

SCAI report:

i) **From the period 1 January 1930 to 17 December 2014, to include:**

(a) How the establishment was managed and led:

The Edinburgh Academy was established in 1824 by Royal Charter with the charitable purpose of delivering education and is a registered Scottish charity (SC01699). Since 2009 the School has been fully co-educational and now provides education to boys and girls aged from 2–18 years old. The Edinburgh Academy ceased all boarding activities in 2008.

Since 1930 (and before) the principal role of the Court of Directors as trustees of the charity has been to ensure that the school is run in line with its charitable objectives. It met this requirement through a sub-committee structure, which provided operational oversight, and approval and monitoring of strategic plans. Responsibility for the day-to-day management of the school has been delegated to the Rector and overseen by the Court of Directors.

To enable the Directors to cover the wide remit of their duties, a robust committee system is in place with the following principal Committees who report to the Court of Directors. The Court of Directors has ranged in size from 13-22 over the years, and the Court Directors could at times be members of various Committees with oversight of sections of school business (Executive; Planning and Policy; Education; Bursary; Appeal, Foundation.) These have more recently morphed into committees; Finance, Audit and Risk Committee; Learning and Teaching Committee; Safeguarding Committee; Governance and Nominations Committee. The Court meets a minimum of four times a year, as well as holding an annual Strategy Day. In attendance at Court meetings would be: the Rector, Headteacher of the Junior School, Senior Deputy Rector of the Senior School and the Bursar, who is also Clerk to the Court of Directors.

The Edinburgh Academy's governing document is its Royal Charter. The Charter was originally granted in 1824 and the last material amendment was made to the Charter in 1934, although some minor amendments were made in 2007 to allow the Academy to become co-educational. The Privy Council, in 2017, approved the grant of a Supplementary Charter to The Edinburgh Academy. The following changes have been made:

- (a) that the objects and powers of the Academy are appropriate for the current activities and operation of the school;
- (b) that the objects and powers are in compliance with the legislation relating to charities and trustees and in particular the Charities and Trustee Investment (Scotland) Act 2005 ("the 2005 Act");
- (c) that the governance arrangements comply with relevant legislation, the recommendations of OSCR and best practice.

Chair of the Court of Directors:

1930- 1936	Lord Murray
1936- 1946	Sheriff R H Maconochie KC
1946- 1956	The Hon. Lord Mackintosh M.C., LL.D.
1956 -1969	The Hon. Lord Cameron, D.S.C., LL.D.
1969-78:	Rae Taylor
1978-1985	Dr A G Donald
1985-1989	Maj Gen D Alexander
1990-1995	Lord Cameron of Lochbroom
1996-2001	Professor J P Percy
2001- 2007	Mr J H W Fairweather

2007-2012 Simon Macintosh
2012-Dec 2014 Michael Gregson

(b) The names, dates and qualifications of the persons in charge of the establishment,

Rectors of the Edinburgh Academy:

- 1926-1931: Hugh Lyon MC MA (Oxon) (d. 1986)
- 1931-1945 Lionel Smith CBE MVO MS (Oxon) LLD (Edin) LLD (St And) (d. 1972)
- 1945-1951 George Seaman CBE MA (Oxon) (d.1974)
- 1951-1962 Robert Watt MA (Oxon) (d.1983)
- 1962-1977 Herbert Mills MC MA (Cantab) PhD (Cantab) (d.1987)
- 1977-1992 Laurence Ellis MA (Cantab) AFIMA (d. 2017)
- 1992-1995 John Rees MA (Catab)
- 1995-2008 John Light MA (Cantab)
- 2008 – 2017 Marco Longmore

Senior Mistress/Headmaster/Headteacher of Prep School/Junior School

- 1930-1932 Miss Mabel Fuller (1924-32)
- 1932-1940 Miss Sophia Tullo
- 1945-1952 Miss Vera Smith
- 1952-1965 Miss Helen McTavish
- 1965-1973 Mr James Britton DSC MA
- 1973-1988 Mr James Burnet MA (Cantab)
- 1988-1994 Mr Laurence Smith BA MSc
- 1994-1995 Mr Andrew Trotman MA
- 1995-2003 Mr Campbell Paterson MA
- 2003-2011 Mrs Caroline Bashford
- 2011–present Mr Gavin Calder

