

THE SCOTTISH CHILD ABUSE INQUIRY**REPORT BY****THE GOVERNORS OF THE MACKINNON-MACNEILL TRUST****IN RESPECT OF THE FORMER KEIL SCHOOL**

Note: The headings and numbering of this report follow those of the Appendix to the Notice given in terms of Section 21(2)(a) of the Inquiries Act 2005 addressed to the Clerk to the Trust dated 26 January 2017

Part A - Background**1. Characteristics****1.1 History of the Organisation and Establishment:**

- i* Sir William Mackinnon Bt of Loup and Balinakill in Argyll and his nephew, Duncan Macneill, who both died in 1893, bequeathed a fund to provide for the education of deserving highland boys from the age of 13. A Trust was established by the joint Executors, and in 1915 part of the accumulated fund was utilised to establish the Kintyre Technical School at Southend on the Mull of Kintyre. The remainder was retained as an endowment to provide bursaries for the students.
 - ii* Residential boarding care was provided as part of the acceptance of a place in the school. However neither residential care in the sense of operating a children's home, nor foster care has ever formed any part of the Trust's activities.
 - iii* In 1915 the first intake of 18 boys at the Kintyre Technical School were all boarders, and boarding was provided for the lifetime of that school. In 1924 it relocated to Dumbarton and was renamed Keil School. Day boys were admitted from about 1969 and girls, both day and boarding, were admitted in increasing numbers from 1978.
 - iv* The founders were philanthropists, and boarding was the only realistic option for the Highland boys, who came mainly from the west of Scotland and the islands. The original trustees were all professional men of some standing in the community, and they would never have considered themselves inadequate to oversee a boarding establishment. The composition of the successor body corporate (see below 1.3 (a)) thereafter continued to reflect a similar mix, led by members of the Mackinnon family, but expanded over time to include *inter alia* representatives from each of the Institute of Engineers and Shipbuilders and the Universities of Glasgow and Strathclyde, the Glasgow Chamber of Commerce, and the local business community. The school itself was at all times run by a suitably qualified head teacher appointed by them, supported by appropriate staff.
- v-vi* The organisation had only one establishment, as noted above.

vii-viii Keil School closed in 2000 due to diminishing finances, when the organisation ceased to be involved in the provision of residential boarding care.

ix-xiii Not applicable. **(Note: All subsequent Appendix headings regarding the present position are omitted)**

1.2 Funding of Establishment

- i* Initially all activities were funded by the Trust. School fees were introduced gradually, but scholarships continued to be funded by the endowment for those in need.
- ii/iii* Funding was always tight, but the overall accommodation was generally described in HMI reports as fair, with staff levels being good, as was and the quality of care. The body corporate continually invested in facilities for boarders and others, resorting to bank borrowing and general Appeals as required. Major schemes were instituted in 1957, 1964 and 1985 in particular.
- iv* The Assisted Places Scheme from 1980 to 1997 was a significant bonus, with the annual allocation reaching £129,000 in 1989. Otherwise state support was limited to charitable status.

1.3 Legal Status

(a) Organisation:

- i-iv* The body corporate which evolved out of the original Trust and now known as The Governors of the Mackinnon-Macneill Trust was established in 1929, and continued as an Educational Endowment under the Education (Scotland) Acts in terms of the Mackinnon-Macneill Trust Schemes of 1936, 1960 (amended in 1966), 1984 and ultimately 2000, the year in which it ceased to operate any establishment. It now solely provides scholarships and bursaries based on merit to assist students from the original area of benefit, comprising the Highlands and west of Scotland, at Further Education establishments of their choice.
- v* The body corporate was not subject to any express or specific requirements in respect of care.
- vi* The body corporate did have a general responsibility amounting to a legal duty of care towards each student enrolled at the school. Under the Education (Scotland) Act 1980 as amended by the Children (Scotland) Act 1995, it was also under a legal duty to safeguard and promote the welfare of children in its accommodation.

(b) Establishment:

- i-iv* The establishment was recognised as a boarding school by the Scottish Education Department.
- v* The school did have specific responsibility amounting to a legal duty of care towards each student enrolled at the school.

1.4 Legal Responsibility

(a) Organisation:

- i-ii* In terms of the Mackinnon-Macneill Trust Scheme 1936 the body corporate was required to provide free board and lodging, and free education for students who were foundationers under the Scheme, and to assist with defraying the expenses of those parents or guardians who were in needy circumstances. As noted above, there was also a legal responsibility under the provisions of the Education (Scotland) Act 1980

as amended by the Children (Scotland) Act 1995 to safeguard and promote the welfare of children in the accommodation.

iii-iv In terms of the Mackinnon-Macneill Trust Scheme 1984, a body known as the Governors of Keil School was established consisting of 17 individuals including representatives of the Keil School Old Boys' Club, the Friends of Keil, and members of the local business and professional community for the purpose of assisting the body corporate with the government of the school, and with prime responsibility for its general administration and running.

