

## **Scottish Child Abuse Inquiry**

Witness Statement of

**Iain LAMB**

Support person present: No

1. My full name is William Iain Alexander Lamb. My date of birth is [REDACTED] 1956. My contact details are known to the Inquiry.

### **Career and qualifications**

2. I worked as a member of care staff for Strathclyde Council in residential schools from 1973 until 1977. I worked with children who were regarded as having 'emotional and behaviour difficulties' and some were considered to be 'mentally handicapped.'
3. I went to college and qualified as a social worker in 1980.
4. From 1981 until 1987, I worked as a social worker for 'Child Guidance' in Glasgow, where I was attached to a residential school for boys with 'emotional and behavioural issues'.
5. From 1987 until 1988 I worked as the assistant head of a residential school, developing and managing the care of the pupils.
6. From 1988 until 2000 I worked as head of care in a residential school for Quarriers, with children and young people who had severe emotional conditions.
7. From 2000 until 2002 I was manager of a local authority care home for children and young people in Dumfries and Galloway.

8. I joined the Care Commission in 2002 as an inspector.
9. I have been involved in inspecting independent boarding schools since our organisation began inspecting them in 2005.

### **Care Commission**

10. I have worked as an inspector with the organisation in its different forms since 2002. I have been involved in the inspection of residential schools for children and young people who had learning or physical needs.
11. Over my service with the organisation I have inspected all types of service including childminders, nurseries, residential services for children and young people and services for adults.
12. When the care commission started in 2002, we tried to get a global picture of what was out there. The Scottish Government didn't really know the number of each type of service across the country because each local authority had registered the ones within their own area. The first few years were really spent looking at everything and trying to develop some sort of consistency.
13. Each local authority also had different levels of care standards. One of the most obvious ones that struck me when I started was child minders. We inspected child minders and there were hundreds of them. South Ayrshire had different conditions for child minders than East Ayrshire. In one of them, the local authorities allowed the child minder to have three children at any one time, and the other one could have up to five children. This meant that someone could be living a hundred yards away from someone in a different local authority and the standards would be different.

14. When everything came together as a national organisation for registration and inspection, the care standards were re-written and the National Care Standards were developed.
15. The team for the inspection of independent boarding schools was put together and registered with us in 2005. Since then, it has been carried out by a sub-team of inspectors, initially drawn from teams across the country.
16. When we started in 2005, there wasn't any regulation of boarding schools. Education Scotland would do an academic inspection, during which one of their inspectors may have taken a walk around the boarding house, but that was all. There wasn't anybody going in to check on pupil wellbeing.
17. All the inspectors were asked if they wanted to participate in this. People came in and out in the first two or three years. Some people who joined realised that it wasn't something they wanted to be part of, and it took some others some time to realise it was something they wanted to be part of.
18. We were organised into geographically based teams back then, so in 2005 I was part of a team in Ayrshire. I volunteered for the boarding school team because it was different and something I hadn't seen or had experience of. I fancied the challenge.
19. Independent schools are inspected in line with the Care Inspectorate's frequency of inspection rules, which were initially in place for the Care Commission when we started inspecting boarding schools. These have been adjusted over time as our knowledge and understanding of the schools grew and developed.

#### *Specialist teams*

20. There weren't specialist teams for everything. All inspectors had a generic caseload, which included lots of childminders, nurseries, some residential children's services, adult care services, care homes for older people. These were all on a geographical basis.

21. The caseloads in the geographically based teams were varied with all different types of services.
22. There weren't specific people who had a lot of knowledge of boarding schools within the organisation. It was felt that it would make sense to have one team covering boarding schools, rather than have many inspectors from many different teams all over the country. It was also felt that the organisation of boarding school inspections should be co-ordinated by one team manager, rather than a mix of team managers from the geographically based teams from all over the country.
23. The benefit was to get consistency across the country. There weren't that many boarding schools as there were other services, such as the hundreds of child minders and other services that were split up into geographical areas. It was felt that it made more sense to have the boarding schools, since they were fewer, co-ordinated by one person and one team.
24. The boarding schools had contact with each other and the heads of boarding schools met on a regular basis. I think it was felt that if there was one representative of the care commission, then that person could be the contact with that group, rather than 12-14 managers from the care commission from all over the country being in contact with that group.
25. The specialist teams, as we are now, were introduced about 5 years ago.
26. After the introduction of specialist teams, the inspectors for independent schools have all come from the two teams which inspect services for children and young people (CYP 1 and CYP 2) and these inspectors have operated as a sub team which has met regularly and attended shared training and information sessions.



### *Training*

27. As a sub team, we received regular training to discuss the quality themes and how services should be working towards meeting them. This allowed discussions across the team to achieve consistency. I don't have records of how often these took place but they did happen regularly.
28. We receive regular child protection training and can access online training resources from our organisation, the Scottish Government and other agencies. We also have regular discussions with the Scottish Council of Independent Schools (SCIS) about child protection and safeguarding matters.
29. There are not that many boarding schools. In the early days of inspection process, we used to inspect boarding schools twice a year, so we used to meet as a team about once every couple of months. We'd discuss issues that we'd come across, and how we dealt with it.
30. If any of us felt there was an issue with any of the schools, we'd raise that with the team leader who would either get access to an expert in that particular field to give input and assistance. We'd also have the opportunity for all of us to sit together as a team to discuss the issue we were concerned about, what we thought was good practise and what we thought wasn't.
31. For the last two years, we have been meeting annually as a large group of inspectors, together with the heads of schools in a meeting organised by SCIS. It is a whole day meeting where we look at the inspection programme for the coming year, and discuss any areas we may be emphasising on and looking at closely. It gives us the opportunity to discuss how the inspections are done, and the quality framework we work to, with the relevant heads of boarding in boarding school.
32. The meetings include a bit of training and discussion. Sometimes we have speakers come to give a presentation to us. It is also an opportunity for issues to be shared and discussed. We learn about what schools are thinking and any changes to the way they

operate, and also allows for us to describe to them what our inspection process is and any changes made to our processes.

### **Quality framework**

33. The old framework was the old national care standards for mainstream boarding schools, which were put together in 2005. They were very focused on the schools operating within the legal constraints, and keeping the types of records they should keep.

34. Under them, we inspected independent schools against the quality themes which described the ways in which care should be provided across four areas. These were:

Quality of care and support

Quality of physical environment

Quality of staff and staffing

Quality of management and leadership

35. The new health and social care standards (HSCS) were brought in. Then one of our members of staff was seconded to develop the new quality framework. They did that by meeting with groups of pupils, asking about their experiences of inspections, how they thought it could be more effective and taking their views.

36. In the past year we have begun to use a new quality framework which is closely linked to the HSCS. The quality framework for independent schools is available on the Care Inspectorate website.

37. The new quality framework is linked to the HSCS for all different types of services, not just boarding schools. They are very much about the quality of the outcomes of the people who use the services, so in boarding schools that is about the boarders feeling safe, comfortable, receiving warmth and nurture.

