

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

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

**Part C Prevention and Identification****4. Policy and Practice****4.1 National****Past**

*i-vi* Neither the Organisation nor the Establishment was aware of any applicable national care policy or guidelines. As stated at Part A, 1.1 *ii* of this Report, neither residential care in the sense of operating a children's home, nor foster care, ever formed any part of the activities of either the Organisation or the Establishment. Although both were conscious of a growing concern in society during the 1990s regarding children in care, it was not until 2007, after the closure of the Establishment, that Tom Shaw's Independent Review of Historic Abuse 1950-1995 was completed, and 2010 when the Scottish Government published the 'National Guidance for Child Protection in Scotland'.

**Present**

*vi-vii* The Establishment closed in 2000, and accordingly all subsequent Appendix headings regarding the present position are omitted

**4.2 Local Authority**

*i-vi* Neither the Organisation nor the Establishment was aware of any applicable local authority care policy or guidelines regarding independent boarding schools.

**4.3 Admissions****(a) Policy**

*i-viii* A prospectus was compiled under the direction of the Head Teacher from time to time, and approved by the Governors of the Organisation before issue. The Establishment invited applications for admission to the school on the basis of the prospectus then current, mainly through advertisements in local newspapers circulating in the target catchment area of the west of Scotland and the islands. The principal criteria for admission related to academic achievement and potential, and assessment was conducted partly through written examination, and partly

through interviews conducted by the Head Teacher to determine the likely level of contribution to school life. Termly fees were payable, but bursaries were available to families who might require financial assistance.

*vii-xii* No complete record of all prospectuses is available, but samples have been preserved.

(b) **Practice**

*i* It is believed that the Establishment was consistent in its adherence to its policies and procedures.

*ii-v* There are no extant records specifically demonstrating adherence. It may be inferred from a general reading of all of the Minutes of the proceedings of the Governors of the Organisation since it was established, and also from The History of Keil School, first published by a Keil Old Boy in 1993, and updated and republished by the Keil Old Boys' Club in June 2016, to which reference is made at Part A, 2.2 *i-ii* of this Report ("the 2016 History").

4.4 **Day to Day**

(a) **Policy**

*i-iii* The procedures at the Establishment in so far as affecting children were recorded in the School Rules, handbooks and timetable. The overall policy aim and intention was to establish a proper framework for a well-run boarding school, with a wide variety of properly supervised activities. For procedures affecting staff, see 4.6 below.

*iv* Examples of these procedures are given at Part A, 1.6 *v-viii*.

*v-xiii* The procedures were compiled and reviewed under the direction of the Head Teacher from time to time, with the approval of the Governors, all in accordance with his Contract of Employment. No complete record or audit trail is now available. Reference is made to **Practice** following below (at *iii-iv* and *v-vi*).

(b) **Practice**

*i-ii* The procedures were followed in practice, and the commitment of all staff to the daily running of the Establishment and to the organisation and supervision of activities, both on-site and off-site, was regarded as impressive.

*iii-iv* Many examples of the wide range and success of these activities were recorded in the annual school magazine. Academic achievement was recorded by performance in public examinations, and individual termly reports were provided to parents as noted at Part A, 1.7 *xv* of this Report.

*v-vi* There is no extant comprehensive record demonstrating adherence to the procedures. All remaining archival material in the form of memorabilia from the former Keil School was gifted to West Dunbartonshire Council in 2005, and may be accessed via Dumbarton Library (telephone number [REDACTED]).

4.5 **Children**

(a) **Policy**

*i-ii* The overall policies in relation to caring for children at the Establishment stemmed from the declared objects of the school set out in the prospectus. In addition to education, they included equipping children with qualities of character, integrity, and self-reliance, as stated at Part A, 1.5 of this Report. A central objective was to establish a sense of community in each boarding house and to provide, as near as possible, a home environment.