(b) Establishment:

i-ii Under the terms of his contract of employment the Head Teacher was responsible for the overall conduct and the moral and religious welfare of the school

1.5 Ethos

(a) Organisation:

i-iii The objects of the school as set out in a prospectus approved by the body corporate were to provide students not only with academic qualifications, but also with qualities of character, integrity and self-reliance. Stress was laid on the community life of the school, in which the students were expected to participate fully.

iv There was no change in the mission or function of the body corporate save to the extent that provision for day boys was made in 1969, and girls, both day and boarding, were admitted in increasing numbers from 1978, as noted above.

(b) Establishment:

i In relation to residential care, the school provided boarding accommodation staffed by housemasters and housemistresses and assistants as appropriate, meals, and laundry services. There was a wide range of leisure activities. Health care was provided through a matron and visiting doctor. There was also a visiting chaplain.

ii-iv Both boys and girls were admitted to the school from 1978, as noted above. Apart from general awareness and vigilance on the part of both male and female staff no unusual or special child care or child protection measures were taken. The school was not aware of any specific training or courses available at that time, but did ensure that proper discipline was maintained, and took full note of all guidance received from official sources and bodies such as the Scottish Council of Independent Schools (SCIS) of which it was a member.

v The weekday routine for boarders at the school as described in the prospectus commenced with making beds and sweeping and polishing floors during a short period of "Orderly Duty" before breakfast each morning, in order to instil a sense of pride in the appearance of the school and to encourage common sense. Following Assembly there were classes from 9am followed by a period of sport or other communal pursuits or activities until approximately 6pm. Meals were taken with the staff in the Dining Hall, the food being served by students under the guidance of the Dining Room "Chief" (prefect). Time was allocated to Homework before bedtime. Day students had their own lockers and Common Room.

Weekend activities included attending a Church Service. Team sports were played, including rugby and cricket. There were also opportunities to play tennis, squash, badminton and golf, to swim, and to participate in athletics and in the Duke of Edinburgh's Award Scheme. Other activities included a camera club, a chess club, the school choir, an annual operetta, organised excursions, films, debates and lectures. As recorded in the prospectus, the "Chiefs" (prefects) supervised and organised much of this activity, as well as being responsible for running the school shop and the library.

- vi* On site facilities supporting the activities described above included extensive sports pitches, an indoor gym, an indoor games room equipped for table tennis, an IT room, a photography room and dedicated spaces for music, drama etc.
- vii* Offsite facilities included local sports centres near the school within Dumbarton itself. The prospectus mentions the Brock Baths (later redeveloped as the Meadow Sports Centre), Kirktonhill Tennis Club, the Denny Civic Theatre and Bridgend Church (now known as the West Kirk) in particular.
- viii* Boarding students carried out minor housework in their own House as noted above. This was followed by professional cleaning staff later in the day. Maintenance of the grounds was achieved partly by requiring students who were found guilty of some misconduct to undertake a period of "NH" (natural history), involving minor tasks such as leaf raking under the supervision of the Chiefs and staff.

1.6 Numbers

(a) Organisation

- i-iii* The organisation had one establishment only. Numbers accommodated are noted below.
- iv-v* No child was placed in foster care at any time. The residential care service provided was entirely confined to accommodating boarding students.

(b) Establishment

- i/ii* Numbers of boarders accommodated fluctuated over the years according to demand and market conditions. The minimum number was 18 boarders in 1915, rising and stabilising in the period from 1928 to 1946 at around 100, before reaching a maximum of 179 in 1965. Demand for boarding diminished thereafter, numbers reducing to 135 in 1971 (out of a total school roll of 170). By 1990 they had fallen to 83 (out of a total school roll of 187), and in 1999 to 57 (out of a total school roll of 159).
- iii* It is estimated that somewhere in the region of 8000 boarders may have been accommodated over approximately 80 years, based on an average of roughly 100 per year.
- iv* There were several boarding houses at Keil School - one for junior boys, two for senior boys and one for girls. As boarding numbers declined the number of boys' houses was reduced to two, each accommodating all ages.
- v* Individual boarding house numbers peaked at around forty, but fell to around twenty per house before closure. Dormitory numbers depended on number and ages of students. In earlier days, there were up to twenty students in a junior dormitory, with four to six in senior dormitories. Latterly there were around four to six in a dormitory for the youngest students, four for older ones, and seniors had single or double rooms.