38. It is much more about their experience and how they can benefit from the care they receive. It is much more focused on their wellbeing, rather than the effectiveness of the systems that the schools have in place. That is the same standard for all schools across the spectrum.
39. The quality framework was therefore developed after taking the views from children from different schools, as well as the content from HSCS.
40. What we do is provide inspectors and schools with examples of good and poor practise. We encourage schools to use the framework for self-assessment and as a basis for discussions between staff teams.
41. We piloted the new framework in April, May and June 2019 so we have not been using it for long. I find it very effective in allowing schools to look at the way in which they provide care.
42. The one for other types of residential services for children and young people has been on the go a bit longer, but it does the same job.
43. Within all residential care, including boarding schools, there is more emphasis on warmth and nurture than there used to be so children living away from home feel much more comfortable than they used to.
44. As a team, I would say we have had about six meetings since the new framework started in April 2019.
45. We had the draft framework sent to us before it was implemented. We met as a team prior to the framework being introduced, and we discussed it as a team, and made suggestions for adjustments or changes.
46. Then we met as a team right at the start of doing the pilot inspections. We then met probably about three times since we started using it to discuss how well it was working and whether we had any issues with it.

- 47. These internal meetings are used for training and discussion. We have a full day team get together and have a speaker coming from outside to speak to us about things such as child protection or anything else that would assist us. The rest of the day would be for us to discuss matters and exchange experiences.
- 48. We met up in February 2020, just before lockdown, and talked about how well the new framework was doing, and found out how the schools felt about it. They were quite positive about it as a self-assessment tool.
- 49. The meetings have stopped in the last three months with coronavirus lockdown.

#### **Inspection of boarding schools**

- 50. When we started to inspect the independent schools, we would inspect them twice a year. The first inspection would be within our inspection year, which is April to March, and was an announced visit, and the second one was unannounced. This was standard for all of the schools and this had been decided by the Care Commission in consultation with the Scottish Government.
- 51. It was later decided that the frequency would change and schools which had achieved grades of 'very good' for all quality themes, and were of a low risk for the safety of service users, would be inspected on an unannounced basis once every three years. Those schools which did not achieve these grades would be inspected annually on an unannounced basis.
- 52. As an organisation, all our inspections of all services are carried out unannounced unless there is a specific reason to provide very short notice of our arrival. This could be for an office-based service where the base is not staffed all the time. This saves inspectors arriving to start an inspection and there not being an open office. All residential services such as boarding schools are inspected on an unannounced basis.

53. It is part of our remit to look at the child protection process that schools have in place, see examples of how they have carried it out, and give advice on it.

### **Preparations for inspections**

54. The inspection will be planned by the lead inspector. This process will start by looking at available information from the most recent, previous report, the content of notifications received from the service, the content of its annual return, and the service's risk assessment. It would also be influenced by any recent complaints which had been received and their outcomes.
55. Where there are concerns about a school, as with any service, it can be decided by an inspector in consultation with their line manager to carry out an inspection as soon as it can be organised. This could be triggered by events or incidents in the school coming to our attention from any source.
56. The number of inspectors are decided based on the size of the school and the number of boarders.

### *Early questionnaires*

57. Over the last three years we have issued links to electronic questionnaires for pupils to complete. These take place before an inspection, so it alerts the schools to an inspection being due but there is no set time between the issue of the questionnaires and the commencement of the inspection. The processes have greatly increased the amount of pre-inspection information we have been able to use and also the amount of feedback we receive from pupils.
58. I don't have access to the old questionnaires but they were very basic questionnaires that had about six questions. They were paper ones and a sample was sent out to the school, so not every pupil had the opportunity of filling one out. We sent out enough

questionnaires for about roughly 10% of pupils in big schools, and a bigger percentage for the small schools.

59. They were very basic questions, asking how long the pupil had been at the boarding school, whether they felt safe there, what the good things about being a boarding pupil were, whether they had any concerns about their boarding experience, did they have all the facilities they needed made available to them. That was about it.
60. We sent them in a bundle to the school, so we had no way of telling how the staff were organising it.
61. The pupils had to answer the questionnaires by hand and put it in an envelope that was provided, which was addressed to come back to us. I don't think most of the schools necessarily let the pupils fill them out and stick them in the envelope themselves.
62. We didn't know if they were reading what the pupils were writing and stopping any ones that they thought were inappropriate or reflected badly on the school.
63. Some schools would choose which pupils would fill them, sit them all in a room, hand them a questionnaire and have them fill them in and send them back to us. I think Merchiston, Fettes and some of the prep schools had that approach. I think prep schools felt it would have been useful for younger kids in prep schools to fill them out in an organised way.
64. Some other schools would just hand it to the pupils and tell them to take it away, fill it in and send back so less of those would come back to us.
65. We tended not to get very many back and the numbers we did get back varied amongst the schools because they used them in different ways.
66. The responses came back to our head office. They would then deliver the questionnaires to our office for us to look at them.

67. That was the situation from 2005, when we began to inspect, until we changed it in about 2017.

*Current questionnaires*

68. The reason for the change from the original questionnaire was that we felt that we weren't getting the amount of communication, information and feedback from pupils that we wanted. It also reflected the change in ethos of our organisation, where the move was much more towards looking at the outcomes for the people who were using the service.
69. In 2017, we started using a survey monkey. Now the survey monkey link is sent out to the school to share with all the pupils. We send the link out and get answers back before the inspections take place.
70. This means that the school doesn't get to choose which pupils to give the sample to, and they all get the link. We get more surveys back than we used to of the written questionnaires. We now get a response rate of more than three quarters of the numbers of pupils.
71. The pupils can complete the survey online and it immediately comes to us. It is anonymous unless the pupil puts their name on it, so they feel more comfortable putting their real feelings down. They are also much more comfortable doing things online now, than hand writing them.
72. The survey is also much broader than the original questionnaire. It is a standardised survey that is sent to the pupils of all boarding schools, and has about twenty questions on it. They each have option answers, for the pupil to tick accordingly, which are: strongly agree, agree, disagree, strongly disagree, don't know or it's not applicable.

73. One of the questions is:

If I needed to speak to someone about personal or private issues, there are adults in the boarding house who I trust and feel comfortable talking to.

74. We are trying to get a feel of the quality of the boarding pupil's life, and whether they feel safe and comfortable, have people they can speak to, and are able to contact their parents.

75. There is a bit at the end of the survey where the pupil can write comments. We get some surveys back with comments at the end.

76. We feel the style of the questions now gives a variety of opportunities for the young people to express their views in a variety of different ways about a variety of different aspects of their life in the boarding school. The survey gives us a feel of the atmosphere within boarding houses.

77. The benefit of having the questionnaire and emails before the inspection is that we have the feedback of the people who are using the service. The pupil surveys are much more honest in their responses now, so they guide us towards anything we need to look at and should be looking at where anything gives us cause for concern.

78. As an example, if a school has eight boarding houses and the survey responses give you the impression that two of the boarding houses are not happy places, then we'll spend more time looking at those two during the inspections to find out why they are not happy places, rather than the houses that seem to have satisfied and nurtured pupils.

79. The reason we do the survey monkey in boarding schools is that there are huge numbers of pupils and we want to get as much feedback as we can from a whole broad spectrum instead of just a particular group.



