

Part C - Prevention and Identification

4. Policy and Practice

4.1 National

Past

i.	Was there national policy/guidance relevant to the provision of residential care for children?
	<p>The School has undertaken a review of what it understands to be the historic and recent legislation which covers independent boarding schools, as providers of residential care for children. The School is not suggesting this review is completely exhaustive and understands the Inquiry has the benefit of a full legislative history from its own legal expert. The School has always striven to follow and implement legislative requirements.</p> <p>The School has noted that national legislation together with policy and guidance for care of young people in residential care has developed over the years. The focus of legislation in the past has been on establishing regulations to govern the various types of accommodation/care provided by the state for young people, although there has been an increase in legislation, policy and guidance relevant to independent schools in the last thirty years.</p> <p>A summary of some of the key national legislation is below, as mentioned above, this is not an exhaustive list:</p> <p>The Children and Young Persons Act 1932 & The Children and Young Persons (Scotland) Act 1937. The main purpose of this legislation was to amalgamate the treatment of juvenile offenders with that of neglected and deprived children and covered the classes of residential accommodation to which they could be sent. The 1932 Act, together with the Children Act 1908 were then consolidated through the 1937 Act, which referred to the duties of those caring for children, including making it an offence to (or cause or procure) assault, ill-treatment, neglect, abandonment or expose children to unnecessary suffering or injury to health. This legislation also included provision for approved schools that were suitable and safe for children and young people and received state funding. Therefore, in this regard were not directly applicable to the School.</p> <p>The 1937 Act also included a procedure in relation to looking after young children in return for reward, where the local authority could grant a certificate of exemption in respect of "any particular premises within their district which appear to them to be so conducted that it is unnecessary that they should be visited." The School does not have any relevant records that this may have been/ was relevant to Merchiston and understands, from the research conducted for the Inquiry by Professor Norrie that there is no available record of whether any such exemptions or</p>

certificates were granted in Scotland.

The Education (Scotland) Act 1945 and **The Education (Scotland) Act 1946** provided some state oversight of independent boarding schools. Independent schools were required to register with the Registrar of Independent Schools in Scotland, a newly-created officer of the Secretary of State for Scotland and also provided a complaints mechanism. This section (s.109) did not come into force until 30 September 1957 when the **Registration of Independent Schools (Scotland) Regulations 1957** also came into force.

The **Children Act 1948** established a children's committee and a children's officer in each local authority. The Clyde Report in 1946 reflected on the provision the state made for children who were "deprived of a normal home life". The "boarding out" sections referred to foster homes and accommodation provided by the local authority to respond to the needs of young people and were therefore not relevant to the School.

The 1946 Act was repealed by the **Education (Scotland) Act 1962** which replicated the registration of independent schools as before.

The 1957 Regulations were amended in 1975, but remained in force until their repeal on 31 December 2005, replaced by the **Registration of Independent Schools (Scotland) Regulations 2005**.

The **Social Work (Scotland) Act 1968** covers local authority social work departments replaced children, welfare, health and probation committees. Local authorities also took over responsibility for investigating child abuse. This Act included regulations for remand homes where children whose behaviour was unmanageable or violent.

Social Work (Residential Establishments – Child Care) (Scotland) Regulations 1987 applied to independent schools that had voluntarily registered under section 61A of Social Work (Scotland) Act 1968. These provisions have since been repealed.

All independent schools in Scotland are required, in accordance with the **Education (Scotland) Act 1980**, as amended, to be registered with the Registrar of Independent Schools. The Registrar is an official of the Scottish Government appointed by the Scottish Ministers.

Registered Establishments (Scotland) Act 1987 related to voluntary registration by independent schools under the 1968 Act.

The Children (Scotland) Act 1995 incorporated the three key principles of the United Nations Convention on the Rights of the Child into Scottish law: protection from discrimination, ensuring that child welfare is a primary concern and listening to children's views.