(c) The nature of the accountability and oversight of the establishment by the Board of Governors

The Court of Directors provided oversight and accountability for the Edinburgh Academy and was responsible for appointing the Rector and Headteacher of the Junior School (formerly Prep School). The Court of Directors met a minimum of four times a year. More recently the Court of Directors also meet to hold an annual 'Strategy Day' with members of the Senior Management Team – this latter point being more reflective of the Academy from 1980s onwards. Attending all Court meetings would be the Rector, as well as the Bursar of the School and the Headteacher of the Junior School (formerly Prep School).

The Court of Directors has ranged in size from 13-22 between 1930 and 2014. All court Directors have operated on fixed appointment terms, with the possibility of extension and then subsequent retiral, with new Court Directors being voted onto the Court. All positions in the Court of Directors are voluntary. To enable the Directors to cover the wide remit of their duties, a committee system has operated.

Initially this comprised:

The Executive – all financial oversight, pupil numbers, fees, salaries, staffing etc – this morphed into the Finance and General Purpose Committee in 1993 so as to distinguish it from the Executive group of SMT who had day-to-day running of the school as their main focus.

Planning and Policy Committee – all building upkeep and property development, oversaw selling of boarding houses etc.

Appeal Committee – fund raising committee (now Development Office)

Education Liaison Committee – operated in the 1970s with a vague remit and was subsumed into the P&P Committee in 1980, reappearing as the Education and Policy Committee in 2011 with the stated remit of:

- To assist, support and advise the Senior Management Team (SMT).
- To facilitate communication on Academic, Pastoral and Extra-Curricular issues between the Court and the SMT
- To consider and advise on other educational matters, including the curriculum and other educational contents
- Oversight of all School policies relating to staff and pupil matters and educational provision.
- Oversight of Health and Safety issues..

Further details of how these committees operated in the 1970s can be found in the 1975 Rector letter to Parents – explanation of Court of Directors in 1970s. This gives useful context given the dates of alleged abuses.

These have more recently (2003 onwards) morphed into the following committees:
F&GP to Finance, Audit and Risk Committee;

Education and Policy to Learning and Teaching Committee

With the more recent addition of the Safeguarding Committee (2015) and the Governance and Nominations Committee.

The minutes of Court Meetings from 1930-2014 show a very operational focus by the Court of Directors and it would be unfair to comment on whether or not there was sufficient pastoral / well-being / safeguarding oversight, as this sort of terminology does not seem to have existed for much of the 20th Century and no specific reference is made to these areas in Court minutes until 2009, with the formal appointment of a Deputy Rector with pastoral oversight. A formal Safeguarding Committee had its Terms of Reference written in 2015 and was operating shortly afterwards.

(d) The nature of abuse and/or alleged abuse of children cared for at the establishment during the relevant period for example, sexual abuse, physical abuse, emotional abuse

Physical Abuse – some former pupils have alleged that the use of corporal punishment went beyond 'discipline' and was prolonged and of a sadistic nature as opposed to punitive. Testimony describes the use of a series of different types of 'instruments' that were used to inflict punishment.

Sexual Abuse – some former pupils have alleged that former members of staff were involved in inappropriate physical (sexual) contact with them.

Emotional Abuse – either of the above would cause emotional harm to the victim. Some former pupils have reported significant emotional abuse from the 'fear of violence' that corporal punishment had created. The Academy is aware that the term 'emotional abuse' can include a wide range of behaviours which would result in distress to victims of varying

types and severity. Unfortunately, no record of emotional abuse during the relevant period was kept and nothing more specific can be added to the foregoing as an answer.