*Contact with parents*

80. Back in the early days, we didn't send out emails to parents. We didn't have that much contact with them.
81. Most inspectors started emailing parents themselves, because they felt they wanted to get more information and feedback from them.
82. I started sending emails to parents around 2014 or 2015. I started writing my own emails, and sent them to the school and asked them to forward it on to parents. The reply address on the emails was to my email address so that the parental replies came directly to me.
83. When I started using the parent email, the questions would vary depending on the school. As an example, the pupils in prep schools were younger and wouldn't be away from their parents as much as some of the older pupils, so questions of parents would be different. I would ask them if they got feedback from staff about their child when they collected their child for the weekends.
84. That is still the system we use now, but the email was standardised in about 2017. It wasn't formally introduced as a rule, but an email is now passed by one of our admin staff to the school in advance of an inspection. We ask that it be sent to all parents of boarding pupils. The responses still come back to the inspector directly.
85. The questions that are asked of the parents in the standard email are:
1. How well do the school keep you updated regarding your child and consult your views?
  2. Do you feel able to raise concerns or suggestions about your child's wellbeing, and who would you speak to?
  3. what do you think are the most positive aspects of your child's boarding experience?

4. What could be better, and what would your child say about this?
  5. Do you feel your child is safe in their boarding house?
  6. Do you have any other comments?
- 
86. We maybe get between 10 and 15% of responses. We can phone parents if we come across an issue that we think needs our further attention or if we are concerned about something. In this situation, we ask the school for the parent's phone numbers and phone the parent to have further discussions.
  87. If we received information or feedback from pupils, parents or staff that was concerning then this would be followed up in a focussed way but if anonymity was necessary then it would be taken into account as we investigated.

*Annual return*

88. The annual return is a template that is put on our system around Christmastime, and every service is expected to complete it and get it back to us by the end of February or thereabouts. They have about six weeks to complete it.
89. The annual return provides basic factual information to us, such as the name of service, contact details, who the manager is, the number of pupils they have.
90. It is up to the school to decide who they want to put down as their registered manager. For most of the schools, it tends to be the headmaster, even though they may not be the person with the most direct links to boarding.
91. It also provides the names of all of the staff who are involved in the boarding situation, and how long they have been there. That includes resident tutors, as well as tutors who work with children in the boarding environment.

- 92. It gives information on any health related incidents that have taken place, or the death of service users. Not all notifications are included in the annual return. It doesn't even tell us what the number of notifications are, because we have all the notifications on the same system anyway.
- 93. It is more like an audit that is about numbers and gives us basic, factual information. It doesn't give a description about things.
- 94. The annual return doesn't include academic staff from the school. Our responsibility is boarding pupils and their care. We don't have a remit to look at the care of day pupils so we don't ask for information about the teachers in a school setting.

### **Carrying out Inspections**

- 95. During the inspection process, our legal status gives us the right to speak with anyone employed by the service who we might wish to speak to and also gives us the right to see any document held by the service.

### *Early inspections*

- 96. The early inspections were quite formal and we spent more time in offices, studying records that schools kept and the processes than we did actually speaking to people.
- 97. At the start of the inspection, we would usually sit down with headmaster and say that we wanted to speak to a certain number of senior and junior pupils, and the school would choose who to come and speak to us. They would be marched into a room and would sit down. We would then sit in a chair in front of them and ask them questions. You could almost hear them reciting the answers that the school had told them to give.
- 98. At lunch time, we would be escorted into the school dining room and we'd have a space at a table with a group of pupils that had been arranged by the school, so they decided who we sat with.

99. As time has gone on, our way of doing inspections, particularly in boarding schools, has changed so much.

*Current inspections*

100. A lot of changes came about in 2014/2015 when we made it clear to schools that we were the regulators and we wanted the whole story and factual information, rather than the school choosing the story they wanted to tell us.
101. We would choose when we carried out inspections and stay for as long as we thought was necessary, including weekends and unannounced visits. We got access to all the documentation and we chose who we wanted to speak to, including staff, pupils, parents and governors.
102. Now, all of our inspections that we do on our own, and not in conjunction with other organisations, are unannounced inspections.
103. We wait until we get the responses to the survey and emails back from pupils and parents, before we go to the inspections. The schools also know we are coming at some point because we have sent the surveys and emails out, but they don't know when we will turn up.
104. We adjust our inspection planning on the basis of the responses we get back from pupils and parents in the surveys and questionnaire emails. We use that information to inform our inspection.
105. The other thing we use to inform our inspection is content from any notifications we get from schools.
106. We ask schools to notify us if certain events and incidents when they take place. Schools have to notify us where a child is injured and requires to go to hospital or

receive emergency medical treatment, if there is an incident where a child or member of staff is suspended, or if there is an allegation of abuse.

107. We get quite a few notifications of injuries from rugby incidents and are told who has been hurt and what treatment they got.
108. We see if there are a lot of suspensions from drinking, taking drugs or being in an area of school where they shouldn't be. If we see a pattern of such incidents in one school, we adjust our inspection to look at those things.
109. Most inspections will take place over three or four days, depending on the size of the service and the number of boarding houses. Usually the inspection team would be put together to allow this. If significant issues are found then the time would be extended to ensure that they were properly investigated and ways of dealing with them were established.
110. We now choose the documents we wish to see instead of letting the school choose what we see. The reason for this is that there was a change of agreed attitude across all inspections of boarding schools. I am not sure it was written down anywhere, but it is something that was happening at all inspections. We had changed our own inspection style so were starting to look at which pupils and staff we spoke to and which documents we saw. We now look at a lot more.
111. Some services were more resistant than others, but we had built up working relationships with schools over the years.
112. As well as our inspection and regulation process, there were changes going on within the schools as well. As they modernised their own processes, it was having an effect on things such as their punishment processes.
113. When we started doing inspections, Monday night was letter writing night at all the boarding schools, where kids wrote home to parents. Whereas, over the years, the

kids would be Skyping their parents from wherever they were so the parents could see what was happening around their child.

- 114. 2014 was about the time when pupils started to have the means to have face to face conversations with their parents anywhere in the world, and the parents could see how the child was and their surroundings. If it happened to be a room with 24 beds, they might not approve.
- 115. Things had to be much more open and clearer in terms of how the schools were doing things.
- 116. Nowadays, we spend the time that we think is appropriate, speaking to pupils in their environment where they feel most comfortable, and we choose which pupils to speak to.
- 117. We encourage the school to give us as much evidence as they have. We don't narrow down what we are looking at, and focus, as much as possible, on the outcomes for the pupils, therefore we examine as wide a range of evidence as possible.

#### *Contact with Pupils*

- 118. We now spend so much more time now having informal conversations with pupils in different types of settings during the inspection. We have found that this encourages them to be open and honest in their views and opinions about their care.
- 119. We spend a lot of time being there and go into the boarding houses after school times, evenings and early mornings. It could also be at a weekend if that was thought to be appropriate and if a particular boarding house that we feel requires more of our attention.
- 120. We sit and have informal conversations with pupils. We do that with pupils one to one and in small social groups.

121. Inspectors join pupils for meals whether these were in the boarding houses or in a central dining hall.
122. Pupils will be spoken with individually and also in small social groups. The preferences of pupils as to whether they speak to us in a private place or a social area will be taken into account. We would try to speak to a representative group in each boarding house but there is no set percentage for us to have contact with.
123. In the conversations with pupils we seek to hear about their experience of being a boarding pupil, which includes discussing their safety, comfort and wellbeing.
124. We ask about routines, privacy and access to adults they could confide in if they were concerned about something. We ask them about their ability to contact their family and friends when they wished, as well as their social life with other pupils and in the local community. We ask them if they were able to access any resources or equipment they might need such as sporting facilities and music practice or art studios.