- iii* Policies and procedures were disseminated to all staff. The detailed rules governing the management and running of boarding houses were clearly explained to both parents and students. There were also separate handbooks for staff and parents.
- iv* The policies and procedures did not refer in specific terms to Safeguarding or Child Protection. However, examples of the approach include a requirement that students inform boarding staff of where they were at all times, and students were forbidden to leave the grounds without permission. Regarding medical care, parents were required to give details of the students' medical history, and all new boarders were given a thorough medical examination by the school doctor, who also visited twice weekly during term times. Minor medical care was provided by the staff or the Matron on site. Physical wellbeing was to be ensured through organised games and activities. Emotional and mental welfare was provided by the school chaplain, who was a regular visitor and also conducted some lessons. In addition, all staff were expected to demonstrate commitment and concern for the general welfare of boarders, and to contribute to the organised routine of daily life.
- v-xiii* Policies and procedures would commonly be debated and agreed by staff under the Head Teacher. Reviews occurred in their regular meetings, but good practice was often given priority over recording changes in handbooks. There is now no extant audit trail.

**(b) Practice**

- i-iii* It is believed that the Establishment did adhere in practice to its policies and procedures. In the absence of an extant internal record, this can be demonstrated in the 1992 HMI Report, which noted that staff worked hard to achieve the broad aims set out in the prospectus with a commendable degree of success. That Report went on to state that many features of the life of the school demonstrated a high level of success in meeting the physical and social development needs of students. Students were well known by boarding house staff, and induction was well organised. A fair system of rewards and sanctions was then well established and high priority was given to responding promptly to referrals or concerns. School ethos was very good.
- iv-viii* The 1998 HMI Report on the 'Inspection of the Welfare of Residential Pupils' by was generally positive, but noted that there was a need for detailed staff remits and an updating of policies and procedures. In other respects care was good, relationships were open and friendly, day to day health and safety was well attended to, residential staff worked hard for their students and there was a clear sense of community in the boarding houses. Pastoral needs of students were well met, with Matron's contribution being highly valued. Criticisms were made of diet and laundry facilities, and there was a need to continue to improve facilities generally, which was addressed.

**4.6 Staffing**

**(a) Policy**

- i-ii* The Organisation was responsible for the recruitment and appointment of the Head Teacher. He was expected to be a Graduate registered with the General Teaching Council and to have had managerial experience in a position of responsibility, preferably at an independent boarding school. He was expected to believe firmly in the value of independent education, with a positive attitude to challenges, and an ability to lead a team, and to work harmoniously with others. All other teaching and administrative staff were to be appointed by the Head Teacher, subject to consultation with the Governors in the case of the Deputy Head Teacher, Housemasters, and Heads of Department.
- iii-xiii* The Organisation's policies and procedures may be inferred from the Minutes of the proceedings of the Governors, there being no other extant record or audit trail. The appointment of the Head

Teacher was an infrequent event and was considered in detail as a distinct item of business on each occasion. The policy and procedure for the appointment of other staff by the Head Teacher was developed over the years. Having determined the extent of the need for staff, the normal recruitment procedure would involve seeking references, confirming qualifications and General Teaching Council registration, and checking "List 99" police records. There were no direct or automatic transfers of staff. Following interview and appointment, staff received a formal offer with conditions of service. Induction would include a staff handbook giving background and operational details of the school. Probationary teachers would be subject to formal appraisal over two years. In later years there were staff appraisals for all, and professional development was encouraged. Disciplinary procedures were set out in individual contracts of employment. Statutory requirements were followed, and staff were made aware of conduct which could lead to dismissal.

(b) **Practice**

*i-vii* It is believed that both the Organisation and the Establishment did adhere in practice to these policies and procedures. However this is difficult to demonstrate in a comprehensive fashion in the absence of an extant internal record or audit trail.

4.7 **Visitors**

(a) **Policy**

*i-xii* Visitors were expected to report to the School Office. The grounds were for exclusive use of activities directly related to the School, and both staff and students were to be alert to any unwelcome visitors. However apart from confirmation that there was secure coded entry to the buildings plus intruder alarms at the boarding houses which were linked to the police, these policies and procedures are difficult to itemise in the absence of an extant internal record or audit trail.

(b) **Practice**

*i-vi* It is believed that the Establishment did adhere in practice to these policies and procedures in so far as it was able to do so, and that visitors were normally escorted to relevant destination areas. However this is difficult to demonstrate in a comprehensive fashion in the absence of an extant internal record. It is known that parents often reported initially to the relevant boarding house.