(e) The number of children who have made complaints (at any time) of any such abuse,

24 pupils or former pupils have made complaints to the Academy either directly or indirectly via lawyers.

(f) The names of those who have made such complaints,

- [REDACTED] – 31/10/2001 (after off cuff comments in interview)
- [REDACTED] – 3/10/2001
- [REDACTED] – 29/09/2008 and 02/2/22
- [REDACTED] – 01/05/2014
- [REDACTED] 27/01/2015
- [REDACTED] – 03/02/2015
- [REDACTED] – 21/04/2015
- [REDACTED] – 06/04/2016
- [REDACTED] – 17/03/2017
- [REDACTED] – 27/02/2018
- K . Wolfe Murray (unknown date of allegation – referred to by JIL in 2001)
- February 2015 – unknown former pupil via Police Scotland
- [REDACTED] – 08/08/2022
- [REDACTED] – 05/08/2022
- [REDACTED] – 19/08/2022
- [REDACTED] – 27/07/2022
- Neil Douglas – 27/07/2022 (but suggests previous correspondence)
- Neil Russell – 27/08/2022
- [REDACTED] – 28/07/2022
- [REDACTED] 20/01/2022
- [REDACTED] 14/09/2022
- [REDACTED] 21/09/2022
- [REDACTED] 21/09/2022
- [REDACTED] 5/10/2022

(g) The number of staff against whom complaints have been made (at any time) in relation to alleged abuse of children cared for at the establishment during the relevant period,

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(h) The names of those persons who have been the subject of such allegations,

- IPT [REDACTED] (subject of Police Scotland investigation in 2015)
- John Brownlee
- Hamish Dawson (Initial Police investigation in 2015, subsequent in 2021/22)
- IBU [REDACTED] (subject to Police Scotland Investigations in 2022)
- IEF [REDACTED] (subject of Police Scotland investigation in 2017)
- IEG [REDACTED] (subject of Police Scotland investigation in 2017)
- IFR [REDACTED] (subject of Police Scotland investigation in 2015)

- Ian Wares (Subject to Cheshire Police investigation in 2014)
- IDT [REDACTED]
- IBL [REDACTED]
- IDP [REDACTED]
- IBP [REDACTED]
- IFN [REDACTED]
- IDZ [REDACTED]
- ICA [REDACTED]
- IFP [REDACTED]
- Mr ICL [REDACTED] (Christian name unknown)
- Mr IFS [REDACTED] (ground staff- unknown)
- Mr ICG [REDACTED]

As well as the names of staff mentioned above, the School has been working with Police Scotland (Operation Treefrog and Operation Footfall) and providing names and details of other former members of staff. As we do not know any details as to why these names have been required, we have not included these staff in this list, as no complaints have been received by the School about those individuals.

- (i) The number of other children (alleged peer abusers) against whom complaints have been made (at any time) in relation to alleged abuse of children cared for at the establishment during the relevant period,**

Records do not exist from 1930 - 2014 to support an accurate answer to this question. We hold records on complaints about two students involved in an incident of alleged assault in 2014.

- (j) The number of civil court actions raised (at any time) in relation to alleged abuse at the establishment during the relevant period,**

Records only detail our very recent incidences – six claims have recently been intimated by solicitors on behalf of claimants. No civil actions have yet been raised however (all from 2022) relating to 1962 -1980.

- (k) The number of police investigations and/or criminal proceedings brought (at any time) in relation to alleged abuse at the establishment during the relevant period,**

Seven (7)

The School has been working with Police Scotland (Operation Treefrog / Footfall) and providing names and details of other former members of staff. As we do not know any details as to why these names have been required, we have not included these staff in this list, as no complaints have been received by the School about those individuals.

- (l) The extent to which there were systemic failures to protect children cared for at the establishment during the period of the organisation's involvement, the basis for such assessment and explanation for any such failures.**

It is very difficult indeed to answer this question with the material and historical evidence available, especially given the extended timeframe which this question covers. From 1930 to 2009, records do not suggest that Pastoral work was overseen or was held accountable

by the Senior Leadership or Court of Directors, in the way that we now see it operate in all schools.