*Contact with staff*

125. We speak to staff who care for pupils in the boarding environment. This would include resident housemasters, housemistresses and resident tutors. We speak to tutors who come into the boarding houses for set shifts to provide supervision and care.
126. We also speak to non-teaching staff who provide care for boarders in their houses. These include care staff, some of whom are resident. They have different titles in different schools and many were traditionally referred to as 'matrons.'
127. We would speak to staff in the school medical centre and anyone who provides a counselling service to pupils. We would also speak to other school staff who have an influence on the life of boarding pupils to establish their role and discuss their contact with the pupils. These would include catering staff, ground staff and property maintenance staff.

128. When speaking with staff, we seek to establish that they were clear about their role and responsibilities in relation to boarding pupils, including their safety, wellbeing and happiness. We also ask about their experience and training for their role and whether they are able to access support and advice when it is needed.
129. We also ask about their understanding of any specific needs that individual pupils might have, and how the pupils would be supported to meet these. These conversations would vary depending on the role of the member of staff. We also ask if there were areas of care for the boarders which they thought could be improved.
130. We meet with senior staff who have a role or influence in the boarding community. We ask about their role and the frequency of their visits to the boarding houses.

*Contact with parents*

131. We would speak to parents of boarders who happened to be bringing children back from visits after a weekend, or coming to collect them for a weekend. We would try and speak to parents in that kind of situation.
132. If there was a particular reason or purpose to speak to a parent, we ask the school for the contact details of a parent and contact them.
133. The kind of thing that would make us want to speak to a parent is if we saw that a pupil had a major issue with health or mental health, or if the pupil had been involved in an incident. We would call the parents to discuss whether the health issue was being looked after, or any other issue had been dealt with.
134. One of the things that we could do, and did do, from time to time, was to attend an parents group meeting if there was one at the school. One of us would go along to hear the views of the parents and perhaps ask questions of the parents.
135. At some schools, a large number of pupils at the school were from abroad so the chances of seeing the parents at the school or a parent's group meeting was remote.



*Contact with governors*

136. All the board of governors at different schools are made up differently, have different roles and styles. There are no two schools who are exactly the same in the way their boards are set up and what they do.
137. In the past, we didn't always talk to governors and only chose to do it if we thought we had a reason to. The school would sometimes ask us to speak to governors, and sometimes schools wouldn't produce them when we wanted to speak to them, or they would choose which ones we spoke to. Occasionally, we would be wheeled into a governors meeting during an inspection and asked all kinds of questions. I think that was intended to intimidate us. This changed around 2014.
138. We now make it a point to speak to governors and have more contact with them now than we used to.
139. At the beginning of an inspection, we find out from the headmaster who on the board of governors has responsibilities for particular areas, including boarding or child protection, and we choose who we speak to. We speak to as many of them as we feel are relevant, which varies depending on how intensive the inspection is, which in turn depends on the risk level and number of notifications received from that school.
140. Sometimes we will have informal conversation with governors. Sometimes the chair of the board of governors will come to speak to us when they know we are there, and sometimes they want to be present when feedback is given.
141. We have contact with some members of the school's board of governors and ask them about their role in ensuring that pupils are safe, comfortable and happy in the boarding environment. We speak to governors who have oversight of the child protection system and ask them about how they carry out their role and how they are able to ensure the safety of the boarding pupils.

142. There is no legal requirement for schools to have a governor in charge of child protection, but we make it very clear that we think it is good practise and recommend the school to have one.
143. I think all schools do now have a governor for child protection. I can't think of any that don't. It has proved very effective for schools, as it has provided governors with access to information and situations that they may not have looked at in the past. This means that if there are concerns about somebody's wellbeing, it is not left to a direct line management structure, but is also seen by somebody very neutral who can come in and look at the issue and environment.
144. We would then speak to governors about it in subsequent inspections, and ask if they had visited boarding houses, as suggested. Similarly, we would ask the boarders if the governors had come and spoke to them, especially when they spoke about the facilities needing to be updated or the place needing to be redecorated.

*Looking at records*

145. We would look at records kept about boarding pupils. We would ask to see all personal plans which were in place to support pupils who had additional needs whether these were concerned with safety, health or any emotional issues. We would assess these plans and their effectiveness. This would include the systems in place to initiate a plan and develop it as well as share it with the pupil, their parents and all relevant staff who would have a role in their care. We would check that staff were aware of the needs of individual pupils and the content of their plan and their role in meeting the aims of the plan. We would also want to see that plans were routinely updated and adjusted as circumstances changed.
146. We look at systems in place to ensure safety and wellbeing such as the child protection systems. We would include discussions about child protection in conversations with staff and pupils across the inspection as well as checking that efficient systems were in place. We would also examine systems such as environment safety checks to ensure these were in place and being properly used. We would also look at staff

recruitment systems and records to ensure that appropriate checks were being carried out and that staff records had all required information.

#### *Boarding school risk assessments*

147. We would expect risk assessments to be in place for each of the boarding houses, so that whoever is responsible for the day to day running of the boarding house would identify risks and record them.
148. Examples of risks that we'd expect schools to record are a range of pupils being injured for whatever reason, pupils being absent from school, or if there were a couple of staff off sick and the school had a staffing issues. They would also be expected to record environmental issues, such as if a toilet stopped working or something.
149. If there was a particular event taking place, we would expect schools to do a risk assessment for that process, for example for holidays abroad.
150. We would expect the schools to complete the risk assessment document on a week to week, or monthly basis, and use it as a working tool. We want it to be a document that is up to date and relevant, that is useful to them. They don't have to submit these to us, but we would expect to see them when we carry out inspections.
151. If the risk assessment document for a boarding house hadn't been updated for a while, we would ask the senior member of staff for that boarding school why this was the case. We'd spend time talking to pupils and other members of staff in that boarding house, and looking at why it hadn't changed.

#### *Feedback*

152. The inspection team would sit together as a team and pull the evidence together. We would discuss what the grades should be and what recommendations should be made for improvements.

153. Then, we would meet with whoever the school decided should be at the feedback meeting. That is sometimes the headmaster alone, or the headmaster and the chief governor and some senior staff members. Who attends the feedback session varies across all the schools.
154. I always try to have a feedback session at the end of the inspection visit because it can be stressful for schools and staff, and you don't want to drag it out. We also tell the school about any concerns we have so that they can be dealt with sooner rather than later.
155. The school can make a comment about the content or grading but that doesn't mean we would change it. We are the regulators and it is our responsibility to inspect the service and based the evidence on what we have found.
156. Where possible, we have discussions with the school, to explain how we came to the grades that we came to in the report to help them understand what to do to improve. We are not trying to create a conflict situation, but help them to improve their service.
157. If the school is not happy with the grade, there is not really anything they can do to change it. It is unlikely that a grading would change after a discussion with the school, but I can't say it would never happen. If we were presented with evidence that was different to what we had based our decision on then we might look at changing a grade, but it would be very unlikely for that to happen.
158. We might agree to come back later for a feedback visit if we are still gathering information or waiting for evidence to come back from somewhere else, from parents, for example. Even then, we would arrange to come back in a week or so, so that they are not waiting too long.

