition)
- Corporate memory interviews - speaking to the two surviving former Headmasters, Mark Pyper and Simon Reid; the former Chairman of the Board of Governors, Bryan Williams; three former long standing members of the School's Pastoral team, Carleen Broad, Chris Barton and Diana Monteith; a former Deputy Head, David Monteith; and a number of former Housemasters and Housemistresses – including staff still employed by the School; we also spoke to the former Director of Staffing & Planning, Tony Gabb. These individuals were able to provide the School with information from their recollection. A complete list of all staff interviewed in formulating this response is included in Part A, pages 98-99.
- Corporate memory interviews with the two former directors of the Gordonstoun International Summer School – James Thomas and Jenny Needham
- Interview with the current director of the Gordonstoun International Summer School – Claire MacGillivray

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- Corporate Memory discussion with the former Headmaster of Aberlour House (2000-2003) Neil Gardiner and the current Headmaster of the Junior School (2003-today), Robert McVean.

**iii. *Against how many staff have complaints been made in relation to alleged abuse of children cared for at the establishment?***

To our knowledge, complaints have been made against eight members of staff.

1 additional complaint was also made against the Gordonstoun staff generally by a former pupil, alleging racism and psychological abuse.

**Aberlour House 1999-2004:**

To our knowledge there have been no complaints made against members of staff at the School during this time period.

**iv. *How many staff have been convicted of, or admitted to, abuse of children cared for at the establishment?***

There is an ongoing legal case with regard to one former member of staff.

**v. *How many staff have been found by the organisation/establishment to have abused children cared for at the establishment?***

The cases the organisation/establishment is aware of are quantified above. We are aware of eight members of staff who have allegedly abused children cared for at the establishment

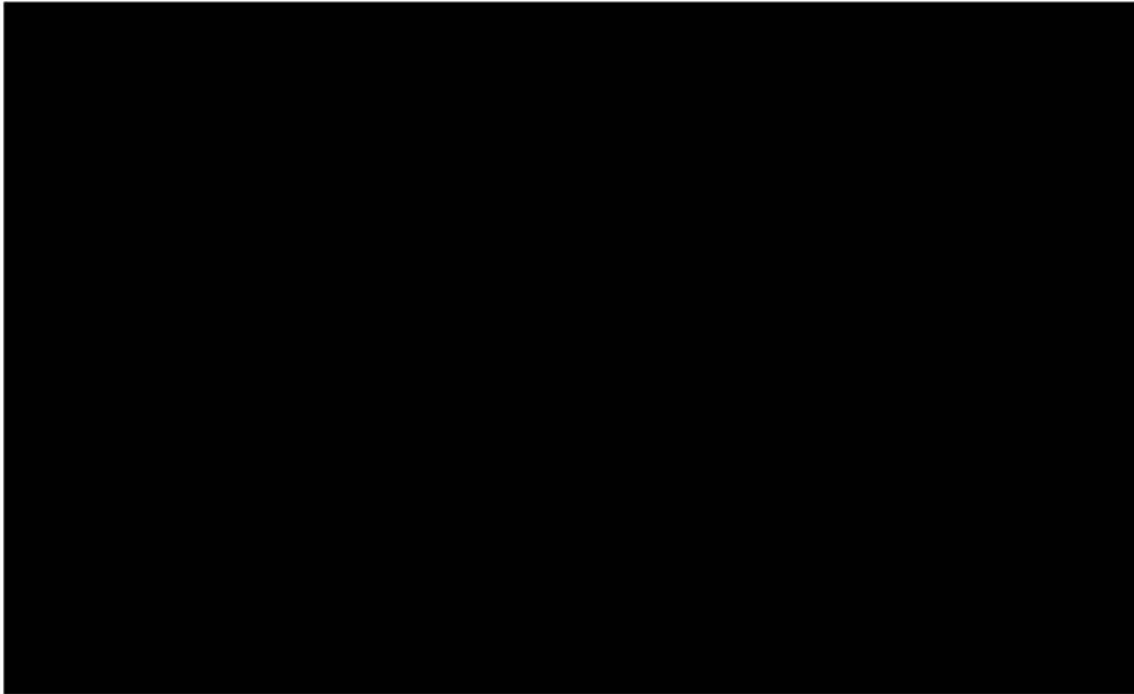
One complaint was also made against the Gordonstoun staff generally by a former pupil, alleging racism and psychological abuse.

