

## Part C - Prevention and Identification

### 4. Policy and Practice

#### 4.1 National

##### Past

- i. Was there national policy/guidance relevant to the provision of residential care for children?

Yes

- ii. If so, to what extent was the organisation aware of such?

The Governors and the management of the School have always been fully aware of the National policy/guidance in respect to the provision of residential care for children.

- iii. If there was national policy/guidance in respect of any of the following in relation to provision of residential care for children, to what extent was the organisation aware of such?

- Child welfare (physical and emotional)
- Child protection
- Complaints handling
- Whistleblowing
- Management of residential establishments
- Child migrants
- Record retention
- Recruitment and training of residential care staff
- Requiring employers to divulge details of complaints etc. to prospective employers
- Reviewing a child's continued residence at a residential establishment

As and when legislation, regulations or guidance pertaining to above issues have been introduced, the Governors and Senior Management Team have ensured that they have been enshrined in School policy and adopted.

- iv. If the organisation was aware of such, did they give effect to that policy/guidance?

Yes, as evidenced by School documentation and regular School Inspections by HMIE/Education Scotland and Care Inspectorate.

- v. If so, how was effect given to such policy/guidance?

Responsibility was delegated to the Headmaster and the Senior Management Team of the School to inform staff as necessary.

- vi. If not, why not?

n/a

#### Present

- vii. With reference to the present position, are the answers to any of the above questions different?

No

- viii. If so, please give details.

n/a

#### 4.2 Local Authority

n/a

#### Past

- i. Was there local authority policy/guidance relevant to provision of residential care for children?
- ii. If so, to what extent was the organisation aware of such?
- iii. If there was local authority policy/guidance in respect of any of the following in relation to provision of residential care for children, to what extent was the organisation aware of such?
  - Child welfare (physical and emotional)
  - Child protection
  - Complaints handling
  - Whistleblowing
  - Management of residential establishments
  - Child migrants
  - Record retention
  - Recruitment and training of residential care staff
  - Requiring employers to divulge details of complaints etc. to prospective employers
  - Reviewing a child's continued residence at a residential establishment
- iv. If the organisation was aware of such, did they give effect to that policy/guidance?
- v. If so, how was effect given to such policy/guidance?
- vi. If not, why not?

## Present

- vii. With reference to the present position, are the answers to any of the above questions different?
- viii. If so, please give details.

4.3 Admissions

## (a) Policy

## Past

- i. What policies and/or procedures did the organisation/establishment have in place in relation to admission of children to the establishment?

Admission to the School was based on satisfactory performance in the entrance examinations, interview with the Headmaster and a reference from the previous school.

- ii. Was there a particular policy and/or procedural aim/intention?

The aim was to admit pupils who would flourish and benefit from the education on offer at the School.

- iii. Where were such policies and/or procedures recorded?

Admissions procedures and information is contained within the pupil files and the Admissions Policy, originally enshrined in the Fettes Scheme 1886 (as subsequently amended and re-enacted, now the Fettes College Scheme 2008, hereinafter referred to as "The Fettes Scheme"), is in the School Handbook.

- iv. Who compiled the policies and/or procedures?

The Senior Management Team of the School.

- v. When were the policies and/or procedures put in place?

The School has always had a selective entrance policy as referred to above from its establishment in 1870.

- vi. Do such policies and/or procedures remain in place?

Yes

- vii. Were such policies and/or practices reviewed?

Policies were reviewed regularly as appropriate and for the past ten years all policies have been annually reviewed as a minimum.

- viii. If so, what was the reason for review?

To follow best practice and to ensure the policy is fit for purpose.

- ix. What substantive changes, if any, were made to the policies and/or procedures over time?

Girls were admitted from 1972, full co-education in 1983 and, following establishment of the Fettes College Preparatory School in 1999, pupils were admitted from 7 years old.

- x. Why were changes made?

The move to co-education reflected social change and a desire on the part of the Governors to increase pupil numbers. The lowering of age of entry into the School resulted from parental demand.

- xi. Were changes documented?

The changes were documented in the Minutes of Governors Meetings.

- xii. Was there an audit trail?

There was no specific audit trail although changes are referred to in the Minutes of Governors Meetings.

#### Present

- xiii. With reference to the present position, are the answers to any of the above questions different?

No

- xiv. If so, please give details.

n/a

#### (b) Practice

##### Past

- i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to the admission of children to the establishment?

Yes

- ii. How was the adherence demonstrated?

Admissions documentation is recorded in pupil files.

iii. How can such adherence be demonstrated to the Inquiry?

Files dating back to 1968 can be made available for inspection.

iv. Were relevant records kept demonstrating adherence?

Yes, files can be made available for inspection.

v. Have such records been retained?

Yes, since 1968, however records are not complete.

vi. If policy/procedure was not adhered to in practice, why not?

n/a

vii. If policy/procedure was not adhered to in practice, what was the practice?

n/a

Present

viii. With reference to the present position, are the answers to any of the above questions different?

No

ix. If so, please give details.

n/a

#### 4.4 Day to Day

##### (a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in relation to the day to day running of the establishment?

Reference to broad policies concerning schooling/education is found in the Fettes Scheme. Latterly, the policies and / or procedures have been variously covered and explained in School Handbooks (referred to, as appropriate, in this questionnaire as School, Parents and House Handbooks), the earliest copy of which we have is from 1976. We have set aside, and will make available to the Inquiry on request, one Handbook from each decade to show what policies, as they were introduced, stated in respect of these matters.

- ii. Was there a particular policy and/or procedural aim/intention?

All School policies were designed to ensure that the School delivered its aims of providing a high quality education within a safe and nurturing environment.

- iii. Where were such policies and/or procedures recorded?

Staff, Parents and House Handbooks.

- iv. What did the policies and/or procedures set out in terms of the following?

- Activities for children
- Off-site activities for children including trips, holidays and visits to family
- Schooling/education
- Discipline

Reference to broad policies concerning schooling/education is found in the Fettes Scheme. Latterly, the matters above have been variously covered and explained in School Handbooks, the earliest copy of which we have is from 1976.

- v. Who compiled the policies and/or procedures?

Senior Management Team.

- vi. When were the policies and/or procedures put in place?

Evidence suggests policies and procedures have always been in place but the earliest written evidence in our records is from 1976.

- vii. Do such policies and/or procedures remain in place

Yes

- viii. Were such policies and/or practices reviewed?