1.7 Children's Background /Experience

- i* Pupils mostly came from state primary schools, often in more remote areas of Scotland
- ii-iii* Keil School was the only establishment. **(Headings x to xii below are accordingly omitted)**
- iv-vi* Children were accepted into the school by application from their parents, and following a bursary examination day. Offers of places were made thereafter on merit. No children were received from the Children's Hearing system.
- vii* In the earlier years it was a boys only school, a policy which was examined in 1971. Detailed consideration and debate followed, and eventually facilities were put in place to enable it to abandon gender discrimination after 1978.
- viii* Siblings were welcome and some financial allowance could be made. Siblings of the same sex would be placed in the same boarding house, when appropriately aged.
- ix* Most students remained for between four and six years.
- xiii* All students were free to visit other boarding houses at appropriate times.
- xiv* Students had ready access to a private telephone. As explained in the prospectus, parents and family were always welcome to visit, or to take children out. Students returned home at half terms and for the school holidays. They could also receive permission to go home most week-ends, although this was rarely requested or used.
- xv.* The school provided termly reports to parents, and house staff were easily contacted by telephone. Reports gave details of subject performance, and included a housemaster/mistress report.
- xvi* As noted above, pupils had ready access to a telephone in privacy.
- xvii* Boarding staff would acknowledge birthdays, but without a major celebration.
- xvii* Review of continued residence and aftercare was not applicable in the context of this boarding establishment as described above. **(Headings xviii - xxiii are accordingly omitted)**

1.8 Staff Background

(a) Organisation:

- i-v* All persons responsible for residential boarding care were employed at the establishment. Details are provided below.

(b) Establishment:

- i* Staff numbers varied considerably over time but on average there were somewhere between 15 and 20 teachers, supported typically by three office staff, a matron, a chef, a lab technician, and a caretaker.
- ii* As a school, most members of the teaching staff would have contact with boarders in subject classes and in activities or sport. The school also had a live-in matron, and a minister and a doctor who both visited weekly. Unaccompanied access to the pupils would be available to all of the staff.

- iii* Each boarding house had two members of the teaching staff directly involved with the running of the house, commonly living in the premises, or at least very close by. In addition, a spouse was also normally involved with caring for the youngsters.
- iv* There was no specific child care training for teachers undertaking boarding house duties, but all were qualified and registered with the General Teaching Council. References were taken up prior to appointment.
- v* The student : teacher ratio in the school and in the boarding houses was approximately 10:1.
- vi-vii* There were no designated child care workers, but boarding houses tended to have both male and female staff.

2 Organisational Structure and Oversight

2.1 Governance:

- i.* The structure and duties of the organisation as a body corporate was laid down by successive Mackinnon-Macneill Trust Schemes as mentioned above.
- ii.* The 1960 Scheme, operative until 1985, specified that there should be:
 - Three Life Governors drawn from the family of the founder, Sir William Mackinnon Bt;
 - Six Elected Governors, representing each of the Universities of Glasgow and Edinburgh, the Royal College of Science and Technology in Glasgow, Heriot-Watt College, Edinburgh, the Institute of Engineers and Shipbuilders in Scotland, and the Glasgow Chamber of Commerce; and
 - Three Co-opted Governors, two of whom being Old Boys of Keil School

That composition was changed by the 1984 Scheme - see *v* following.

- iii* The Governors received no special training in relation to residential care services, nor were required to have any.
- iv* The Governors received no remuneration.
- v-viii* Prior to 1985, the Governors met in plenary session at Keil School at the end of each term with the Head Teacher and the Bursar in attendance, when both written and oral reports on all aspects of school life were received. In addition, a House Committee consisting of seven Governors plus the Head Teacher and the Bursar met on a further five or six occasions throughout the year to discuss a wide range of topics, including maintenance, future developments, discipline, security, finance, advertising, enrolments, and staffing.

The 1984 Scheme introduced a new body to replace the House Committee. The overall composition of the body corporate then became:

- Two Life Governors drawn from the family of the founder, Sir William Mackinnon Bt;
- Two Nominated Governors having financial or other expertise to benefit the body corporate; and
- Three Co-opted Governors drawn from the new body replacing the House Committee.

The new body replacing the House Committee was known as the Governors of Keil School, comprising:

- The Life Governors and Nominated Governors of the Mackinnon-Macneill Trust, as above;

- Two Governors representing the Universities of Glasgow and Strathclyde;
- Two Governors representing the Keil School Old Boys' Club;
- Three Governors representing the "Friends of Keil" (formed to save the school from threatened closure);
- Four Co-opted Governors drawn from the local business and professional community after consulting with the Institute of Engineers and Shipbuilders in Scotland, and the Glasgow Chamber of Commerce; and
- Two further Co-opted Governors, with experience which in the opinion of the other Governors will be of value in the exercise of their functions.