**Aberlour House 1999-2004:**

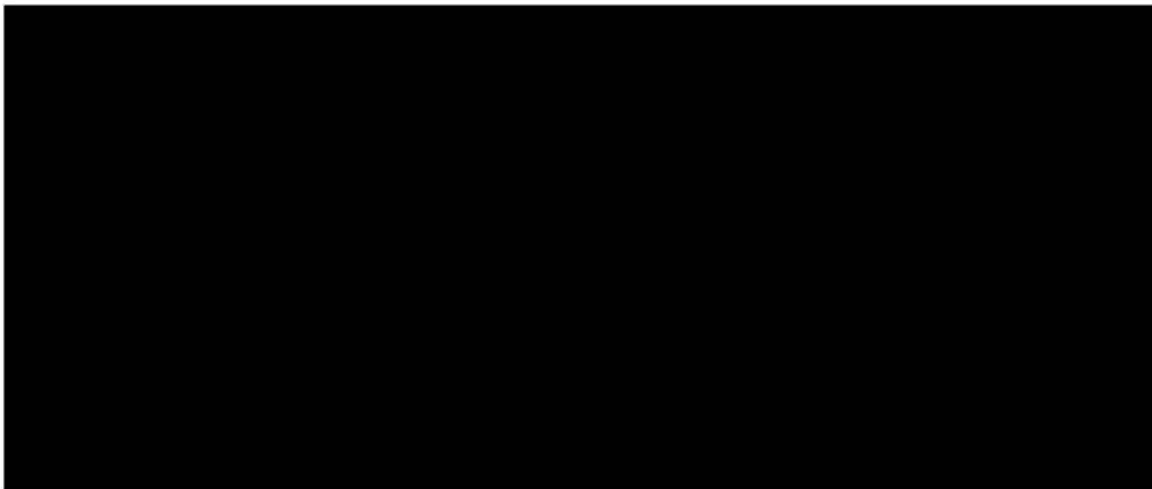
To our knowledge no staff have been found to have abused children cared for at Aberlour House at this time.

**vi. *In relation to questions iii – v above, what role did/do those members of staff had/have within the organisation/establishment?***

Each incident is numbered consistently with a cross-reference to the responses for 5.8 and 5.9 (Part D Appendices 3 & 4) as below. The incidents are laid out chronologically:



- vii. To what extent did abuse and/or alleged abuse of children cared for at the establishment take place during off-site activities, trips and holidays?**



**Aberlour 1999-2004** - to our knowledge there were no incidents of abuse by staff of children at Aberlour House in this time.

**viii. To what extent was abuse and/or alleged abuse of children cared for at the establishment carried out by visitors and/or volunteers to the establishment?**

We have no evidence of abuse or alleged abuse of children cared for at the School being carried out by visitors and/or volunteers to the establishment.

**ix. Have there been allegations of peer abuse?**

Yes. Please see Part D Appendix 4, 5.9 – incidents 12-93.

The abuse documented at 5.9 12-93 covers:

- Physical
- Sexual
- Associated emotional and/or psychological
- Stand-alone emotional or psychological abuse where this was deemed very significant e.g. persistent campaign