From 1930 to 1993, the Court of Directors operated a very similar pattern of sub-committees and reports, with the main sub-committees that provided oversight and report lines being:

- Chairman's Points
- Executive Committee
- Planning and Policy Committee
- Rector's Report
- Headteacher Report

In all these reporting lines, pupils are not mentioned to any great extent (save for exceptional performances or achievements) and the detail or pattern of student life that we now see is not visible. That is not to say that it did not happen, just that it is not reported or recorded and therefore it is not clear how pastoral work was being governed or overseen.

In 1993 the Court of Directors introduced a Finance and General Purposes Committee, replacing much of the work of the Executive Committee and so the structure of Court Reporting became:

- Chairman's Points
- Finance and General Purpose
- Planning and Policy Committee
- Rector's Report
- Headteacher Report

But other than occasional commentary, pastoral work or the life of students at the Academy was rarely documented, with the focus for all meetings being on finance, property, pupil numbers and oversight of the school as an operational business. In 1999, there was a cultural shift beginning, as the Rector's Report and Headteacher's Report began to be prioritised in meetings, and a greater insight about school life (and thereby student life) was given greater prominence at Court Meetings (and thereby given greater oversight and accountability).

Little changed thereafter in Court structure until 2001, with an addition of a Sport Committee being added to Court Structure, but the first evidence of Pastoral 'governance' does not really appear until 2009 when the then new Rector moved away from the idea of a Deputy Head with responsibility for discipline (as had been the previous approach) and moved into a Deputy Rector of Pastoral and Personnel. From October 2009 there is a clear reporting line of Pastoral matters into the governance structure, with the Rector's report containing direct reports from his Deputy Rector (Pastoral) – from this point Court meeting minutes show the distinct change in culture whereby pastoral matters and trends are reported.

This crude historical investigation of Court minutes shows a pattern emerge where more prominence is given to the lives of the students in the school. This may be because of a changing culture across all schools where pastoral matters and the well-being of children became more 'visible' but we cannot comment on what was said at previous meetings from 1930s-2009, as such comments were not recorded in the same way as they then were from 2009. We do not believe this is evidence of 'systemic failures' but more changing culture of governance and oversight, whereby student life became more visible.

ii) **from the period 1 January 1930 to 31 December 1995, to include:**

(a) The nature of the accountability and oversight of the establishment by external agencies and government, including inspections

The Edinburgh Academy has always been under the accountability and oversight of the usual external agencies and government inspections – the School follows these standard protocols as do all independent schools. Inspection reports from Education Scotland and HMIE are enclosed in the pack – these are all we have on record.

The enclosed documents show a range of Education Scotland inspection 'reports' through 1930-1951, where a system of regular, though very light-touch table-top inspections seem to have existed. These have then developed into a more detailed set of inspection criteria by the 1970s (Registration of Independent Schools documents in 1978 etc.) The Rector Letter to Parents (attached) in 1979 speaks of a 'recent inspection' by Her Majesty's Inspector of Schools but we do not hold that inspector report.

We have very few documents covering an inspection regime in the 1980s or 1990s, and so it would be unfair to comment on what was happening in this period. The File Note by Laurence Ellis (1991) suggests there was a wish for greater oversight by external agencies but lacks context to make any significant point (attached file note.)

More detailed and modern HMIE inspections in 2002 and 2006, as well as those by the Care Inspectorate in 2001 (attached) 2013, show just how much inspections by external agencies/government have evolved over the time period mentioned. These recent inspections fall outwith the scope (1930-1995) of this section of the report.

See attached Inspection Reports for the Period in Question.

(b) policies and/or procedures in place in relation to caring for children at the establishment and the extent to which such were adhered to in practice,

Very little printed material exists from 1930 -1980s that would shine a light onto the details and policies that existed at various times for pastoral care. A copy of a letter by the Rector George Seaman in 1948 to EA parents gives us some insight into pastoral expectations in 1948 but these details are very sparse indeed.