4.8 **Volunteers**

(a) **Policy**

*i-xii* Neither the Organisation nor the Establishment made use of volunteers, other than parents attending specific School events.

(b) **Practice**

*i-vi* Any volunteers would commonly be parents attending specific school events.

4.9 **Complaints and Reporting**

(a) **Policy**

*i-ii* Complaints were to be addressed at an appropriate level, depending on seriousness. Students could approach the Matron or their House staff in the first instance. Parents could approach the House staff or Head Teacher. Staff could approach the Deputy Head Teacher or Head Teacher. In

the case of an initial failure to resolve the complaint, it could be escalated to the next level. The Head Teacher was expected to report on disciplinary matters at the regular meetings of the House Committee of the Organisation and the Governors.

*iii-xiii* Records of the procedures and their comprehensive range can be inferred from the extant Minutes of the Organisation. However they did not include specific reference to whistleblowing, the provision of external support, or external reporting. The procedures regarding staff were reviewed from time to time in accordance with requirements of employment legislation and regulations.

(b) **Practice**

*i-vii* It is believed that the Establishment did adhere in practice to these policies and procedures, although this is difficult to demonstrate in a comprehensive fashion in the absence of an extant full internal record. However with the small size of the school each child would be well known to a number of staff, and could approach any of them with a degree of confidence of a fair and reasonable outcome. The Head Teacher's written reports to the Governors recorded more serious complaints, whether related to staff or students.

#### 4.10 **Internal Investigations**

(a) **Policy**

*i-xiii* There was no general policy or procedure regarding internal investigations. The School did however have a policy of responding appropriately to advice and criticisms arising from HMI Inspections, as duly recorded in the Minutes of the Organisation.

(b) **Practice**

*i-vii* The Organisation is not aware of any internal investigation, or of any major issues warranting such action known prior to the closure of the Establishment.

#### 4.11 **Child Migration**

(a)-(b) **Policy and Practice**

Child migration played no part in the activities of either the Organisation or the Establishment.

#### 4.12 **Records**

(a) **Policy**

*i-xii* There were no specific policies regarding record keeping by the Organisation or the Establishment, other than to observe statutory requirements, and a view that documents should generally be retained for ten years. The Establishment closed seventeen years ago, and there is now no comprehensive audit trail. There were no children in residential care, as that term is understood, nor any requirement to deal with requests from former residents, and no involvement in child migration.

(b) **Practice**

*i-vi* It is believed that the Establishment maintained adequate record keeping until closure. There were monthly meetings of all staff at which each student's progress was discussed. Students were given a copy of their "gradings", and tutors took action to deal with any problems. Termly reports were prepared for every student covering academic work, extracurricular activities and

pastoral comments and copies were sent to parents. Staff employment files were maintained, and complaints and matters of discipline were recorded as stated at 4.9 of this Report.

- vii-xiv* The Establishment did not consider that there was intentional abuse at the School, and it is believed that no allegations of such abuse were received. Accordingly no review or analysis of its records was undertaken.
- xv* The principal records currently held relating to the Establishment are the Minute Books of the Organisation and the 2016 History. They are not categorised.

## **PART D Abuse and Response**

### **5. Abuse**

#### **5.1 Nature**

The abuse and/or alleged abuse of children first became known the Organisation more than fifteen years after the closure of the Establishment, and was of a sexual nature.

#### **5.2 Extent**

- i* The assessment of the Organisation is that the scale and extent of the abuse was limited, but serious. It is believed that five young boys were abused by a single member of staff in the period between 1989 and 1995.
- ii* The assessment is made on the basis of extensive police enquiries made prior to the prosecution of the member of staff in question.
- iii* So far as the Organisation is aware, complaints have been made against only this one member of staff.
- iv* The one member of staff in question was prosecuted and admitted his guilt at trial.
- v* The Organisation believes that the one member of staff in question was the only abuser at the Establishment.
- vi* The member of staff in question was a teacher. His roles within the Establishment included appointments as head of physics, assistant housemaster and later, housemaster. He was also a rugby coach and outdoor trips organiser.
- vii* Police enquiries ascertained that all of the abuse complained of occurred in school buildings.
- viii* So far as the Organisation is aware, there have been no allegations of abuse against children by visitors or volunteers.
- ix* There were occasional allegations of bullying between students at the Establishment, which may have amounted to physical abuse. These were dealt with internally as breaches of school rules and discipline. See 4.5 above.