From 1985 onwards the two elements of the body corporate, being the Governors of the Mackinnon-Macneill Trust and the Governors of Keil School respectively, met with the Head Teacher and the Bursar in attendance with the same frequency as the preceding bodies had. The Head Teacher also remained in close contact with the Chairman of the Trust and the Governors whenever necessary.

ix-xii There were no formal interviews with children at any time, but there were ample opportunities for informal social exchange with the Governors, a number of who were parents of the students, and had close contact with groups of them. Nothing emerged which necessitated any change to the organisation's policies, practice or procedures.

2.2 Culture:

i-ii The organisation was wholly supportive of the school's aim to create a warm and responsive community in which each student will feel valued, and achieve his or her full academic potential. The History of Keil School, first published by a Keil Old Boy in 1993, and updated and republished by the Keil Old Boys' Club in June 2016, refers to a disciplined framework based on Christian values, with students being encouraged to show consideration for others at all times, and affording opportunities to serve the wider community.

iii HMI school inspections consistently concluded that these objectives were well met by a caring, hard working and committed staff.

iv-vii The running of the school fully reflected the body corporate's culture, and relevant policies and procedures, and no significant changes took place over the years.

viii-x No abuse or alleged abuse of students was known or recognised whilst the school was in operation.

2.3 Leadership:

i The school was led by the Head Teacher, supported by a deputy Head and Housemasters/mistresses.

ii The Head Teachers over the last 15 years of the school were:

1984-1992 Chris Tongue MA (Cantab)

1993-1999 John Cummings BA, MA

1999-2000 Tom Smith BSc, MEd

iii Housemasters/mistresses met the Head Teacher formally each week, and full staff meetings occurred monthly. The small size of the school made inter-staff contact easy, and informal oversight was possible

seven days a week. Senior staff and boarding staff all lived on site, and commonly took meals together along with the students.

- iv* Oversight of the establishment was provided by the combined Governors as described above. They met in the school periodically, but also had free access at any time. Governors who were parents or former parents had frequent contact.

2.4 Structure:

- i* The structure of the organisation is described at 2.1 above
- ii.* The structure of the establishment is described at 1.8 (b) (i) above.

2.5 Hierarchy and Control:

- i* The organisation was led by the Chairman, being a senior member of the family of the founder, Sir William Mackinnon Bt.
- ii-iii* The House Committee and its successor body were responsible to the Chairman.
- iv-v* The Head Teacher was directly responsible, in respect of both his own management and that of the other management teams, to the House Committee and its successor body, and normally through them to the Chairman. Written and oral reports were given at each meeting as described under 2.1 above.
- vi* The Head Teacher had overall responsibility within the school.
- vii* House staff were directly responsible to the Head Teacher.
- viii* Recommendations regarding major policies and procedures were normally made by the House Committee and its successor body, and decisions were then made by the Governors of the Mackinnon-Macneill Trust. Within that overall framework, detailed policies and procedures were set by the Head Teacher and the housemasters/ mistresses who were in charge of the individual houses.
- ix* The Head Teacher was responsible to the Governors for compliance with the policies and procedures.

2.6 External Oversight:

- i-iii* External oversight of the school was conducted by HMI. Inspectorate visits would occur every few years, the last two of which took place in the 1990s.
- iv* The visits involved a review of school documents, interviews with students and staff, inspection of the facilities, attending classes, attending a number of extracurricular activities, and a parental questionnaire. A formal Welfare of Residential Pupils Report was included after the introduction of the Children (Scotland) Act 1995.
- v-vi* There was no local authority involvement.

Part B - Current Statement

3.1 Retrospective Acknowledgement/Admission:

- i* As a result of the admission in court and sentencing in May 2016 of one former Teacher who was at the school between 1987 and 2000, the organisation acknowledges that some children suffered abuse at the school.
- ii* So far as the organisation is aware, the extent of the abuse was confined to five students, all of whom named that same Teacher.
- iii* The basis of the assessment is based on honest belief, based on present knowledge. The school itself has now been closed for 17 years. The events in question are the only ones which have been reported, and they took place well over 20 years ago.

3.2 Acknowledgement of Systemic Failures:

- i* The organisation accepts that the fact that abuse took place means that systems in place failed.
- ii/iii* An abuser, with no previous record, was employed unknowingly in 1987. He appeared to his colleagues to be following all normal policies and procedures.
- iv* There were no obvious reasons to suspect the Teacher of abuse, and he was able to continue work undetected in the profession for several years afterwards.

3.3 Acknowledgement of Failures/Deficiencies in Response

- i-iv* The incidents involved only one Teacher, and all took place in the 1990s. They were not suspected at any time, and were not detected or reported until over 20 years later, long after the closure of the school. Whilst they came as a major shock, there could be no establishment response other than to assist the police fully, completely and openly with their investigations, as was done.

Signed on behalf of the Governors of the Mackinnon-Macneill Trust

Date 31/03/2017



(a/et/r)



Chairman Mackinnon Macneill Trust