Yes and indeed the practice for at least the last ten years has been to produce a new Staff, Parents and House Handbook annually.

- ix. If so, what was the reason for review?

To ensure best practice.

- x. What substantive changes, if any, were made to the policies and/or procedures over time?

Policies and procedures were updated and new policies added.

## xi. Why were changes made?

Changes were made in line with best practice and new policies were introduced to reflect new legislation, regulations and guidance.

## xii. Were changes documented?

Yes – changes were documented in Staff, Parents and House Handbooks.

## xiii. Was there an audit trail?

There was no specific audit trail but we have Staff Handbooks for the last 10 years which document changes to policies and procedures. The record is less complete prior to this.

## Present

## xiv. With reference to the present position, are the answers to any of the above questions different?

No

## xv. If so, please give details.

n/a

## (b) Practice

## Past

## i. Did the organisation/establishment adhere in practice to its policy/procedures relating to the day to day running of the establishment?

Yes but a thorough review of evidence available indicates that on occasion individuals failed to properly discharge their duty of care.

## ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?

- Activities for children
- Off-site activities for children including trips, holidays and visits to family
- Schooling
- Education

Yes, other than in certain isolated incidents referred to in sub paragraph i immediately above.

iii. How was adherence demonstrated?

All staff were required to be fully aware of the existence and content of school policies. Staff performance in each area was monitored and overseen by the Headmaster and the Senior Management Team. The effectiveness of this process was demonstrated by positive feedback from pupils and parents. Any concerns raised with respect to adherence to policies and procedures were fully investigated and appropriate action taken.

iv. How can such adherence be demonstrated to the Inquiry?

- Personal testament by Staff, pupils and parents
- Inspection Reports by HMIE and The Care Inspectorate
- Appraisals in Staff files
- Risk Assessments for off-site activities

v. Were relevant records kept demonstrating adherence?

Yes

vi. Have such records been retained?

Yes, as and where appropriate and in accordance with the school's data retention policy. For instance, staff appraisals are retained in files for an appropriate period whereas risk assessments for trips are only retained for a very limited time after the event.

vii. If policy/procedure was not adhered to in practice, why not?

If policies and procedures were not adhered to in practice this was due to a failure on the part of an individual member of staff to follow policy and procedures.

viii. If policy/procedure was not adhered to in practice, what was the practice?

If policies and procedures were not adhered to the actions of individual members of staff would be investigated and appropriate action taken which may have included sanctions.

Present

ix. With reference to the present position, are the answers to any of the above questions different?

Yes



- x. If so, please give details.

We believe that policies and procedures have been adhered to in practice at all times.

#### 4.5 Children

##### (a) Policy

###### Past

- i. What policies and/or procedures did the organisation/establishment have in place in relation to caring for children at the establishment?

All policies and procedures in place, mentioned in 4.4 (a), relate to the care of children. These policies have evolved over time and have become increasingly specific and prescriptive about every aspect of caring for children.

- ii. Was there a particular policy and/or procedural aim/intention?

The primary aim and focus of the School has always been to provide a first class all round education. Historically this focus may have been primarily on academic progress, but over the course of the last 50 years increasingly the importance of nurturing children became central to everything that occurs at the School.

- iii. Where were such policies and/or procedures recorded?

Staff, Parents and House Handbooks.

- iv. What did the policies and/or procedures set out in terms of the following?

- Safeguarding
- Child Protection
- Medical care
- Children's physical wellbeing
- Children's emotional and mental wellbeing

These policies have evolved over time and, latterly, the matters above have been variously covered and explained in School Handbooks, the earliest copy of which we have is from 1976.

- v. Who compiled the policies and/or procedures?

The Senior Management Team.

- vi. When were the policies and/or procedures put in place?

As and when good practice, legislation, regulations and guidelines required.

vii. Do such policies and/or procedures remain in place?

Yes

viii. Were such policies and/or practices reviewed?

Yes – They are reviewed annually with new Staff, Parents and House Handbooks produced each year.

ix. If so, what was the reason for review?

To ensure best practice.

x. What substantive changes, if any, were made to the policies and/or procedures over time?

Policies and procedures were updated and new policies added.

xi. Why were changes made?

Changes were made in line with best practice and new policies introduced to reflect new legislation.

xii. Were changes documented?

Yes

xiii. Was there an audit trail?

There was no specific audit trail but we have Staff Handbooks for the last 10 years which document changes to policies and procedures. The record is less complete prior to this.

Present

xiv. With reference to the present position, are the answers to any of the above questions different?

No, as is best practice GIRFEC principles have been adopted and our current Safeguarding Guidelines have been described by Child Protection professionals as sector leading.

xv. If so, please give details.

n/a

## (b) Practice

## Past

- i. Did the organisation/establishment adhere in practice to its policy/procedures relating to the care of children at the establishment?

The organisation believes that it did adhere in practice to its policies and procedures relating to the care of children but a thorough review of evidence available indicates that on occasion individuals failed to properly discharge their duty of care.

- ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?

- Safeguarding
- Child Protection
- Medical care
- Children's physical wellbeing
- Children's emotional and mental wellbeing

Yes other than in certain isolated incidents referred to above.

- iii. How was adherence demonstrated?

Positive feedback from children and parents and the limited number of complaints revealed by a trawl of all available evidence.

Positive Inspection reports from HMIE/Care Inspectorate.

- iv. How can such adherence be demonstrated to the Inquiry?

- Personal statements from Staff, pupils and parents
- Inspection Reports by HMIE and The Care Inspectorate
- Files available for inspection
- Appraisals in Staff files
- Risk Assessments for off-site activities

- v. Were relevant records kept demonstrating adherence?

Yes, but the records mainly record non adherence. For example, a reported incident of a peer on peer bullying would be recorded including any action taken. Adherence to policies is thus demonstrated by exception.

- vi. Have such records been retained?

Yes, as and where appropriate. For instance, staff appraisals are retained in files for an appropriate period whereas risk assessments for trips are only retained for a limited time after the event.

- vii. If policy/procedure was not adhered to in practice, why not?

If policies and procedures were not adhered to in practice this was due to a failure on the part of an individual member of staff to follow policy and procedures.

- viii. If policy/procedure was not adhered to in practice, what was the practice?

If policies and procedures were not adhered to the actions of individual members of staff would be investigated and appropriate action taken which may have included sanctions.

#### Present

- ix. With reference to the present position, are the answers to any of the above questions different?

Yes

- x. If so, please give details.