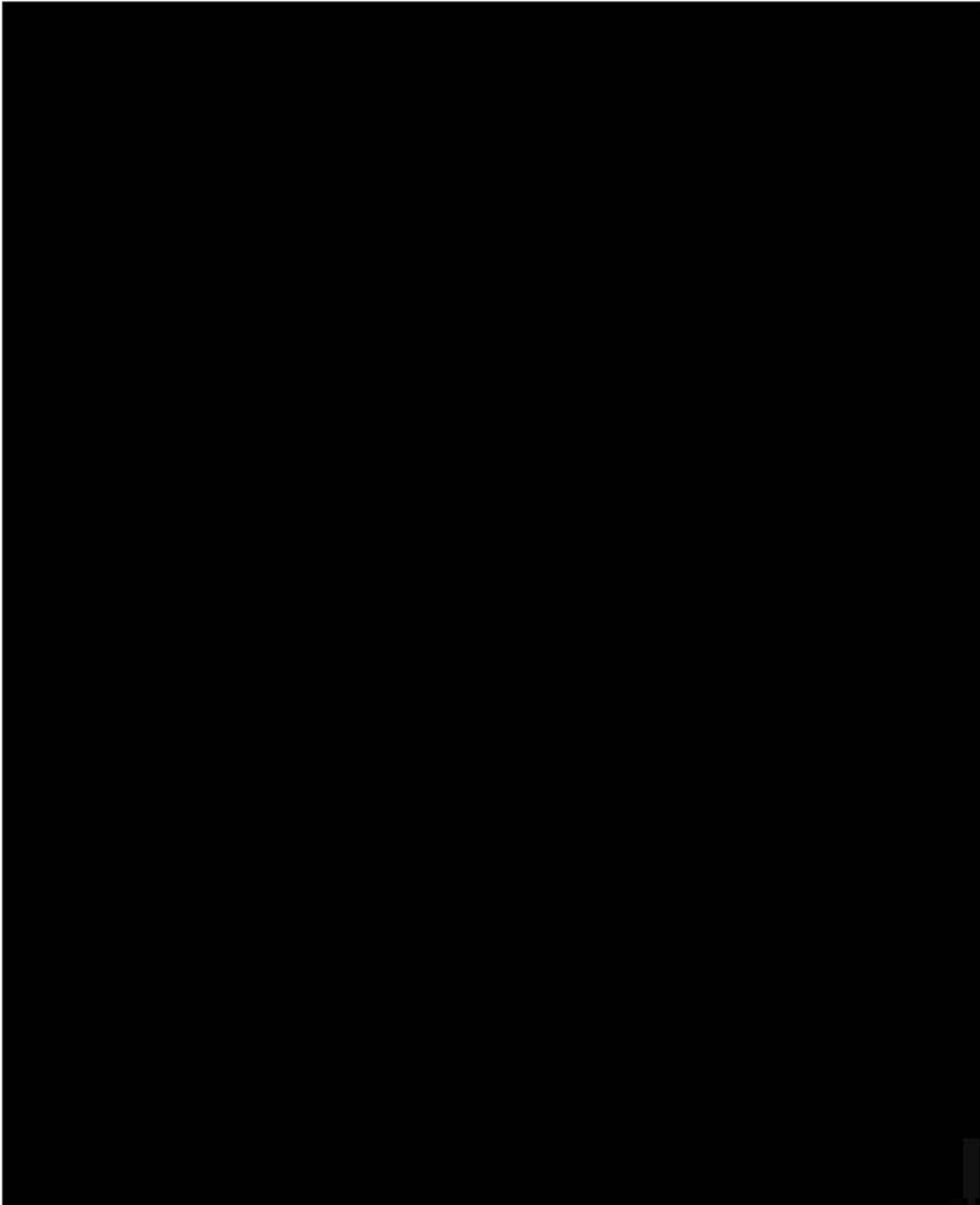
We have included incidents where there was parental dissatisfaction with the School's response to the complaint, particularly where it led to the withdrawal of their child. Also included are examples where the outcome was expulsion or rustication (suspension) as these tend to suggest cases which were more serious, even if the detail of the complaint or allegations is not fully recorded.

**Aberlour House 1999-2004:** through discussion with the former Headmaster of Aberlour House at this time, and with the current Head of the Junior School who was also Headmaster of Aberlour House at its former location, any incidents of bullying have been recalled and reported at 5.9.

Through discussion with the two former and the current Director of the **Gordonstoun International Summer School** no incidents of bullying have been recalled.

**5.3 Timing of Disclosure/Complaint**

- i. When were disclosures and complaints of abuse and/or alleged abuse of children cared for at the establishment made to the organisation or establishment?*







The above table refers only to allegations involving members of staff. For timing of disclosure relating to peer-to-peer cases please Part D, Appendix 4, 5.9 incidents 12 – 93.

***ii To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?***

In relation to staff cases, eight out of ten were disclosed while the abuse or alleged abuse was on-going or recent (please see Part D Appendix 3).