	<p>The Regulation of Care (Scotland) Act 2001 applied to independent boarding schools. The 2001 Act dealt with the range of care services that have to be registered with the Commission. The Act goes on to deal with other possible types of care service, perhaps most importantly defining "school care accommodation" and "secure accommodation for children". School care accommodation is classified as residential accommodation provided for school pupils by a local authority or by an independent or grant-aided school, and covers services to children boarding at an independent school, school hostels provided by local authorities and special schools.</p> <p>The Protection of Children (Scotland) Act 2003 which dealt with the regulation of those working in child care was then superseded by the Protection of Vulnerable Groups (Scotland) Act 2007 and the PVG scheme came into force in February 2011.</p> <p>Schools are required to ensure that all employees undertaking regulated work with children, young people and/or protected adults are members of the PVG scheme. (Following the introduction of the PVG scheme in October 2012, the retrospective checking period for all staff previously employed with Enhanced Disclosure certificates runs until October 2015).</p> <p>The Registration of Independent Schools (Scotland) Regulations 2005 were revoked by the Registration of Independent Schools (Scotland) Regulations 2006 which set out the information that is to be provided to the Scottish Ministers and to the Registrar of Independent Schools.</p> <p>The Public Services Reform (Scotland) Act 2010, which updates previous legislation (namely the Regulation of Care (Scotland) Act 2001) and required the School to be subject to the oversight of the Care Inspectorate in providing school care accommodation services.</p> <p>The Children And Young People (Scotland) Act 2014. The Bill was passed by Parliament on 19 February 2014 and received Royal Assent on 27 March 2014. It aims to put the Scottish Government's GIRFEC policy and guidance into law but has been subject to legal challenge and some of the provisions are not yet in force.</p>
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ii.	If so, to what extent was the organisation aware of such?
	The School was registered with the office of the Registrar of Independent Schools in Scotland and inspection reports from 1943 onwards show that the School was registered and inspected by HMIE. National legislation and guidance are reflected in the policies and practices of the School.
iii.	<p>If there was national policy/guidance in respect of any of the following in relation to provision of residential care for children, to what extent was the organisation aware of such?</p> <ul style="list-style-type: none"> • Child welfare (physical and emotional)

	<ul style="list-style-type: none"> • Child protection • Complaints handling • Whistleblowing • Management of residential establishments • Child migrants • Record retention • Recruitment and training of residential care staff • Requiring employers to divulge details of complaints etc. to prospective employers • Reviewing a child's continued residence at a residential establishment
	The documentary evidence of specific awareness is not available although there is a clear reflection of national legislation in school rules and the procedures for the provision of care and education.
iv.	If the organisation was aware of such, did they give effect to that policy/guidance?
	As far as can be established, the School was aware of such regulations, as listed in response to question I above., and past policies reflect this fact from 1994 with greater evidence.
v.	If so, how was effect given to such policy/guidance?
	<p>School policies and guidelines reflected the national legislation and below are examples of policies in place in 2014 that reflected that approach. Sections 4.3, 4.4, 4.5, 4.6, 4.7 give fuller explanations of the policies in place.</p> <ul style="list-style-type: none"> • <u>Child welfare (physical and emotional)</u> <p>National Care Standards School Care Accommodation Services Pupils' Charter and School Guidelines (1936 – Renamed 2004) The Absconding Policy The Anti-Bullying Policy Bomb Threat Evacuation Procedures Conduct of Staff on School Trips Crisis Management Policy The Electronic Contact Between School And Parents procedure The ICT Policy Guidelines The Leave-out The Mobile Phone, Text Messaging & Mp3 Player Policy The Health and Safety Guidelines Self-harm and Sudden Death Policy Staff and Mobile Phones The Drugs and Other Substances Policy The Smoking Policy The Alcohol Policy Playing Rugby Outwith the School</p>

	<p> The Safe Holding Policy The Pupil's Problem Guide The Photography Policy Cars In School Private Parties The Pupils' Charter and School Guidelines The Health and Safety Guidelines The Sports Hall Guidelines The Swimming Pool Guidelines Transporting Pupils Nutrition and Performance The Food Policy The Drinks Policy The Energy Drinks Policy The Care Plan Policy The Equal Opportunities Policy The Support for Learning Policy The Care Plan Policy The Pornography Policy Multi Faith Provision The Guardianship Policy </p> <ul style="list-style-type: none"> • <u>Child protection</u> <p> The Child Protection Policy The Anti-Bullying Policy The Confidentiality Policy Self-harm and Sudden Death Policy The Health and Safety Guidelines Medical Department Guidelines Sport Injury Reporting Policy </p> <ul style="list-style-type: none"> • <u>Complaints handling</u> <p> Complaints Policy in place with records of complaints and outcomes held or pupil or staff records. </p> <ul style="list-style-type: none"> • <u>Whistleblowing</u> <p> Public Interest Disclosures aka Whistleblowing Policy </p> <ul style="list-style-type: none"> • <u>Management of residential establishments</u> <p> Registration with the Office of the Registrar of Independent Schools in Scotland which, in turn, gave responsibility for scrutiny of care and education to the Care Commission (Care Inspectorate) and HMIE (Education Scotland). </p>
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	<ul style="list-style-type: none"> • <u>Child migrants</u> <p>The Inquiry's defines Child Migrants as, "Children who were in the care of an organisation in Scotland and who were sent abroad by that organisation and placed in family homes or institutions in the receiving countries." The School was never involved in this.</p> <ul style="list-style-type: none"> • <u>Record retention</u> <p>Confidentiality Policy Child Protection Policy</p> <ul style="list-style-type: none"> • <u>Recruitment and training of residential care staff</u> <p>Recruitment Policy and Procedures reflecting safer recruitment practice, PVG membership and references from previous employers.</p> <ul style="list-style-type: none"> • <u>Requiring employers to divulge details of complaints etc. to prospective employers</u> <p>References Policy</p> <ul style="list-style-type: none"> • <u>Reviewing a child's continued residence at a residential establishment</u> <p>The Disciplinary Policy</p>
vi.	If not, why not?
	As far as can be established, the School gave effect to any relevant policy/guidance.