*Report writing*

- 159. During the inspection, all members of the inspection team keep notes on a record of inspection (ROI) document. This should contain all relevant evidence gathered by the inspector during the inspection process.
- 160. At the end of the inspection, the team would meet and the outcomes of the inspection would be discussed and decided by the inspection team as a group. If there were differences of opinion then these would be discussed at length and if necessary further evidence would be used to establish agreement.
- 161. Following the inspection process the report would be written by the lead inspector who would be the allocated case-holder for the service. It sent out as a draft report to the service.

*Error response form*

- 162. If the school finds any inaccuracies in the report, they can access an error response form on our IT systems, complete that and return it to us. This is only for factual inaccuracies, for example if we have noted the incorrect number of children in a boarding house or class.
- 163. If we agree with what the school has said in the error response form, we make the change.
- 164. The report is then published and made public.
- 165. The form does not give the school the opportunity to question the quality of evidence or the assessment that we have made. We have usually already had the conversation about the grading with them at the feedback session.

166. If the school does express views about the grading in the report, it does not influence the inspection outcomes. There have been times where schools have tried to influence reports but this would not be allowed to happen.

### **Risk Assessments**

167. The risk assessment is a standard document that we complete. The allocated inspector is expected to complete the risk assessment, and we are asked to update the risk assessment document once a year, but we would normally complete it after an inspection because that is when we would have the most recent information.
168. The different sections of the risk assessment document are regulatory outcomes, which records whether there have been any requirements made for the school to follow, such as a compliance order been made to them.
169. The second part is about self-evaluation and planning, to ascertain whether the school is planning care the way it should be. The next bit is about management and staffing, and whether there are enough staff to manage the people who are there, and if there have been any new managers in the last year. If there has been a new manager, we record if they have had a positive, negative or neutral effect.
170. We have a section on service user participation, to see whether the views of pupils are taken into account. Also, does the service have appropriate risk measures in place. There is a section on health care governance, which records whether there have been any healthcare mishaps, accidents or medication errors.
171. There is a question asking if there are any other issues, or if there has been a serious incident. If you click yes for the serious incident, it automatically puts the risk level for the whole school on a high risk level.

172. An example would be if there had been a fire in the service and pupils had been evacuated in the middle of the night, or if there had been an incident of abuse that hadn't been responded to properly,
173. We score all of these sections on a level of one to five. If something was triggered as high risk, we would contact the service user straight away and ask them what their plan was to address the risk.
174. If the risk level is high in a service, we would start an inspection as soon as we thought it was necessarily or relevant, making the service a priority.
175. If we hear about major incidents, we would notify the Registrar of Independent Schools.
176. Inspections last as long as they need to and we can be as flexible as we need to be to make sure we have the opportunity to examine the risks that are there.
177. If I came across a situation during an inspection, where I thought there was risk of harm, or the potential of risk of harm to a pupil, I wouldn't save it to the end of the inspection. I would speak to the responsible person there and then and tell them about the concern and ask what they are going to do about it.
178. All inspectors and managers would have access to that database. Normally, we would keep an eye on the ones in our own caseload, but if someone was off work, then their manager or someone else could follow it up.
179. During lockdown, we are creating a buddy system so that if someone is off sick or on annual leave, then their buddy can keep an eye on things for them, and check on notifications coming in, and change the risk assessment if need be.

### **Recruitment of boarding school staff**

180. One of the things that surprised me when I started inspecting boarding schools, was that people would just turn up and get a job in the school without any checks having been done or references being asked for. Also, that you could teach in a Scottish boarding school without being a qualified teacher.
181. We would now expect PVG checks to be done on all staff before they are employed, which are police checks disclosing any convictions. We require a standard disclosure check to be done, which is what would be required of staff at any residential place.
182. While we cannot legally require it, we recommend schools update PVG checks every three years. We'd also expect staff to fill out an application form and provide references, which would be taken up before employment. We would require that for all staff who would have any kind of contact with pupils, and as far as I'm concerned, that is all staff in a boarding school.
183. Schools are better at screening potential employees because they know we are going to come and look at what they've done and make sure they're doing it properly. They also want to make sure that the pupils are getting the best experience possible at school, and to do that they need the right staff to keep pupils safe.
184. We know that screening of staff is more effective now because the schools are going through the process that we are asking them to. Staff are being checked when they are employed as a matter of routine.
185. The children are safer now than before. I don't think any system will be completely fool proof, but there is much more clarity now on expectations of people applying for jobs. We can see from speaking to staff at boarding schools, what checks and processes they went through to get the job, and we can also access the files on all staff.
186. If we have any concern or suspicion, we follow it up, and we have more time and flexibility to do that now than when we started.



187. Where there has been an allegation made against a teacher or a member of staff in relation to a child protection matter, we would expect that information to be contained in the reference from the previous employer. This is the same for any job where a person will be working with children or young people.
188. If there has been sufficient reason for a school to carry out an investigation following an allegation, we would expect the school to mention the investigation in a reference whether the allegation was found to be proved or not.
189. If something is found to be proved, it means there is evidence that it actually happened, and if that is the case then an employer shouldn't be taking someone to work with children who has a proven allegation against them that they have been inappropriate, in whatever format, with children.
190. We would expect that if an employer had concerns about someone working with children, they should share that concern with potential employers.
191. It is stated that it is expected that references and checks will be properly carried out in the guidance from the inspectorate to the school, but it doesn't go into any detail. We would go into detail during an inspection and sit down with the services and talk about what we want to see around references

### **Joint inspections with Education Scotland**

192. Education Scotland visit boarding schools about once every three years. They contact us at the start of their inspection year, and tell us the dates they will be at the school. We tried to do the inspection on the same day, so that the school doesn't have two separate inspections from both organisations.

193. At the beginning of each year, Education Scotland and the Care Inspectorate agree the number of inspections that they will carry out jointly at boarding schools over the course of that year. I don't know what that number is.
194. They have responsibility for looking at day pupils and we look at boarding pupils. We try to have some consistency by looking at the academic as well as the boarding sides of life of the pupils, and get an assessment of their overall experience.
195. Where The Care Inspectorate has a lot of concerns about a school, we will contact Education Scotland and suggest having a joint inspection to look at the issues as comprehensively as we can.
196. The kind of concerns could include if there was information coming out of abuse that had taken place at the school, lack of checks being carried out on new staff coming in, or a lack of oversight of the boarding side of things.
197. We carry out pupil surveys before the visit.
198. The visit would be an announced visit so the school knew we were coming, and arrive there at the same time as Education Scotland. It would be a big team of four or five inspectors from us and about seven or eight from Education Scotland.
199. The Care Inspectorate then decided that we wanted to have an unannounced visit before the scheduled announced one. That was introduced in 2018. The school would know that we were coming because we would have carried out the pupil survey, but they wouldn't know when.
200. The unannounced visits were so that we could see what the boarding houses were like and whether any preparation was taking place with regards to the safety and decoration of the boarding houses in preparation for our visit.
201. It was also so that we could have some informal contact with boarding pupils before the joint inspection, which would be a large team.

202. We would arrive towards the end of the day, and chat to staff and pupils in the boarding house, and get an idea of the ethos of the boarding house.