We believe that policies and procedures have been adhered to in practice at all times. In addition Safeguarding is now a standing item at all Governors' meetings. Minutes of meetings between Governors specifically involved in safeguarding and the Senior Pastoral Team are recorded and retained. They include evidence of adherence to policies and procedures.

#### 4.6 Staffing

##### (a) Policy

#### Past

- i. What policies and/or procedures did the organisation/establishment have in relation to staffing at the establishment?

The School had policies and procedures in place most recently enshrined in a Staff Handbook. These policies covered, inter alia, recruitment, training and personal development.

ii. Was there a particular policy and/or procedural aim/intention?

All of these policies were designed to facilitate the recruitment of high calibre staff and to ensure staff adhered to best practice.

iii. Where were such policies and/or procedures recorded?

Initially in the Fettes Scheme insofar as authority was delegated to the Headmaster to recruit appropriate staff as he saw fit and latterly in the Staff Handbook.

iv. What did the policies and/or procedures set out in terms of the following?

- Pre-employment checks  
Suitability checks through Disclosure Scotland and recently through the PVG Scheme.
- Recruitment  
Initially at the Headmaster's discretion and latterly through a formal advertising and interview process.
- Induction  
Informally undertaken in early years and latterly a full induction programme carried out for all new members of staff
- Transfer of staff to or from other establishments within or outwith the organisation  
n/a
- References  
Probably fairly informal initially but latterly both formal and in writing.
- Appraisal/supervision  
All members of staff were supervised by their line managers (or equivalent) but again the process has been formalised with a regular and structured appraisal process.
- Training  
Limited initially but latterly involving a full programme of INSET and CPD relevant and appropriate to all tasks undertaken.
- Personal/Professional development  
Linked to Training (immediately above). The aim of CPD was and is to ensure that members of staff develop personally and professionally.
- Disciplinary actions  
There is a formal Disciplinary and Grievance Policy which has developed over time to encompass all elements of poor and

inappropriate performance with appropriate sanctions, one of which could be dismissal.

- Dismissal  
See Disciplinary actions immediately above.

- v. Who compiled the policies and/or procedures?  
The Headmaster, Bursar and Senior Management Team.
- vi. When were the policies and/or procedures put in place?  
As and when legislation, regulations or guidelines required.
- vii. Do such policies and/or procedures remain in place?  
Yes
- viii. Were such policies and/or practices reviewed?  
They are now reviewed annually with a new Staff Handbook produced every year.
- ix. If so, what was the reason for review?  
To ensure best practice.
- x. What substantive changes, if any, were made to the policies and/or procedures over time?  
Policies and procedures were updated and new policies added.
- xi. Why were changes made?  
Changes were made in line with best practice and new policies introduced to reflect new legislation.
- xii. Were changes documented?  
Yes
- xiii. Was there an audit trail?  
There was no specific audit trail but we have Staff Handbooks for the last ten years, which document changes to policies and procedures. The record is less complete prior to this.

## Present

- xiv. With reference to the present position, are the answers to any of the above questions different?

No

- xv. If so, please give details.

n/a

## (b) Practice

## Past

- i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to staffing at the establishment?

The organisation believes that it did adhere in practice to its policies and procedures relating to staffing but a thorough review of evidence available indicates that on occasion individuals failed to properly discharge their duty of care.

- ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?

- Pre-employment checks
- Recruitment
- Inductions
- Transfers to and from other establishments within or outwith the organisation
- References
- Appraisals/Supervision
- Training
- Personal/Professional development
- Disciplinary actions
- Dismissal

Yes, other than in certain isolated incidents referred to in sub paragraph i immediately above.

- iii. How was adherence demonstrated?

Records pertaining to all of the above were held on personnel files.

- iv. How can such adherence be demonstrated to the Inquiry?

Staff files can be made available for inspection.

- v. Were relevant records kept demonstrating adherence?

Yes – see 4.6 (b) (iii)

- vi. Have such records been retained?

Yes as and where appropriate. For instance staff appraisals are retained in files for an appropriate period.

- vii. If policy/procedure was not adhered to in practice, why not?

If policies and procedures were not adhered to in practice this was due to a failure on the part of an individual member of staff to follow policy and procedures.

Present

- viii. With reference to the present position, are the answers to any of the above questions different?

Yes

- ix. If so, please give details.

We believe that policies and procedures have been adhered to in practice at all times.

#### 4.7 Visitors

##### (a) Policy

Past

- i. What policies and/or procedures did the organisation/establishment have in place in relation to visitors to the establishment?

There were no policies as such but latterly the practice was for all visitors to report to the main reception. Signs at the various entrance gates required them to do so. Visitors would then be accompanied at all times by a member of staff and latterly would be required to wear an identification lanyard.

- ii. Was there a particular policy and/or procedural aim/intention?

The aim was to welcome and direct visitors and to be aware of who was on site.

- iii. Where were such policies and/or procedures recorded?

The above procedures were not recorded



- iv. Who compiled the policies and/or procedures?

Whilst no written policies exist, the procedures referred to in the three immediately preceding sub paragraphs above were put in place by the Bursar and the Senior Management Team.

- v. When were the policies and/or procedures put in place?

There were no records to demonstrate this but it is our understanding that the practice described above has been commonplace for many years.

- vi. Do such policies and/or procedures remain in place?

Yes

- vii. Were such policies and/or practices reviewed?

A full review of security around campus and the School's approach to visitors was undertaken in 2011 by the Police at the Bursar's instigation.

- viii. If so, what was the reason for review?

An increasing awareness of security generally and an acknowledgement of the ease by which visitors could enter the establishment.

- ix. What substantive changes, if any, were made to the policies and/or procedures over time?

Further measures and restrictions were introduced, including rationalising the number of entrances, a more overt security personnel presence, clearer signage and a raised awareness amongst staff to identify any strangers on campus requiring assistance. In addition, the requirement to provide and wear visitor identification was universally enforced.

- x. Why were changes made?

In the interests of enhanced security and offering better clarity to visitors.

- xi. Were changes documented?

Changes were undertaken in large part following the 2011 Campus review and these changes are enshrined as proposals in the review and as actions within the Minutes of Governors meetings.

- xii. Was there an audit trail?

No

## Present

- xiii. With reference to the present position, are the answers to any of the above questions different?

Yes

- xiv. If so, please give details.