The complaint made against the Gordonstoun staff generally by a former pupil, alleging racism and psychological abuse, was not disclosed when the abuse or alleged abuse was on-going or recent. This case is not included in our answers at 5.2 vi, vi and 5.3 i above, because it is a general complaint. It is, however, included in Part D Appendix 4, 5.9.11.

In terms of peer cases, non-recent examples not disclosed at the time are found at Part D Appendix 4, 5.9 12,13, 25, 26 and examples which were reported at the time are found at 5.9 14-24, 27-93.

**Aberlour 1999-2004**

We are not aware of any cases of alleged abuse at Aberlour House by staff in this time period.

In terms of peer cases, examples are found at Part D Appendix 4, 5.9 39, 40, 79

**Gordonstoun International Summer School**

In relation to staff cases, the one which took place during Summer School was reported at the time (Part D Appendix 4, 5.9.9).

We are not aware of any cases of alleged abuse at the Gordonstoun International Summer School taking place between peers.

**iii To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?**

It is our understanding that two of the complaints made against staff (5.9.3 & 5.9.5) were made many years after the alleged abuse.

As reported in 5.9, three complaints of peer to peer abuse were made years after the alleged abuse. (5.9.12, 5.9.13, 5.9.25).

The complaint made against the Gordonstoun staff generally by a former pupil, alleging racism and psychological abuse was made six years after the alleged abuse (5.9.11).

**Aberlour 1999-2004**

We are not aware of any cases of alleged abuse by staff at Aberlour House in this time period, nor are we aware of any non-recent complaints of peer to peer abuse in this time period.

**iv. Are there any patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse?**

The School has not identified a pattern among staff in the timing of abuse/alleged abuse.

However, it appears that the creation by former pupils of the 'closed' alumni Facebook page, which evolved into a forum for survivors and complainants, and The Observer article in 2015 prompted either re-reporting or new examples coming to light, which may be described as a pattern in respect of timing, including:

- in response to a request from the writer of the book *Gordonstoun: An Enduring Vision* for memories of time spent at school from former pupils
- by a heightened national awareness of the need to disclose and seek justice following e.g. Operation Yew Tree
- by reaching out to alumni through a variety of means and further press articles involving the School which have specifically encouraged people to come forward (e.g. most recent example being The Times 24 June 2017).

## **5.4. External Inspections**

- i. What external inspections have been conducted relating to children cared for at establishment which considered issues relating to abuse and/or alleged abuse of children?***

There have not been any external inspections of Gordonstoun School which have directly considered issues in relation to abuse or alleged abuse of children.

As a boarding school, Gordonstoun has been subject to routine and regular school inspections, with the first mention of an inspection made by the Scottish Education Department made in Governors' Minutes in 1946 and going through to the present day with the Care Inspectorate and Education Scotland.

If the Inquiry would wish sight of these inspections, all available inspection reports can be provided.

As there have been no inspections of the School in relation to issues of abuse or alleged abuse of children, the answer to all of the below questions is N/A:

- i. Who conducted the inspection?***
- ii. Why was the inspection conducted?***
- iii. When was the inspection conducted?***
- iv. What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children?***
- v. What was the organisation/establishment's response to the inspection and its outcome?***
- vi. Were recommendations made following the inspection?***
- vii. If so, what were the recommendations and were they implemented?***
- viii. If recommendations were not implemented, why not?***
  - ii. If so, what were the recommendations and were they implemented?***
  - iii. If recommendations were not implemented, why not?***

## **5.5 External Investigations**

- i. What external investigations have been conducted relating to children cared for at the establishment which have considered issues relating to abuse and/or alleged abuse of children?***

There have been no external investigations of Gordonstoun conducted relating to children cared for at the establishment which have directly considered issues in relation to abuse and/or alleged abuse of children.

There have been investigations by the police into specific incidents/individuals and these are reported at the response to 5.12 (Part D Appendix 5).

While there have not been any such investigations, we wish to advise the Inquiry that Gordonstoun has also regularly both sought advice from and reported to the social work departments of the relevant local authorities and to the police, both formally and informally, with regard to child protection incidents and child welfare as and when necessary.

This has been particularly evident since 1995 with the appointment of the School's first Child Protection Officer. This role was established as being as independent as possible within the School's structure, and carries a responsibility to report to any external authority independent of the School in the event that it becomes necessary.