### **Merchiston Castle School - Inspections**

203. I first became involved in inspecting Merchiston in 2007. Then again in 2011, but I had a very minor role, which consisted of reading documents and was not involved in decisions regarding grading or outcomes.
204. I was involved in the inspection in September 2013 when I assisted the lead inspector, Marion Neil, in an inspection.
205. I became the allocated inspector for Merchiston School at the beginning of October 2013. It is normal for an allocated inspector to keep a service on their caseload for some time and this will mean they will be involved at inspections at the same service over a period of time. I have been the allocated inspector for Merchiston school since the start of October 2013.
206. Other inspections that took place there were a joint inspections with Education Scotland in October 2014, and May 2015; an inspection in September 2016 and September 2019

### **Merchiston Inspection in 2007**

207. My first involvement in inspecting Merchiston was in 2007.
208. I was asked at relatively short notice, if I would do the inspection because somebody had left. I wasn't the allocated Inspector. There wasn't the same strength of allocation of caseloads in 2007.

209. It was a standard, announced inspection. In those days, we were doing two inspections a year, one announced and one unannounced.
210. While there, we were told that there were concerns about children going to an outdoor camp, and swimming naked there. The school had heard about this and they volunteered the information to us during the inspection. I think they had come to learn about it from the parent of a pupil, who had told the parent about it after camp.
211. I don't have clarity of recollection about how the school raised the matter with us and what exactly was said, but it was raised in a conversation. We didn't get a formal notification about it.
212. I don't recall being told the name of the camp at the time. We found out the name of the camp was Rua Fiola and the man who ran it was Torquil Johnson Ferguson some years later.
213. We were also not told that an adult was organising the naked swimming. The school portrayed it as something the boys had just done themselves as a prank or dare, and it was a one off event.
214. I got the impression that the school thought it was a minor event that wasn't of great gravity. It wasn't portrayed as an abusive situation. As such we never learned the name of the camp or the name of the person who ran it at that time.
215. The school didn't tell us which children had been at the camp and we didn't speak to any of the children involved. On reflection, we should have.
216. The school were going to write a letter to the person who ran the camp and express their concerns about the children swimming naked. I was very clear with the school that it was a child protection issue and there needed to be more investigation. The advice I gave was that they should report it to the relevant child protection authorities, which were social services and the police. They were also asked to update us on the outcome of that investigation.

217. At my request, and as far as I'm aware, Merchiston reported the matter as a child protection issue to social services in 2007. I don't know for certain if they did do that, but my experience is that schools normally will do what we have asked them to do.
218. I didn't continue working with Merchiston after that inspection. It was transferred to another inspector, so I wasn't following up the incident after the inspection in the way that I would have done if it was a service that was allocated to me.
219. My understanding is that there wasn't really an outcome from it, and that the child protection people didn't really do anything about it.
220. We had less scope and flexibility in the organisation then to be able to follow things up with the service. We also didn't have the same working relationship with them as we do now.
221. Nowadays, we have a way of working where we build up a working relationship with the service. If something happens that triggers the school as high risk, I would be phoning the relevant person and asking what has happened, what they are doing to change the circumstances and what the outcome is. We would also be following that up with the school.

#### **Merchiston Castle Inspection - October 2012**

222. I was not involved in the inspection in October 2012. The inspection in October 2012 was carried out by the service's allocated inspector at that time.

#### **Merchiston Castle Inspection – September 2013**

223. I was attached to the inspection because the allocated inspector was due to leave, and it was likely that I would become the allocated inspector, which I did a month later.

224. It was just the two of us and we spent a relatively short period of time there. I didn't feel that the school were being as detailed as they could have been. We spent more time with staff than pupils during inspections at that time, which has since changed.
225. More information about the camp the boys were going to, which was camp Rua Fiola, came out during an inspection in September 2013.
226. I was only partly involved in the feedback conversations. The other inspector had done most of the feedback with the headmaster before some other senior managers and myself were invited in.
227. I wasn't involved in pulling the evidence together and deciding the outcomes. In those days, the lead inspector would write the report so I wasn't as included in the process as I might have wanted to be. I didn't see the content of that inspection report until it went out.
228. The lead Inspector at each previous inspection would be the one who would have asked for a range of documents. These would have included pupil files for pupils who had health or mental health issues, records of events that happened in boarding houses, records of disciplinary actions taken against pupils.
229. In the early days, we didn't really focus on staff records in any great detail. We would have asked for more details and looked at the staff records if we heard of any allegations.

#### **Joint Inspection of Merchiston Castle - October 2014**

230. The inspection in October 2014 was undertaken following information from the school about child protection concerns and allegations about the actions of identified members of staff, Mr Rainy Brown and Mr Z from Merchiston. We found out about both of these cases from Merchiston. These issues had been reported to the police and

the members of staff were no longer in contact with pupils at the school. We had received notifications from the school through our notification system.

231. When we heard about the allegations, we notified the Registrar of Independent Schools and the Head of Inspections of Boarding Schools. They got in touch with the Care Inspectorate and it was decided that there would be a joint inspection between us and Education Scotland. The decision was made by people more senior than me.
232. As the allocated inspector for the service, I discussed the situation with my line manager. Then two managers from the Care Inspectorate were involved, and together we spoke to two representatives from Education Scotland, and decided on the areas that we would look at.
233. Due to the seriousness of the allegations and reported incidents, we decided to carry out a joint inspection and focus on the systems in place to safeguard the wellbeing of pupils, as well as the staff recruitment processes. The systems in place for oversight of staff actions and access to support for staff would also be looked at.
234. The school was expecting an inspection due to the seriousness of the recent events. Most staff were happy to meet with us and discuss what had taken place and express their views on the systems in place. Most of the inspection was focused on the systems and processes used by the school and the oversight of the board of governors and their involvement in assessing the quality and effectiveness of these. We did not spend as much time with pupils as we do now, and so spent less time in the boarding environment.
235. We looked at policies for safety and wellbeing of pupils and examined how these had been put into practice. We also looked at the recruitment processes for staff and the uptake of references from previous employers as well as the checks undertaken with relevant national bodies.

236. During the inspection I spoke with a range of staff who were provided by the school and I looked at policy documents regarding child protection and safety processes for activities.
237. We also spoke with pupils in groups and the pupils were chosen by the school. This has since changed. We did not speak to parents at that inspection.
238. By that time, the school also wanted to do everything they could to help us with the issues that were around. They were not resistant to us accessing information.
239. The process had already been evolving by the time we did the inspection in 2014 so we would have looked at more records than before, but because of all the allegations around Merchiston, we made sure we covered absolutely everything at that inspection.
240. We looked at records that had been put together about individual pupil needs, and the way their needs were being supported. We wanted to see correspondence between the school and parents, which is now electronic as opposed to letters. We wanted as broad a view as possible about what work had been undertaken to assess the individual needs of pupils and ensure their wellbeing as much as possible.
241. We chose what papers we saw instead of getting selected documents that the school gave us, because we wanted to be sure that we were seeing everything we needed to and could access any document we wanted to.
242. If we came across a piece of information that referred to another document, we were able to access that other document and follow up lines of inquiry across the whole school that way.
243. We looked at all the records kept centrally in the school, but also in the individual boarding houses as well. This was not something we had done in previous inspections.
244. Different boarding houses had different housemasters, and slightly different regimes for how they worked for children. Merchiston was one of the schools that moved house



as you moved through the years depending on what ages and stage you were at, whereas in Fettes the children stayed in the same house the whole time they were there.

245. There were more of us at the inspection in 2014, than in 2007. We were much more comprehensive in gathering evidence than had previously been the case.