Ongoing improvements to campus security and rationalisation of entrances continue. Specifically, the School is in the process of restricting visitor access to one entrance only, manned 24 hours a day by security personnel. In addition, the School now adheres to Prevent guidelines in respect of all invited visitors.

## (b) Practice

## Past

As stated in 4.7 (a) (i), there were no written policies but the overarching practice has been to direct all visitors to reception.

- i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to visitors to the establishment?

n/a

- ii. How was adherence demonstrated?

n/a

- iii. How can such adherence be demonstrated to the Inquiry?

n/a

- iv. Were relevant records kept demonstrating adherence?

n/a

- v. Have such records been retained?

n/a

- vi. If policy/procedure was not adhered to in practice, why not?

n/a

## Present

- vii. With reference to the present position, are the answers to any of the above questions different?

Yes

- viii. If so, please give details.

See 4.7 (a) (xiv)

4.8 Volunteers

## (a) Policy

## Past

In practice we have had and continue to have very few volunteers; there has been no written policy in the past but the practice has been that the appointment of all volunteers needs the prior agreement of the Headmaster or Bursar and latterly, certainly since legislation dictated, criminal checks via Disclosure Scotland or the later PVG Scheme.

- i. What policies and/or procedures did the organisation/establishment have in place in relation to volunteers at the establishment?

n/a

- ii. Was there a particular policy and/or procedural aim/intention?

n/a

- iii. Where were such policies and/or procedures recorded?

n/a

- iv. Who compiled the policies and/or procedures?

n/a

- v. When were the policies and/or procedures put in place?

n/a

- vi. Do such policies and/or procedures remain in place?

n/a

vii. Were such policies and/or practices reviewed?

n/a

viii. If so, what was the reason for review?

n/a

ix. What substantive changes, if any, were made to the policies and/or procedures over time?

n/a

x. Why were changes made?

n/a

xi. Were changes documented?

n/a

xii. Was there an audit trail?

n/a

#### Present

xiii. With reference to the present position, are the answers to any of the above questions different?

Yes

xiv. If so, please give details.

There is now a clear policy which requires any individual, volunteer, visitor or otherwise, carrying out any task on site to be appropriately assessed and monitored. This includes PVG checks (or undertakings from employers in the case of contractors that they have carried them out), certain other minimum address and contact checks, references where appropriate and feasible, competency checks and visible badging or similar identifying them as bona fide.

#### (b) Practice

##### Past

As stated in 4.8 (a), there were no written policies but the practice has been as described in that sub-paragraph.

- i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to volunteers at the establishment?

n/a

- ii. How was adherence demonstrated?

n/a

- iii. How can such adherence be demonstrated to the Inquiry?

n/a

- iv. Were relevant records kept demonstrating adherence?

n/a

- v. Have such records been retained?

n/a

- vi. If policy/procedure was not adhered to in practice, why not?

n/a

#### Present

- vii. With reference to the present position, are the answers to any of the above questions different?

Yes

- viii. If so, please give details.

See 4.8 (a) (xiv)

#### 4.9 Complaints and Reporting

##### (a) Policy

##### Past

- i. What policies and/or procedures did the organisation/establishment have in place in relation to complaints and reporting at the establishment?

To the best of our knowledge, all complaints, parental or otherwise, have always been routed to the Housemaster/Housemistress or Headmaster as appropriate. Latterly, a complaints procedure has been published in the House Handbook for pupils and in the School Handbook for parents.

ii. Was there a particular policy and/or procedural aim/intention?

Yes, to ensure parents and pupils knew who to complain to and to ensure appropriate procedures were in place to handle complaints.

iii. Where were such policies and/or procedures recorded?

Responses to complaints were kept in pupil files and latterly in the complaints folder stored centrally.

iv. What did the policies and/or procedures set out in terms of the following?

- Complaints by children

House Handbooks advised pupils to approach their Housemaster/Housemistress, Tutor or another member of staff. They were advised to contact the Deputy Head if they felt the complaint had not been resolved and the Headmaster if the situation continued. Again recently the Care Inspectorate website has been included in House Handbooks to show pupils where they can register serious complaints.

- Complaints by staff

Staff were required to make complaints to the Deputy Head/Director of Studies/Headmaster. Complaints were filed, investigations undertaken and all responses recorded.

- Complaints by third persons/family of children

Latterly there has been a Complaints Policy, which has been in the Parents' Handbook and the House Handbooks. Parents were advised to speak to House Staff in the first instance and then contact the Deputy Head/Director of Studies or Headmaster. Formal written complaints would be responded to after full investigation. If the parent was dissatisfied, they were advised to approach the Chairman of Governors.

- Whistleblowing

Policy established in 2014

- Support, including external support, for those who made complaint or those who were the subject of complaint

Whistleblowing and complaints policies expressly mention confidentiality concerning the subject of complaints and support to those who make them.

- Response to complaints (including response by organisation and/or establishment)

The Headmaster wrote to or met the complainant.

- External reporting of complaints

Latterly all serious complaints would have been discussed with the Care Inspectorate and may also have been reported to the Register of Independent Schools/OSCR depending on their seriousness.

- v. Who compiled the policies and/or procedures?

The Headmaster and the Senior Management Team.

- vi. When were the policies and/or procedures put in place?

We have no evidence from handbooks of any such policies or procedures being in place more than ten years ago but they may have existed and been recorded elsewhere.

- vii. Do such policies and/or procedures remain in place?

Yes

- viii. Were such policies and/or practices reviewed?

Yes – They were reviewed annually with new Staff, Parents and Pupil Handbooks produced each year.

- ix. If so, what was the reason for review?

To ensure they reflected best practice.

- x. What substantive changes, if any, were made to the policies and/or procedures over time?

Policies and procedures were updated and new policies including those referred to in 4.9 (a) i, added.

- xi. Why were changes made?

Changes were made to formalise the recording of complaints and action taken, in line with best practice, and new policies were introduced to reflect new legislation.

xii. Were changes documented?

Yes, the policies were documented in annual Staff, Parents and Pupil Handbooks.

xiii. Was there an audit trail?

There was no specific audit trail but we have Staff Handbooks for the last ten years, which document changes to policies and procedures. The record is less complete prior to this.

Present

xiv. With reference to the present position, are the answers to any of the above questions different?

No

xv. If so, please give details.

n/a

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to complaints and reporting at the establishment?

Yes, inasmuch as the Headmaster and staff would respond to all complaints and then, when established, the Policy was followed.

ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?