As the School is located in Moray, Gordonstoun had, and has, regional access to the support and oversight of the North East of Scotland Child Protection Committee (NESCPC) which covered the three local authority areas of Aberdeen City, Aberdeenshire and Moray. This organisation has a responsibility to develop and implement inter-agency child protection strategy and has helped the School with training and dissemination of information relating to the protection of children.

More locally, Gordonstoun works with the Joint Child Protection Unit for Moray (now renamed the Public Protection Unit) – which provides access to the local health authorities, the police and social work as required. This access and help has been available to the School in the same way as it is to all other care and education providers in the area and the School is pleased to take full advantage of it.

**Aberlour House 1999-2004:**

It is our understanding that no external investigations were conducted relating to children cared for at the establishment which have considered issues relating to abuse and/or alleged abuse of children at this time.

***For each such external investigation please answer the following:*** As a result of the above information, the answer to the below questions is **N/A**

- ii. Who conducted the investigation?***
- iii. Why was the investigation conducted?***
- iv. When was the investigation conducted?***
- v. What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children?***
- vi. What was the organisation/establishment's response to the investigation and its outcome?***
- vii. Were recommendations made following the investigation?***
- viii. If so, what were the recommendations and were they implemented?***
- ix. If recommendations were not implemented, why not?***

## **5.6 Response to External Inspections/Investigations**

- i. What was the organisation's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse, of children cared for at the establishment?***

As mentioned above, Gordonstoun has not dealt with external inspections and or investigations relating to abuse, and/or alleged abuse of children cared for at the School.

It has however always welcomed inspections by HMI and more recently the Care Inspectorate, cooperating fully with inspectors, and providing whatever information was required. We retain inspection reports from 1997 onwards, and records of reports and correspondence concerning reports from 1938 until 1997, should the Inquiry wish to see them.

The School always co-operates with the police as and when necessary.

This was also true of **Aberlour House 1999-2001**

- ii. What was the organisation's procedure/process for responding to the outcomes of such external inspections and/or investigations?***

As mentioned, there were no inspections in relation to allegations or instances of abuse. In general, in relation to HMI Inspections, the Headmaster/Principal worked with the support of staff, senior management and the Board of Governors to respond in a timely fashion to these inspections, and to collaborate on the best way to address their resulting recommendations and requirements.

This was also true of **Aberlour House 1999-2004**

- iii. What was the organisation's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?***

As mentioned, there were no inspections in relation to allegations or instances of abuse. In general, in relation to inspections, on receipt of an HMI or Care Inspectorate inspection, and after due consideration, the Headmaster/Principal worked with his staff and senior management team, in consultation with the Board of Governors to address any recommendations and/or requirements.

This was also true of **Aberlour House 1999-2004**



## 5.7 Impact

### ***i. What is known about the impact of abuse on those children cared for at the establishment who were abused, or alleged to have been abused?***

The School does not have a great deal of direct information on the impact of abuse or allegations of abuse (see also the response to ii, below). Some of those who have made reports to the School have indicated distress and concern, some with the emotional and psychological consequences of experiences such as these.

Since 2013, when incidents of abuse have come to light, the School has offered the services of the School's clinical psychologist to help in any way that she can.

In order to further understand this impact on children cared for at the School, Gordonstoun also – as previously reported at Part C, 4.9 (b) ix – commissioned Professor Andrew Kendrick and Ms Moyra Hawthorn of the University of Strathclyde and the Centre for Excellence for Looked After Children in Scotland (CELCIS) to carry out a consultation with former students in order to discuss what support would be most beneficial. The objective of this consultation was to engage with former pupils in order to ensure that any measures put in place to support survivors of non-recent abuse are as effective and appropriate as possible, both in terms of the forms of support offered, the way in which these are framed and in terms of language and tone.

This consultation started in 2016 and the hope is that Gordonstoun will be able to share recommendations with those who took part over the Summer of 2017 in order to make a communication with the School's former pupils and wider community by the end of the year.

### ***ii. Where does the organisation/establishment's knowledge/assessment of that impact come from?***

Gordonstoun understands that any incident of abuse would be unimaginably distressing to the victim and their family.