#### **5.3 Timing of Disclosure**

- i* The Organisation was first informed of the allegations of abuse in 2015, when police enquiries began. As noted above, the Establishment had closed in 2000.

- ii-iv* None of the complaints or disclosures were made whilst the alleged abuse was either recent or ongoing. Enquiries subsequently established that the abuse had occurred at least 20 years previously.
- 5.4 **External Inspections**
- There has been no external inspection. The Establishment had closed fifteen years before allegations of abuse were made.
- 5.5 **External Investigations**
- i-ix* The only external investigation was conducted by the police. This was concerned solely with securing the criminal conviction of the abuser, and the Organisation cooperated fully with the police throughout their enquiries.
- 5.6 **Response to External Investigations**
- i-iii* See 5.5 above. The Organisation had no formal procedure or process in place for dealing with external investigations. The Establishment had closed in 2000.
- 5.7 **Impact**
- i-ii* An impact statement completed by one of the victims and read out to the court at the trial of the member of staff concerned stated the abuse had had a "profound effect" on him. His parents also confirmed to the Organisation that he had suffered considerably as a result of the abuse.
- iii-iv* The same parents informed the Organisation that they had been unaware of the abuse prior to the police investigation, but that the family suffered from that point on.
- 5.8 **Known Abusers at the Establishment**
- i-vi* Neither the Organisation nor the Establishment had any knowledge of abusers or alleged abusers prior to the police investigation. As part of the police investigation the Organisation became aware that KPC [REDACTED] a teacher of [REDACTED] at the Establishment from [REDACTED] [REDACTED] had been sentenced [REDACTED] to eighteen months imprisonment for sexual assault against a teenage boy when employed at [REDACTED]. Again during the police enquiries mention was made of the suicide of OZC [REDACTED] a member of staff at the Establishment from 1992 to 1997, following an allegation of sexual assault at [REDACTED] [REDACTED] in Lancashire in 2004. However no allegations of abuse were made at any time against either KPC [REDACTED] or OZC [REDACTED] in respect of their employment at the Establishment, and reference is made to the relevant policies and practice at 4.5 and 4.6 above.
- 5.9 **Specific Complaints of Abuse**
- i-xiv* The only specific complaints of abuse recorded against the Organisation or the Establishment are those against one member of staff, of which details of which are set out above at 5.1 to 5.7. The response was related solely to cooperation with the police enquiries.
- 5.10 **Civil Actions**
- i-xiii* No civil actions have been brought against the Organisation.
- 5.11 **Criminal Injuries Compensation Awards**
- So far as the Organisation is aware, no criminal injuries compensation has been awarded in respect of any abuse or alleged abuse at the Establishment.

5.12 **Police**

*i-iii* Reference is made to 5.2 *i* and 5.3 *i* above. The complaints all related to one member of staff, and are treated together as being essentially contemporaneous.

*iv-vi* The police investigation led to the Crown raising proceedings as detailed at 5.13 below. As previously stated, the Organisation cooperated fully with the police throughout.

5.13 **Crown**

*i-ii* The Crown raised proceedings against Mr William Bain, being the member of staff in question.

*iii-iv* Mr Bain pled guilty to serious sexual offences against five children in May 2016. He received a custodial sentence of 6½ years, reduced from 8½ years on account of his admission of guilt.

*v* Both the Organisation and Mr Bain's former colleagues at the Establishment remain horrified by his conduct there, of which they suspected nothing. The Organisation was in contact with the parents of one of the victims of the abuse but no further response has been called for, and it is considered that none is required under the circumstances.

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

Date 28/06/2017

1,



(CHECK TO THE TRUST)

2



CHAIRMAN MACKINNON  
MacNeill Trust