- Complaints by children

Yes – see 4.9 (b) (i)

- Complaints by staff

Yes – see 4.9 (b) (i)

- Complaints by third persons/family of children

Yes – see 4.9 (b) (i)



- Whistleblowing  
Yes – see 4.9 (b) (i)
- Support, including external support, for those who made complaint or those who were the subject of complaint  
Yes – see 4.9 (b) (i)
- Response to complaints (including response by organisation and/or establishment)  
Yes – see 4.9 (b) (i)
- External reporting of complaints  
Yes – see 4.9 (b) (i)

iii. How was adherence demonstrated?

Letters on file from Headmaster/complaint folders.

iv. How can such adherence be demonstrated to the Inquiry?

Letters on file and complaint folders can be made available for inspection.

v. Were relevant records kept demonstrating adherence?

The pupil files we have which date back from 1964 are incomplete and there are complaint files only for the last ten years.

vi. Have such records been retained?

Complaint files have been kept for the last ten years.

vii. If policy/procedure was not adhered to in practice, why not?

If policies and procedures were not adhered to in practice this was due to a failure on the part of an individual member of staff to follow policy and procedures.

Present

viii. With reference to the present position, are the answers to any of the above questions different?

No

- ix. If so, please give details.

n/a

#### 4.10 Internal Investigations

##### (a) Policy

###### Past

- i. What policies and/or procedures did the organisation/establishment have in place in respect of internal investigations relating to the establishment?

Whilst there were no written policies or procedures in place, from the evidence available, it would seem in the past the Headmaster would have been responsible for initiating and undertaking internal investigations relating to the organisation. All those involved would be interviewed and a decision taken using the information available. In line with best practice all interviews, for which we have full records, show the witnesses were present at each interview. For at least ten years, the School's Child Protection Co-ordinator has been present in all interviews with children under 16 to take notes and provide support. Complaints involving the Headmaster himself were addressed to and by the Governors.

- ii. Was there a particular policy and/or procedural aim/intention?

To fully establish facts of each case.

- iii. Where were such policies and/or procedures recorded?

There is evidence in some files of internal investigations.

- iv. What did the policies and/or procedures set out in terms of the following?

- Approach to/process of internal investigations
- Identifying lessons/changes following internal investigations
- Implementation of lessons/changes following internal investigations
- Compliance
- Response (to child and abuser)
- Response to complaints (including response by organisation and/or establishment)
- External reporting following internal investigations

There were no written policies and procedures until the introduction of key policies that relate to Complaints, Counter-Bullying, Child Protection

and Whistleblowing. In these policies there is a framework for investigations that includes ensuring lessons are learnt, responses are given to all involved and external reporting happens where appropriate.

- v. Who compiled the policies and/or procedures?  
The Headmaster and Senior Management Team.
- vi. When were the policies and/or procedures put in place?  
The earliest record of these policies containing these procedures is 10 years ago.
- vii. Do such policies and/or procedures remain in place?  
Yes
- viii. Were such policies and/or practices reviewed?  
Yes, they are renewed annually with new Staff, Parents and House Handbooks produced each year.
- ix. If so, what was the reason for review?  
To ensure best practice.
- x. What substantive changes, if any, were made to the policies and/or procedures over time?  
Policies and procedures were updated and new policies added.
- xi. Why were changes made?  
Changes were made in line with best practice and new policies were introduced to reflect new legislation, regulation and guidance.
- xii. Were changes documented?  
Yes
- xiii. Was there an audit trail?  
There was no specific audit trail but we have Staff Handbooks for the last 10 years which document changes to policies and procedures. The record is less complete prior to this.

## Present

- xiv. With reference to the present position, are the answers to any of the above questions different?

No

- xv. If so, please give details.

n/a

## (b) Practice

## Past

- i. Did the organisation/establishment adhere in practice to its policy/procedures in respect of internal investigations relating to the establishment?

As stated in 4.10 (a) (i) there were no written policies but the practice has been as described.

- ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?

- Approach to/process of internal investigations
- Identifying lessons/changes following internal investigations
- Implementation of lessons/changes following internal investigations
- Compliance
- Response (to child and abuser)
- Response to complaints (including response by organisation and/or establishment)
- External reporting following internal investigations

n/a - see 4.10 (b) (i)

- iii. How was adherence demonstrated?

There is evidence in pupil files of procedures described above having been followed.

- iv. How can such adherence be demonstrated to the Inquiry?

Pupil files can be made available for inspection.

- v. Were relevant records kept demonstrating adherence?

See 4.10 (b) iii

- vi. Have such records been retained?

Yes, pupil files are available dating back to 1968 however the record is not complete.

- vii. If policy/procedure was not adhered to in practice, why not?

If policies and procedures were not adhered to in practice this was due to a failure on the part of an individual member of staff to follow policy and procedures.

Present

- viii. With reference to the present position, are the answers to any of the above questions different?

Yes

- ix. If so, please give details.

Following the introduction of the policies referred to above in 4.10 (a) (i), we believe that policies and procedures have been adhered to in practice at all times

4.11 Child Migration

n/a – We have no records of any incident of child migration at Fettes College.

(a) Policy

Past

- i. What policies and/or procedures did the organisation/establishment have in place in relation to child migration?
- ii. Was there a particular policy and/or procedural aim/intention?
- iii. Where were such policies and/or procedures recorded?
- iv. What did the policies and/or procedures set out in terms of the following?
  - Identification and checking the suitability of the places where children were sent
  - Selection of children to migrate including age, gender and background
  - Provision of information to the child and/or his/her parents before migration
  - Provision of information and records to children and/or their parents once child had been migrated
  - Obtaining consent of child
  - Obtaining consent of parents of child
  - Obtaining of consent of others e.g. Secretary of State
  - Responding to requests for information from former child migrants
  - Other issues

- v. Who compiled the policies and/or procedures?
- vi. When were the policies and/or procedures put in place?
- vii. Were such policies and/or practices reviewed?
- viii. If so, what was the reason for review?
- ix. What substantive changes, if any, were made to the policies and/or procedures over time?
- x. Why were changes made?
- xi. Were changes documented?
- xii. Was there an audit trail?

#### Present

- xiii. With reference to the present position, are the answers to any of the above questions different?
- xiv. If so, please give details.