A direct sense of this distress has been communicated to the School by former pupils – whose allegations are reported at Part D Appendix 4, 5.9.1, 2, 13, 25, 26 – in response to an email sent to former pupils by the Principal after the publication of the article in The Observer in April 2015.

CELCIS' work for and with the School will also better inform its knowledge and assessment of this impact.

### ***iii. What is known about the impact of abuse on the families of those children cared for at the establishment who were abused, or alleged to have been abused?***

Beyond an understanding of the distress caused to the victims of abuse or alleged abuse, and their families, and the communications we have from four former pupils recording their distress, we have

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no specific information on the impact of abuse on the families of those children cared for at the establishment who were abused, or alleged to have been abused.

CELCIS' work for and with the School will also better inform its knowledge and assessment of this impact.

***iv. Where does the organisation/establishment's knowledge/assessment of that impact come from?***

The School has some information available in the files reviewed as to impact/distress at the time of the events complained of. It has found that concerns were expressed by staff or by pupils, peers and/or parents. Examples of such cases are found at Part D Appendix 4 incidents 5.9, 18, 20, 71 and 88.

Our answer to this question is also informed by the response to The Observer article in April 2015 which prompted either re-reporting or new examples coming to light, some of which included reports of on-going distress or longer term consequences as the result of their experiences, Other examples on impact have come:

- from the creation by former pupils of the 'closed' alumni Facebook page, which evolved into a forum for survivors and complainants
- in response to a request from the writer of the book *Gordonstoun: An Enduring Vision* for memories of time spent at school from former pupils
- by a heightened national awareness of the need to disclose and seek justice following e.g. Operation Yew Tree
- by reaching out to alumni through a variety of means and further press articles involving the School which have specifically encouraged people to come forward (e.g. most recent example being The Times 24 June 2017)

## **5.8 Known Abusers at Establishment**

- i. Does the organisation/establishment know of specific abusers, or alleged abusers, of children cared for at the establishment?***

Yes.

- ii. If so, what are the names of the abusers, and/or alleged abusers?***

Please see Part D Appendix 3.

### **Aberlour House 1999-2004**

The organisation/establishment does not know of specific abusers or alleged abusers of children cared for at Aberlour House at this time.

- iii. For each of these persons, please provide as much as possible of the following information:***

- *the period (dates) during which they are known or alleged to have abused children cared for at the establishment*
- *the role they had in the organisation/establishment during the period of abuse and/or alleged abuse*
- *where they worked prior to, and following, their time at the organisation/establishment*
- *the knowledge sought or received about them by the organisation/establishment at the point of recruitment, and while they were at the establishment*
- *any information sought by, or provided to, future employers or third parties after they left the establishment, including regarding abuse or alleged abuse*

Please see Part D Appendix 3

- iv. Were known abusers, or alleged abusers, of children cared for at the establishment moved from one establishment run by the organisation, to another establishment run by the organisation?***

No.

- v. If so, why was this considered to be appropriate?***  
***vi. If so, what process of monitoring/supervision followed at the new establishment?***

Not applicable.

## 5.9 Specific Complaints

### *i. How many specific complaints of abuse of children cared for at the establishment have been made to the establishment/organisation?*

We are aware of one non-specific generalised allegation of abuse by the staff at Gordonstoun. This is reported at 5.9.11.

From the research carried out we are aware of a further 10 cases of abuse/alleged abuse of children cared for at the establishment by 8 members of staff. Reported at Part D, Appendix 4, 5.9 – incidents 1-10.

We are also reporting 82 cases of peer to peer abuse/alleged abuse, identified through:

- Cases known to the School and to the police
- Cases that have been brought to us as a result of our direct and proactive appeals for survivors to come forward
- Cases that have been identified to us through alumni networks both online and through alumni events
- Examination of 347 files of former staff from the retention point of 1990 onwards, which is when files were retained. These files cover the whole period of a former member of staff's employment. If the member of staff left the School before 1990, the School has not been able to access their file for the purposes of the Inquiry as it is not known where those files are or if they have been retained. A comprehensive search of the School's campus has been undertaken as part of the research for the preparation of this response to the Inquiry. Any issues which arise for members of staff from 1990 are found in the Complaints File and/or Disciplinary File rather than in a staff file. Those complaints/disciplinary files have been reviewed for the purposes of the Inquiry response.
- The sampled student files (see Part D Appendix 2 for methodology)
- Examination of specific student files (prior to the introduction of the Wellbeing System) where the research conducted by the School produced a student identity (see e.g. Part D Appendix 4, 5.9 – incidents 23 and 27.
- Review of pastoral and child welfare paper records since 1997.
- Detailed analysis of our 'Wellbeing Information Sharing System' (see Part D Appendix 1 for definition)
- Corporate memory interviews - speaking to the two surviving former Headmasters, Mark Pyper and Simon Reid; the former Chairman of the Board of Governors, Bryan Williams; three former long standing members of the School's Pastoral team, Carleen Broad, Chris Barton and Diana Monteith; a former Deputy Head, David Monteith; and a number of former Housemasters and Housemistresses – including staff still employed by the School; we also spoke to the former Director of Staffing & Planning, Tony Gabb. These individuals were able to provide the School with information from their recollection. (A complete list of all staff interviewed in formulating this response is included in Part A, pages 98-99.)

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- Corporate memory interviews with the two former directors of the Gordonstoun International Summer School – James Thomas and Jenny Needham.
- Interview with the current director of the Gordonstoun International Summer School – Claire MacGillivray.
- Corporate Memory discussion with the former Headmaster of Aberlour House (2000-2003) Neil Gardiner and the current Headmaster of the Junior School (2003-today), Robert McVean.

In preparing the enclosed submission, the School has considered very carefully the Inquiry's definition of abuse, contained in the Inquiry's Terms of Reference, as well as the additional information regarding the definition in the FAQ section of the Inquiry's website. The definition of abuse is of complaints of physical/ sexual abuse of children cared for at the School, as well as associated emotional/psychological abuse. Where the School has identified complaints of solely emotional/ psychological abuse, the School has used its judgement about what to include in this submission. In exercising this judgement, the School has followed the Inquiry's guidance (provided by email of 26 June 2017 to the School's solicitors) and included complaints of emotional abuse that from the evidence appear to be very significant or where it appears that there has been a campaign of emotional abuse against a particular pupil by a fellow pupil or teacher. As part of this judgement, the School has considered the level of sanction applied as, for example, rustication or expulsion are at the most serious end of the spectrum.

On this basis, the following general classes of incidents have not been reported in full by the School in this submission:

1. Unspecific complaints with no individual named nor evidence of abuse
2. One-off incidents of unprofessional conduct investigated and resolved to the satisfaction of all parties, for example, staff using derogatory language towards pupil(s)/swearing around pupils/one-off comments which a pupil found humiliating.
3. Report of peer to peer bullying over a short period with resolution that did not involve suspension/a pupil leaving the School.
4. Report of possible abuse not involving pupils at Gordonstoun
5. Reports of close relationships between students where the School made a successful early intervention and there was no suggestion of any physical/sexual/or emotional abuse.
6. Consensual sexual relationship between students of consent age and over, despite the relationship breaching the School's Code of Conduct for pupils
7. Incidents which, on investigation, were clearly wellbeing issues, for example, reports of inappropriate sexual behaviour between pupils where there is no suggestion of abuse.

If the Inquiry considers it necessary, the School can provide further information.

*Gordonstoun – Part D – Full Response*

***For each specific complaint, please answer the following:***

- ii. Who made the complaint?***
- iii. When was the complaint made?***
- iv. Against whom was the complaint made?***
- v. What was the nature of the complaint?***
- vi. When/over what period was the abuse alleged to have taken place?***
- vii. What was the organisation/establishment's process and approach in dealing with the complaint?***
- viii. What was the organisation/establishment's process and approach for investigating the complaint?***
- ix. What was the outcome of the complaint following that investigation?***
- x. Did the organisation/establishment provide a specific response to the complaint?***
- xi. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?***
- xii. If there was no response, why not?***
- xiii. Was the information/content of the complaint passed to police?***
- xiv. If not, why not?***

Please see response to 5.9 at Part D Appendix 4. Please note that in the spreadsheet, for ease of reference, the responses to xiii and xiv appear in the same column.