Various documents still exist from the 1980s, and obviously policies and procedures became a good deal clearer and more 'pupil-centred' in the 1990s and then even more again in the years after 2000. Up to and including the 1990s the Scottish Office, as it then was, provided SCIS schools with detailed guidance on, among other issues, the checking of members of staff (Schools were advised to use Lists 99 and 1R and use their own rigorous checking procedures). The need for guidance was re-enforced by the 1996 Cullen Report of the Public Inquiry into the shootings at Dunblane Primary School and the 1997 Kent Review of Safeguards for Children Living Away From Home, commissioned in the wake of allegations of child abuse in children's homes and foster care in North Wales. The Role of the Class teacher was under review throughout 1993/94 and a good deal of work was being done to define a pastoral policy and what the expectations were of teachers in not only the pastoral role that they played but also in the data they should be recording. At the same time as the Record Keeping policy development that the Deputy Rector Trotman did (see Andrew Trotman Document 1993) a working group were defining

the role of the class teacher and what their pastoral duties were. (See Document Role of Class teachers 1993 and also 1993/94.) These policies showed a modernisation of the pastoral role and defined expectations of the relationships between pupils and staff.

The SCIS Child Protection Guidelines were written with Professor Kathleen Marshall and first published in 1997. It is clear from the Staff Yearbook (teacher planner) from 1997 (the earliest version we have of this document) that all teachers were given guidance about the role of a class teacher, discipline arrangements (including the clear comment that corporal punishment had ceased) and the mention of Child Protection (Pg 13 of the document attached). Child Protection clearly became a feature of education in the 1990s and 2000s - Rector John Light's Child Protection policy in 2002 (attached) seems to have been more centred on non-recent abuse of pupils but child protection was following SCIS guidelines at this point. Child Protection policies became established clearly in 2009 – documents attached here also.

Given the nature of allegations, the 1970s/1980s are most important. Corporal punishment was phased out of the school between 1986 -1988, and although the school 'retained the powers in reserve', corporal punishment seems to have stopped by 1988. The school hold documents in regard to pastoral care that were instigated in the early 1980s by Laurence Ellis, Rector, and these have been submitted with this report. (Laurence Ellis Pastoral Documents.) There seemed to be a wider question about discipline throughout the early 1980s, which resulted in the appointment of a Second Master, specifically responsible to the Rector and through him to the Court of Directors (Letter from LE March 1982). This is also highlighted by the letter from D A G Donald (Court Chair) to all parents in March 1982.

(c) Policies and/or procedures in place in relation to complaints and reporting at the establishment and the extent to which such was adhered to in practice,

It is not clear that a formal Complaints policy was in existence from 1930s – 2000, and any complaints seemed to come via letter directly to the Rector. The School does not hold any letter that mentions non-recent child abuse.

Records do not detail a clear EA Concerns or Complaints policy until 2003, when the Rector, John Light, introduced a Concerns policy following HMIE advice/guidelines (attached 2003 letter). It is assumed that the School followed 2003 SCIS protocols on Concerns and Complaints, as these are mentioned in the 2003 documents (attached). These protocols were then updated in 2013, following the updated SCIS Complaints Procedure document (2013 documents also attached).

(d) Policies and/or procedures in place in relation to internal investigations and reporting at the establishment and the extent to which such was adhered to in practice,

We can only make comment on the documentation that we have available and the only policy/procedure that we can find that supports the existence of an 'internal investigation and reporting process' would be the Disciplinary and Grievance Procedure in 2003. This therefore falls outwith the scope of this section

(e) Policies and/or procedures in place in relation to record keeping at the establishment and the extent to which such was adhered to,

We do not hold information that would provide an insight into the record keeping and whether this was adhered over the 1930-1993 time period.

We do have some policies from 1993, when a draft policy of Record Keeping was introduced (Andrew Trotman Document 1993 attached). This policy details out the sorts of information that should be recorded and how it was to be kept. This is all we have.