#### (b) Practice

##### Past

- i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to child migration?
- ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of child migrants relating to the following?
  - Identification and checking the suitability of the places where children were sent
  - Selection of children to migrate including age, gender, background
  - Provision of information to the child and/or his/her parents before migration
  - Provision of information and records to children and/or their parents once child had been migrated
  - Obtaining consent of child
  - Obtaining consent of parents of child
  - Obtaining of consent of others e.g. Secretary of State
  - Responding to requests for information from former child migrants
  - Other issues
- iii. How was adherence demonstrated?
- iv. How can such adherence be demonstrated to the Inquiry?
- v. Were relevant records kept demonstrating adherence?
- vi. Have such records been retained?
- vii. If policy/procedure was not adhered to in practice, why not?
- viii. How many children were sent as child migrants from the organisation's establishments, and where were they sent?
- ix. What was their age and gender?
- x. Over what time period were children migrated from the organisation's establishments?
- xi. Who funded the child migration?
- xii. Who received the funding in relation to migrant children?
- xiii. In general terms, how much was this funding?

- xiv. How did the organisation/establishment respond to requests for information from former child migrants?

Present

- xv. With reference to the present position, are the answers to any of the above questions different?
- xvi. If so, please give details.
- xvii. In hindsight, does the organisation have a view on policies/procedures that were in place in relation to child migration?
- xviii. If the organisation accepts that such policies or procedures were flawed, has the organisation provided a specific response e.g. apology, redress or any other type of response?

4.12 Records

(a) Policy

Past

- i. What policies and/or procedures did the organisation/establishment have in relation to record keeping?

Since the introduction of the Data Protection Act 1998, the school has maintained a Data Protection Policy which sets out clearly our approach to the data we hold, access to it and latterly a retention policy.

Prior to that, there were no written policies or procedures in place but from the evidence available it would seem that records were retained with respect to:

- Admissions information
- Parental correspondence
- Disciplinary matters
- Academic reports
- University/Career information

Files from the 1980s show that procedures were established to record interviews and meetings with respect to disciplinary and other matters of concern. Furthermore, Minutes of Governors' Meetings dating back to 1930 have been retained.

Latterly our Policy has extended to cover retention limits and the standard practice of destroying files five years following pupil departure was introduced. This policy was put on hold pending conclusion of this inquiry, therefore records are incomplete.

- ii. Was there a particular policy and/or procedural aim/intention?

To keep information relevant and pertinent to the child or member of staff.

- iii. What did the policies and/or procedures set out in terms of records relating to the following?

- Children in its care
- Staff
- Complaints
- Investigations
- Discipline
- Child migrants
- Responding to requests from former residents for information/records
- Other issues

The procedure is that any information on a child or member of staff is included in their pupil or personnel file. Central files were kept for complaints.

- iv. Who compiled the policies and/or procedures?

Headmaster and Senior Management Team.

- v. When were the policies and/or procedures put in place?

As and when relevant.

- vi. Do such policies and/or procedures remain in place?

Yes

- vii. Were such policies and/or practices reviewed?

Yes they are reviewed annually.

- viii. If so, what was the reason for review?

To ensure best practice.

- ix. What substantive changes, if any, were made to the policies and/or procedures over time?

Policies and procedures updated and new policies added.



- x. Why were changes made?

The changes were made and new policies added in line with best practice and to reflect new legislation.

- xi. Were changes documented?

Yes

- xii. Was there an audit trail?

There is no specific audit trail but we have copies of Staff Handbooks.

#### Present

- xiii. With reference to the present position, are the answers to any of the above questions different?

No

- xiv. If so, please give details.

n/a

#### (b) Practice

##### Past

- i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to record keeping?

As stated in 4.12 (a) (i) there were no written policies prior to 1998 but the practice has been as described. Since 1998, the Data Protection Policy has been followed.

- ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of record keeping relating to the following?

- Children
- Staff
- Complaints
- Investigations
- Discipline
- Child migrants
- Responding to requests from former residents for information/records
- Other issues

n/a - see 4.12 (b) (i)

- iii. How was adherence demonstrated?  
There is evidence in pupil and staff files of procedures described above having been followed.
- iv. Were relevant records kept demonstrating adherence?  
Yes
- v. Have such records been retained?  
Yes
- vi. If policy/procedure was not adhered to in practice, why not?  
n/a
- vii. Did the establishment undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for at the establishment may have taken place?  
Yes
- viii. If so, when did the reviews take place, what documentation is available, and what were the findings?  
Yes, a full review of all pupil and staff files available has been prompted by this Inquiry. This has been undertaken by members of the Senior Management Team and all files of note have been retained and are available for inspection. The information contained within these files has been used to answer this questionnaire including Part D.
- ix. How have the outcomes of investigations been used to improve systems, learn lessons?  
New policies and procedures in respect of record keeping have undergone significant change over the years not least to ensure the school complies with the Data Protection Act 1998.
- x. What changes have been made?  
See 4.12 (b) ix
- xi. How are these monitored?  
Annual review

- xii. Did the organisation/establishment afford former residents access to records relating to their time at the establishment?

To date no former pupils have requested access to records with respect to this Inquiry, however, we have provided access to former pupils when this has been requested in the past.

- xiii. If so, how was that facilitated?

This is a very rare event but when it has happened, we have sought specific permission from the pupil concerned to release the file. On the one occasion when this was not forthcoming, we responded to a Section 29(3) of the Data Protection Act 1998 request from the Police. In either case the files have been redacted to remove non-relevant data.

- xiv. If not, why not?

n/a

#### Present

- xv. With reference to the present position, are the answers to any of the above questions different?

Yes

- xvi. If so, please give details.

We have a Data Protection Policy.

- xvii. Please provide details of any records currently held relating to the establishment in respect of the following:

- Children in its care
- Staff
- Complaints
- Investigations
- Discipline
- Child Migrants
- Responding to requests from former residents for information/records

See 4.12 (a) (iii) but note that the records themselves are becoming increasingly electronic in nature, albeit fully password protected.

## Part D – Abuse and Response

The questions in Part D should be answered in respect of abuse or alleged abuse relating to the time frame 1930 to 17 December 2014 only.

### 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?

Unfortunately, from the evidence available, it is apparent that there have been incidents of sexual, physical and emotional abuse.

#### 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?

Our records extend back over 50 years during which time approximately 5000 children have attended the School. There is evidence of physical and emotional peer to peer bullying on occasion. We have found evidence of two individuals who sexually abused children at Fettes (DXM ██████ 1974 / Wares 1975 and 1979). In addition, there have been two cases of abuse of trust (consensual sexual relations between a teacher and a senior pupil). In both cases the staff member was dismissed. If this is thought to fall within the scope of the Inquiry, we can provide further details; the same applies to an incident in 1988 of inappropriate communication between a teacher and a sixth form pupil.