*James Rainy Brown*

246. In 2013 and into 2014, we had started hearing about concerns regarding an ex member of staff called Mr James Rainy Brown in the junior boarding school. Merchiston had notified us about him.

247. We knew information had been passed onto the police, who had an active investigation going on against Mr Rainy Brown and some of his connections.

248. We had conversations with the police at the end 2013 and beginning of 2014. We had to be careful that we didn't cut across and interfere with their live investigation.

249. We were hearing that Mr Rainy Brown was putting children into cold showers, naked, or making them sit on public benches, naked, for misbehaving. We also heard that he was showering with the children, completely naked. He were told that he would take kids for walks in the country and if they came across water, he and the children would all get naked and go for a swim.

250. Some of the punishments he was giving children were horrendous. He showed no respect or dignity to the children. None of this was previously known to us.

251. Mr Rainy Brown was retired as housemaster, but still worked at the school. He had access to come in and out of the school and was still involved with taking the children out on trips. It is anybody's guess what he did with children on those trips but privacy and dignity wouldn't have been part of it.

252. When he was told that there was a police investigation and that police would be coming to see him, he went home and killed himself.
253. Some of the allegations about what Mr Rainy Brown had done were quite scary. These went back to the 1980s. They had been recorded by the school but had not been passed on to anybody else.
254. These included cold bath punishments. The head master had written to him about his use of corporal punishment and cold baths. He'd had various warnings about his punishments.
255. He later retired in the 1990s, but was still allowed to stay involved in the children and take them on trips.
256. It was recorded in his staff file that there had been times when he had gone swimming with boys with no swimming trunks on.
257. The police had already seen that information, and when we carried out our inspection, we had access to it as well.
258. The headmaster who was in post in 2014 hadn't been involved with Rainy Brown and had he dealt with something like that, he would have taken much stronger action than the previous headmaster had.
259. We wouldn't have looked at Mr Rainy Brown's files and documentation relating to him in previous inspections because he wasn't an active member of staff at Merchiston when we started inspections there in 2005. We wouldn't have been looking at anything to do with him unless we had specifically been alerted towards him.
260. Mr Rainy Brown was given notice to move off site in May 2006, so he was still working there and involved with Merchiston School until 2006. He continued having some contact with the school and pupils right up until the time of his death.

261. We were dealing with somebody who was abusing all the children in his care. My understanding following on from the disclosures about Mr Rainy Brown and what we found out during investigations, and also from the police, was that he was the link between Merchiston school and camp Rua Fiola. He was the person who had organised the start of Merchiston pupils visiting that camp. He was also the connection with Mr Johnson Ferguson.
262. We later discovered that there were a variety of schools all over the country, not just in Scotland, who had been sending pupils to Rua Fiola, where there was fairly consistent levels of abuse. It turned out that there was a network of people across the schools, and that Mr Rainy Brown was the contact person in Merchiston for that network.
263. The other thing we were concerned about was that when the school had come across the earlier incidents in the junior boarding schools that had been recorded, appropriate action hadn't been taken. We would have expected that he would have been sacked and reported to the police for prosecution when it was discovered, but he wasn't.
264. The overall ethos and tradition sense of punishment that was around in Merchiston before we started as an inspection organisation, was something the previous headmaster had allowed to continue, and had not taken the action that we think that he should have done.
265. The police said they had spoken to a considerable number of ex pupils who were saying that this was just how things in the boarding house were back then. Some pupils had fathers who had also been boarders at Merchiston, so if they went home and told their fathers what was going on, the fathers also saw it as normal and part of boarding life.
266. We think there were other members of staff who had done similar things to Mr Rainy Brown with children, and the school hadn't taken the action that we would have wanted them to take.

267. I don't know or have any notes of any of those other staff members, but in Merchiston's paperwork, Mr Rainy Brown is referred to as "Mr X" and there was a "Mr Y" mentioned, who had worked with him in the junior boarding house called Pringle House. I don't remember his name and don't have it in any of my notes. The police would know his name.

*Mr Z*

268. As we went into 2014, there was a member of staff who had had an issue at a previous school he had worked at in England. That information hadn't been forwarded to Merchiston in any of his references, but a male ex pupil from the previous school in England had contacted Merchiston and told them that he had been inappropriately sexually abused by this teacher during a school trip. This had happened to the pupil just as he was of school leaving age. He had found out that this teacher was now working at Merchiston and thought that they should know about it.

269. I can't remember the name of that teacher and I can't find it anywhere. He is referred to as "Mr Z" in all of the documentation I have on Merchiston.

270. This teacher was about to go into a promoted post at Merchiston as this information was discovered.

271. The ex-pupil, who was from Shrewsbury or Shropshire in England, first phoned Merchiston about the allegation against Mr Z, and then followed it up with a letter. It was during the summer holidays and the school took immediate action to let us know about it.

272. They also moved the teacher off-site so he wouldn't be living on the premises when he returned from his holidays. The headmaster had two meetings with the teacher and it was decided that the school had sufficient concern to terminate his employment.

273. What became clear during that inspection was that references had not been taken up when employing new people. We focused strongly on that so we spent enough time

looking closely, in detail, at all the staff records and made sure we had access to all the records the school had.

274. In previous inspections, looking at the recruitment process and references wasn't something that we had particularly focused on. There had not been allegations about the actions of staff prior to the previous inspections therefore there was no perceived need to look at all the staff recruitment processes in such detail.
275. At previous inspections I believe that the school had been asked for a range of documents and they would have chosen which ones to provide. At the inspection in October 2014 they were not able to choose which ones we looked at and this has been the case ever since.
276. After finding out that Mr Z had been employed without references being taken up, we focused on that and went through as many staff files as we thought was necessary to get as much evidence as we needed for the inspection.
277. Merchiston did have a reference from the previous school in England but it hadn't mentioned the incident with the pupil at all.
278. There was a telephone call between the head teacher of Merchiston to the previous employer in England.
279. There wasn't any certainty about why the school in England hadn't included the information about the allegation in their reference. There was a suggestion from them that because the pupil was eighteen years old and was about to leave school, that the incident was consensual.
280. We were very pleased that Merchiston had followed this up, especially given everything that had happened in the past where they hadn't taken the action that we would have wanted them to. From my point of view, the fact that he was a school pupil meant that it was not consensual because the teacher was in a position of authority.

281. Mr Z had denied the allegation when he had been spoken to about it by the headmaster at Merchiston.

*Feedback to Merchiston Castle*

282. During the inspection, we were inspecting against the National Care Standards and the staff from Education Scotland were using the relevant legislation which they worked to. As was the agreed practice at the time, a single joint report was produced which was published by Education Scotland and it included a section on our findings.
283. Senior managers from the school were given feedback about the proposed content but were not allowed to influence its content as far as I am aware.
284. In about 2015, we recommended that governors for Merchiston spend a bit of time just dropping into the boarding houses and having informal chats with the boarders to get an idea of what they thought about their boarding experience and environment. This was because we felt the governors were a bit remote from the day to day life in the school, and the views of the boarders to modernise things weren't getting back to them as clearly as they should have been. This may be because the governors were not exactly young, so they could have benefitted from meeting the pupils in their own environment to get a better understanding of their lifestyles, including the online facilities they required and methods of communication used to have contact with their families. Ultimately, the boarders are the customers here.