## **5.10 Civil Actions**

- i. How many civil actions have been brought against the organisation and/or establishment relating to abuse, or alleged abuse, of children cared for at the establishment?*

To our knowledge, no civil actions have been brought against the organisation and/or establishment relating to abuse or alleged abuse of children cared for at either Gordonstoun or **Aberlour House 1999-2004**.

*For each such civil action, please answer the following:*

- ii. Who brought the action?*
- iii. When was the action brought?*
- iv. Against whom was the action brought?*
- v. What was the nature of the abuse, or alleged abuse, to which the action related?*
- vi. What were the names of the persons said to have, or alleged to have, committed abuse?*
- vii. When/over what period was the abuse said, or alleged, to have taken place?*
- viii. How did the action progress?*
- ix. What was the outcome?*
- x. Was the action settled on a conditional basis of confidentiality?*
- xi. Who was/were the organisation/establishment's legal representative(s) in relation to the civil action?*
- xii. Did the organisation/establishment carry insurance for meeting civil claims at the time the action was live?*
- xiii. How/where can copies of the court papers relating to the civil action be made available to the Inquiry?*

In light of the answer at 5.10 above, the answer to these questions is 'not applicable'.

## **5.11 Criminal Injuries Compensation Awards**

- i. Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for at the establishment?*

To our knowledge, Criminal injuries compensation has not been awarded in respect of abuse, or alleged abuse, of children cared for at Gordonstoun or **Aberlour House 1999-2004**.

- ii. If so, please provide details if known.*

Not applicable.

## **5.12 Police**

As has been noted throughout this response, Gordonstoun has both a formal and informal relationship with the local police, and seeks their advice and input whenever there is an instance of potentially criminal behaviour, or if police advice would potentially be helpful. This contact is generally with the local Public Protection Unit, which has specialist officers who know the School, school staff and the context well. We also work with the local branch Police Liaison officers.

When contact is made, police support can take various forms including advising school staff regarding appropriate action, attending school to speak with students informally or initiating an investigation if they feel it is required. The School is led by and works with the police in circumstances such as the below:

- where inappropriate sexual behaviour comes to our attention, particularly if there is an age gap or imbalance of power, even if the young people are both over 16
- where inappropriate communication online/through social media has taken place, or students have accessed and/or shared inappropriate material
- where use of alcohol and drugs has raised concern
- where physical/any kind of bullying is serious enough to warrant exclusion from school
- where incidents of stealing have warranted intervention at this level.

This is not an exhaustive list. This pattern of information-sharing with police is part of a dynamic and constantly evolving working relationship with the local constabulary, a relationship which provides valuable additional support and understanding to the pastoral team at Gordonstoun, and protection for the children in its care.

For details of cases where reports have been made to the police, please see response to 5.12 at Part D, Appendix 5.

- i. How many complaints of abuse of children cared for at the establishment have been made to the police?***

Please see the attached response to 5.12 (Part D Appendix 5).

***In relation to each known complaint to the police, please answer the following questions:***

- ii. Who was the alleged abuser?***
- iii. Did the police conduct an investigation in relation to the complaint?***
- iv. If so, who conducted the investigation and when?***
- v. What was the outcome of the police investigation?***
- vi. What was the organisation/establishment's response?***

**5.13 Crown**

- i. To what extent has the Crown raised proceedings in respect of allegations of abuse of children cared for at the establishment?*

The Crown has raised proceedings in respect of one allegation of abuse of children cared for at Gordonstoun.

**In relation to each time the Crown has raised proceedings, please answer the following questions:**

- ii. What is the name of the person(s) against whom the proceedings were raised?*

Andrew Keir

- iii. What was the nature of the charges?*

We have not been informed of the charges.

- iv. What was the outcome of the proceedings, including disposal/sentence if there was a conviction?*

The case is yet to come to court.

- v. What was the organisation/establishment's response to the proceedings and outcome?*

A letter was sent to the students who reported the alleged abuse to the School, expressing regret, concern and offering support.

A letter was sent to all former students explaining that a former teacher at the School had been charged with a serious offence against two former students and offering support to anyone who had been affected and asking that anyone else who might have been affected share their information with the police.

The School has cooperated fully with the police in providing access to Andrew Keir's staff file and to addresses and contact details of potential witnesses. When, as a result of School's evidence-gathering for the Inquiry, new relevant information was found, this was immediately passed to the police.