- ii. What is the basis of that assessment?

A thorough review of files and of Minutes of Governors Meetings as well as discussion with former and current members of staff and others.

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

We have found evidence of complaints being made about two members of staff (DXM ██████, Wares) which have been found substantiated. We have also found one letter making reference to concerns about an unnamed member of staff.

In addition there was (1) a complaint in 1992 about four members of staff (three housemasters and SNR ██████ at the time - see references to ██████ below), and (2) a complaint in 1997 about a swimming instructor (see references to ██████ below), both of which were investigated and found to be without substance.

Whilst there is no evidence on any files of complaints being made against the former Headmaster, Anthony Chenevix-Trench, reference is made in the Minutes of a Governors' Meeting to a suggestion that he might have made excessive use of corporal punishment. There is no reference to this on any available pupil or personnel file.

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

From the available evidence we are aware that two members of staff admitted to abuse during the 1970s (DXM [REDACTED] / Wares).

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

Two members of staff (DXM [REDACTED] / Wares).

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

All were members of teaching staff or non-teaching staff.

- 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?

None.

- 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?

None.

- ix. Have there been allegations of peer abuse?

Yes, we have identified cases of peer to peer bullying. All have been dealt with in accordance with our policies, the most serious of which have led to expulsion.

### 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?

Disclosures and complaints were made at the time of the incidents in 1974 (DXM [REDACTED]), 1975 (Wares), 1979 (Wares) and 1992; a complaint was made in 1997 in respect of an alleged incident in 1992 ([REDACTED]).

A further complaint relating to the 1975 (Wares) incident was made in 2005

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

Apart from the complaints made in 1997 and 2005, the disclosures / complaints occurred at the time.

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

A complaint was made in 2005 about abuse in 1975.

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

No pattern of note has been identified.

#### 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?

We undergo regular inspections by HMIE and the Care Inspectorate but none specifically relating to abuse and/or alleged abuse.

For each such external inspection please answer the following:

- ii. Who conducted the inspection?

n/a

- iii. Why was the inspection conducted?

n/a

- iv. When was the inspection conducted?

n/a

- v. What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children?

n/a

- vi. What was the organisation/establishment's response to the inspection and its outcome?  
n/a
- vii. Were recommendations made following the inspection?  
n/a
- viii. If so, what were the recommendations and were they implemented?  
n/a
- ix. If recommendations were not implemented, why not?  
n/a

#### 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?
  - 1) Following the complaint in 2005 of alleged abuse that took place in 1975, information was passed to police. The School is not aware of the outcome of these investigations.
  - 2) Investigations of the 1992 (██████████) and 1997 (██████████) allegations were carried out by the police following the complaints. The investigations were reopened in 2016; in respect of both matters the police informed the school that after a thorough investigation there was no evidence to substantiate the allegations.

For each such external investigation please answer the following:

- ii. Who conducted the investigation?  
The Police.
- iii. Why was the investigation conducted?  
Allegations of abuse made.
- iv. When was the investigation conducted?  
See 5.5 (i)

- v. What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children?

See 5.5 (i)

- vi. What was the organisation/establishment's response to the investigation and its outcome?

We respected the findings of the police investigation.

- vii. Were recommendations made following the investigation?

No recommendations were made.

- viii. If so, what were the recommendations and were they implemented?

n/a

- ix. If recommendations were not implemented, why not?

n/a

#### 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?

The school has cooperated fully with external investigations.

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

Had there been any recommendations the school would have implemented them fully.

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

See 5.6 (ii)

#### 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?

Very little is known about the impact on those individuals abused by **DXM** or Wares but in the one case where a complaint was made after the event the victim stated that the abuse had had a significantly



detrimental effect on his life especially on his relationship with his own children.

In those cases where we do not have specific details, we can only imagine the impact on the individual must have been significantly detrimental and we wholeheartedly regret the actions which led to it.

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

The knowledge of the impact described in 5.7 (i) is based on a meeting between the victim, the then Chairman of Governors and the then Headmaster.

- 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?

See 5.7 (i)

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

See 5.7 (ii)

#### 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?

DXM [REDACTED] and Iain Wares in relation to sexual abuse.

- 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

DXM [REDACTED] 1973 – 1974.

I Wares 1975 – 1979.

- the role they had in the organisation/establishment during the period of abuse and/or alleged abuse

DXM [REDACTED] - Teacher of [REDACTED]

I Wares – Teacher in Junior School of Fettes College.

- where they worked prior to, and following, their time at the organisation/establishment

DXM [REDACTED] joined Fettes after graduating from Edinburgh University and after leaving Fettes completed a PHD.

I Wares joined Fettes from the Edinburgh Academy Preparatory School and moved to South Africa following his departure from Fettes.

- the knowledge sought or received about them by the organisation/establishment at the point of recruitment, and while they were at the establishment

DXM [REDACTED] - not known, no information on file.

I Wares – A positive reference from Edinburgh Academy was referred to in a letter by the Headmaster at the time.

- any information sought by, or provided to, future employers or third parties after they left the establishment, including regarding abuse or alleged abuse

DXM [REDACTED] - Reference written by the then Headmaster, Anthony Chenevix-Trench, to Chief Education Officer of County of Cambridgeshire includes mention of "minor sexual indiscretion with a young boy"

I Wares – References on file to possible future employers but no mention of abuse.

- 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?

n/a

- v. If so, why was this considered to be appropriate?

n/a

- vi. If so, what process of monitoring/supervision followed at the new establishment?

n/a

### 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 have had six specific complaints, three of which relate to one member of staff

For each specific complaint, please answer the following:

- ii. Who made the complaint?

- 1) Former pupils [REDACTED] & [REDACTED]
- 2) A parent of a pupil in 1975 (GKZ [REDACTED])
- 3) A parent of a pupil in 1979 (possibly [REDACTED])
- 4) Former pupil GKZ [REDACTED] (in relation to the 1975 incident).
- 5) Mrs [REDACTED] on behalf of her son [REDACTED]
- 6) Mrs [REDACTED] on behalf of her daughter [REDACTED]

- iii. When was the complaint made?

- 1) May 1974
- 2) 1975
- 3) 1979
- 4) 2005
- 5) 13<sup>th</sup> and 22<sup>nd</sup> October 1992
- 6) 6<sup>th</sup> Dec 1997

- iv. Against whom was the complaint made?