**Merchiston Castle** — RCQ

285. I have been asked about a female member of staff called RCQ I don't know if that was at the same time as the other two allegations or if it came slightly after.
286. I didn't have much involvement with RCQ She was an active RCQ for about three months. I had a couple of conversations with her during

inspections because she was a residential member of staff in one of the boarding houses.

287. There was no suspicion or any concerns about her on the part of the school during the time she was there. It was only after she had moved away from Merchiston that any allegations were made against her.
288. The allegations had come from a group of ex pupils from Merchiston. They had been on some reunion and one guy had mentioned that when he came back to the boarding house after being drunk one night, RCQ [REDACTED] had invited him into her accommodation in the boarding house and had sex with him. Then another boy announced it had happened to him too. It then turned out it had happened to a few of the boys when they were there.
289. One of the ex-pupils then told the school. As soon as Merchiston found out about these allegations, they immediately contacted her new employer in England and notified them and they told us. I didn't have the names of the pupils involved or any other details of the incidents.
290. The school gave us confirmation that they had contacted her new employer immediately. We were pleased to see that they were acting responsibly and appropriately whereas in previous times they hadn't.

### **Inspections of Fettes and Loretto**

291. I was first involved in an inspection of Fettes College in June 2008 as I was the allocated inspector for the school. This was an announced inspection.
292. In 2008, I was the allocated inspector for Fettes. I was struggling to get another inspector to go on an inspection with me. One of our senior managers told me to go by myself and spend a couple of days there, because it wasn't an important service. I

was quite taken aback by that, but I think back then, the boarding schools weren't given as much time as they are now.

293. After that I was involved in an unannounced visits in March 2009, January 2011, March 2012 and October 2014.
294. As the allocated inspector for Loretto I was at the unannounced inspections in March 2015, January 2016 and December 2016.
295. These inspections were carried out in line with the frequency arrangements in use by our organisation at the time and were not a response to any specific concerns or issues. In all these inspections there were teams of inspectors and I was the lead inspector. In all of the inspections we spent time talking with pupils and staff across the boarding campus. We spoke with other staff involved in their care, as well as having contact with some parents as a routine part of the inspection. We also looked at plans developed for individual pupils to provide any needed support for their assessed needs and the effectiveness of these plans.
296. None of the inspections indicated major concerns but in some we asked for areas of improvement such as improving methods of communication between different staff groups across schools. We also discussed the involvement of pupils in development planning and their involvement in day to day routines such as menu planning and access to facilities.
297. None of the inspections resulted in low grades or requirements.
298. None of the inspections indicated major concerns but in some we asked for areas of improvement such as improving methods of communication between different staff groups across schools. We also discussed the involvement of pupils in development planning and their involvement in day to day routines such as menu planning and access to facilities.
299. None of the inspections resulted in low grades or requirements.



### **Inspections of other Boarding Schools**

300. I was part of an inspection team at Queen Victoria school in June 2017 and at Gordonstoun in November 2017.
301. These inspections were carried out using the same systems as previously described. Neither of the inspections indicated major concerns or indicated that pupils were not safe.
302. I have been involved in inspections of a number of schools which are not involved in the case study. Generally, I think all the independent schools have made progress in recognising the individual needs of pupils and working to meet these needs.
303. There is much more communication between pupils and staff about any support that is needed for individual pupils than there used to be when we started visiting the schools. There is also more privacy for pupils and fewer multi-occupancy rooms than there used to be which contributes to better levels of privacy for students. Pupils are able to have much more regular communication with their family and friends than was the case when we started to regulate the schools. This has meant they feel less isolated from their family.

### **Residential schools**

304. The organisation has developed a lot over the years and we have moved towards focusing on the outcomes for the service users, whatever kind of service that is. It is about making sure that the service user is safe, comfortable and looked after, rather than making sure they have kept records about it.


305. State residential schools tended to be for children with additional needs, such physical or mental health needs. There was much more experience in the Care Commission of people having worked in residential state schools than there was for boarding schools.
306. State residential schools have much higher staffing ratio with less children. The whole thing is based around care primarily, whereas in boarding schools the care was secondary to the academic achievements.
307. So we were already further along with residential schools. That said, even in residential schools, we have moved towards looking at warmth, nurture and happiness rather than looking purely at safety of the service user and looking at processes.
308. We don't send out surveys before the inspection of residential schools. The numbers of children in them are so much smaller than in boarding schools, so more direct contact it made with parents and children in those situations. In some of those schools, the inspector would speak to all of the pupils.
309. We also wouldn't put out a survey to some of the residential schools, because the pupils there may not have access to online systems as children in boarding situations.
310. The inspections at residential schools are different in that we get a lot of notifications from residential schools. I have a residential school in my case load that is run by a charity. They have a high number of safe holds. They have a number of children living there who are very young, physically boisterous and potentially dangerous.
311. Some residential schools are seven days a week, 52 weeks a year, whereas boarding schools are less than 42 weeks a year. Boarders go home for the holidays or are away from the school and boarding environment.
312. The staff in boarding schools and residential schools are trained differently. There is a much higher staff to service user ratio in residential schools than in a boarding house.

- 313. We try to talk to service users in residential schools and boarding houses. That can be difficult in residential schools where the service users are non-verbal.
- 314. We try to talk to staff in residential schools and see what their role is and how they operate. We look for good levels of experience, and a mix of ages and genders of adults there to provide relationship opportunities of different kinds for the pupils there.
- 315. This is not quite the same for boarding pupils because they still have routine contact with their parents and family members, whereas residential pupils don't always have that level of contact with family members so they rely more on relationships with staff.
- 316. The general outcomes of inspections are the same in both. You want pupils to be safe, comfortable, happy and well cared for, with access to a range of resources that fully meet their needs.
- 317. What differs is that those resources will be different in each. You wouldn't find that a pupil in a residential school would have access to a piano playing space and personal tuition because they play at an almost professional level, which is a fairly common thing in a boarding house. You also wouldn't find the same sporting facilities in a school with children with complex physical needs, as you would in other schools, but they'd need a different kind of outdoor facility with different levels of support.

### **Final thoughts**

- 318. Over time we have developed much more effective inspections of the boarding schools. When we began to regulate them there was little knowledge within the team of what boarding schools were like and what the experience was like for boarding pupils. At the start there was also a formal approach to inspection which meant that pupils would be anxious and reluctant to speak with us about their experience. It was also the case that our inspection processes were focused on records and systems rather than the outcomes for the pupils.

319. As time has passed we have developed our methodology and, in line with our overall ethos, we have begun to work with services to help them to improve the outcomes for pupils.
320. Through working with services we have developed more positive working relationships with relevant school staff which has enabled us to more fully understand the boarding experience for pupils. It has also meant that we communicate with senior school staff outwith inspections to discuss issues and advise on improvements.
321. I feel our inspections and overall work with the independent schools has had a positive effect on pupil wellbeing and their safety. Our use of different methods of seeking feedback from pupils and parents and our informal time in the boarding environment has meant that we are now much more likely to hear from pupils and their parents if there are concerns about safety and care. We are also clear that schools are much more effective in screening potential employees who will have direct contact with pupils and this has contributed to the safety of the care pupils.
322. I have no objection to my witness statement being published as part of the evidence to the Inquiry. I believe the facts stated in this witness statement are true.

Signed..........  
DocuSigned by:  
61876E5C989F405...

Dated..... 14 July 2020 .....