- 1) DXM [REDACTED], member of teaching staff
- 2) – 4) Iain Wares, teaching staff Junior School.
- 5) Governors, SNR [REDACTED] three Housemasters (BKL [REDACTED] BXK [REDACTED] DZP [REDACTED])
- 6) William Stein, swimming instructor

## v. What was the nature of the complaint?

- 1) – 4) Sexual abuse.
- 5) Mistreatment during Disciplinary interview, wrongful expulsion and various allegations of abuse.

This was a long running series of complaints by a disaffected parent and sources close to her which began in [REDACTED] around the time of the [REDACTED] of her son [REDACTED], for drugs related offences, and which continued until [REDACTED]. Some of the complaints were taken to and investigated by the Police and none was found to have any basis. The only specific complaint which was subsequently pursued in the [REDACTED] related to the alleged mistreatment of the son in interviews around the time of the expulsion (see 5.10 below)

- 6) Sexual abuse; this complaint by the same disaffected parent related to alleged improper conduct by an instructor during a swimming lesson.

## vi. When/over what period was the abuse alleged to have taken place?

- 1) May 1974
- 2) – 4) 1975 and 1979
- 5) Thursday 24<sup>th</sup> September 1992
- 6) 1992

## vii. What was the organisation/establishment's process and approach in dealing with the complaint?

- 1) The Headmaster responded in full to the complaint after full investigation; the teacher in question was dismissed.
- 2) - 4) The matter was fully investigated by the Headmaster and consideration given to dismissing the member of staff until a doctor intervened to recommend a course of treatment instead. Following the second complaint in 1979, the matter was investigated by the Headmaster leading to dismissal of the member of staff in question. In 2005, the Headmaster and Chair of the Governors met the victim of the 1975 incident and information from the interview was passed to the police. The school does not know the outcome of any such Police investigation.
- 5) The Chairman responded in full to the complaint after full investigation.

- 6) The complaint was passed to the police to investigate.
- viii. What was the organisation/establishment's process and approach for investigating the complaint?
- 1) Thorough investigation including interviews with all concerned.
  - 2) – 4) See 5.9 (vii)
  - 5) Thorough investigation including interviews with all concerned.
  - 6) See 5.9 (vii)
- ix. What was the outcome of the complaint following that investigation?
- 1) The teacher in question was dismissed.
  - 2) – 4) See 5.9 (vii)
  - 5) Decision to expel pupil was upheld and mistreatment refuted.
  - 6) After the police concluded that the allegation was without substance, no further action was taken.
- x. Did the organisation/establishment provide a specific response to the complaint?
- 1) Yes
  - 2) Yes
  - 3) Yes
  - 4) The complaint was passed to the Police
  - 5) Yes (on several occasions)
  - 6) Yes (on several occasions)
- xi. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?
- 1) Letter by the Headmaster
  - 2) Letter by the Headmaster
  - 3) Letter by the Headmaster
  - 4) An apology

- 5) Letter by the Chairman of the Governors
  - 6) Dialogue led by the Chairman of the Governors.
- xii. If there was no response, why not?
- 1) n/a
  - 2) n/a
  - 3) n/a
  - 4) n/a
  - 5) n/a
  - 6) n/a
- xiii. Was the information/content of the complaint passed to Police?
- 1) No, but parents were advised of this option
  - 2) No
  - 3) No
  - 4) Yes
  - 5) Parent took case to Police
  - 6) Yes
- xiv. If not, why not?
- 1) A judgement call by the Headmaster at the time
  - 2) A judgement call by the Headmaster at the time
  - 3) A judgement call by the Headmaster at the time
  - 4) n/a
  - 5) n/a
  - 6) n/a

### 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?

One.

For each such civil action, please answer the following:

- ii. Who brought the action?

[REDACTED]

- iii. When was the action brought?

1995

- iv. Against whom was the action brought?

The Governors, the SNR [REDACTED] and three Housemasters: BKL [REDACTED], BXK [REDACTED] and DZP [REDACTED]

- v. What was the nature of the abuse, or alleged abuse, to which the action related?

Mistreatment during disciplinary meetings

- vi. What were the names of the persons said to have, or alleged to have, committed abuse?

BKL [REDACTED], BXK [REDACTED] and DZP [REDACTED] and the SNR [REDACTED]

- vii. When/over what period was the abuse said, or alleged, to have taken place?

1992

- viii. How did the action progress?

It was settled.

- ix. What was the outcome?

Absolutor was granted to all defenders

- x. Was the action settled on a conditional basis of confidentiality?

Yes

- xi. Who was/were the organisation/establishment's legal representative(s) in relation to the civil action?

Anderson Strathern LLP

- xii. Did the organisation/establishment carry insurance for meeting civil claims at the time the action was live?

Yes

- xiii. How/where can copies of the court papers relating to the civil action be made available to the Inquiry?

n/a

#### 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?

None.

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

n/a

#### 5.12 Police

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

- 1) In [REDACTED] the Police interviewed the Headmaster in respect of the [REDACTED] incident.
- 2) In 1998 the Police were notified by the School in respect of the individual referred to in 5.9 iv. 6)
- 3) In 2005 after a visit from a past pupil the School passed information to the Police.
- 4) In [REDACTED] the Police came to Fettes to alert the school to the fact they were reopening the allegations by the [REDACTED] family of abuse during the 1990s. The Police have subsequently informed us that the allegations were once again investigated by them and found to be unsubstantiated.

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

- ii. Who was the alleged abuser?

- 1) SNR [REDACTED] and three Housemasters – BKL [REDACTED], BXK [REDACTED] and DZP [REDACTED].



- 2) William Stein.
  - 3) Iain Wares.
- iii. Did the police conduct an investigation in relation to the complaint?
- 1) Yes
  - 2) Yes
  - 3) No information.
- iv. If so, who conducted the investigation and when?
- 1) Police – we assume following the complaint.
  - 2) Police – we assume following the complaint.
  - 3) No information.
- v. What was the outcome of the police investigation?
- 1) No action
  - 2) No action
  - 3) No information.
- vi. What was the organisation/establishment's response?
- n/a

#### 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?
- None.
- 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?
- n/a
- iii. What was the nature of the charges?
- iv. What was the outcome of the proceedings, including disposal/sentence if there was a conviction?
- v. What was the organisation/establishment's response to the proceedings and outcome?