Present

vii.	With reference to the present position, are the answers to any of the above questions different?
	<p>While autonomous in teaching, learning and governance, Merchiston, like all independent schools, has taken on board the impact of all of these legislative developments. The School has also had to deal with additional developments specific to the independent sector, including:</p> <ul style="list-style-type: none"> • The creation of the Office of the Scottish Charity Regulator (OSCR) and its specific testing of public benefit in independent schools; • GTCS requirements for the registration of teachers qualified outside Scotland; • The disbanding of the General Teaching Council for England;

	<ul style="list-style-type: none"> • The introduction of a points-based “tiered” immigration system which affects both boarding school pupils (Tier 4) and teachers and other school staff from outside of the EU. • Changes to the Ministry of Defence’s Continuity of Education Allowance, which helps to ensure the continuous education of children of Service personnel posted away from home. <p>The School is fully compliant with all regulatory requirements, rated “Very Good” in all four categories in the most recent inspection by the Care Inspectorate in September 2016.</p>
viii.	If so, please give details.
	<p>Policies substantially updated since December 2014:</p> <ul style="list-style-type: none"> • <u>Child welfare (physical and emotional)</u> <p>Alcohol Policy (Pupils) - updated Summer Term 2017 Knives and Offensive Weapons - updated June 2016 Drugs Policy – updated Summer 2016 and Summer 2017 Health and Safety - updated April 2015</p> <ul style="list-style-type: none"> • <u>Child protection</u> <p>Anti-bullying Policy - updated Summer Term 2015 Child Wellbeing and Protection Policy - updated August 2016 Child’s Plans - updated Summer Term 2016 Reporting and Absence from School – updated Summer 2015 Staff in Boarding Houses - updated August 2016 <i>“Other residential staff should never entertain pupils in their own accommodation. All meetings should take place in a public space within the house, e.g. a dayroom, seminar room, the Housemaster’s Study.”</i></p> <ul style="list-style-type: none"> • <u>Complaints handling</u> <p>Complaints Procedure (Pupils) – updated Summer 2015</p> <ul style="list-style-type: none"> • <u>Whistleblowing</u> <p>Public Interest Disclosures aka Whistleblowing Policy – updated in April 2015</p> <ul style="list-style-type: none"> • <u>Management of residential establishments</u> <p>Staff in Boarding Houses guidelines</p> <ul style="list-style-type: none"> • <u>Child migrants</u> <p>N/A</p>

	<ul style="list-style-type: none">• <u>Record retention</u> <p>Confidentiality Policy - updated Summer 2015</p> <ul style="list-style-type: none">• <u>Recruitment and training of residential care staff</u> <p>Staff in Boarding Houses - updated August 2016 <i>“Other residential staff should never entertain pupils in their own accommodation. All meetings should take place in a public space within the house, e.g. a dayroom, seminar room, the Housemaster’s Study.”</i></p> <ul style="list-style-type: none">• <u>Requiring employers to divulge details of complaints etc. to prospective employers</u> <p>References Policy – updated 2016</p> <ul style="list-style-type: none">• <u>Reviewing a child’s continued residence at a residential establishment</u> <p>The Disciplinary Policy has been replaced by a Behaviour Management Policy, with a Restorative Approach at its heart. There is a Staged Intervention Model for Behaviour Management.</p>
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4.2 Local Authority

Past

i.	Was there local authority policy/guidance relevant to provision of residential care for children?
	<p>The School has always been aware of its responsibilities for the care of children in the national legislation listed in 4.1 and this extended to an awareness of the local authority's responsibilities under that legislation. Whilst not working directly for the local authority, the School was aware of the Inter-agency Child Protection Procedures for Edinburgh and the Lothians and has used these as guidance and examples of good practice. Other than this, the School does not have a record of local authority policy/ guidance provided to the School in relation to its role providing residential care to pupils.</p>
ii.	If so, to what extent was the organisation aware of such?
	<p>The organisation fulfilled the requirement to be formally registered and to be inspected under the responsibility of the Care Commission (later the Care Inspectorate) and HMle (later Education Scotland). The local authority did not have any direct engagement or responsibility for the workings of the school as an independent organisation.</p>
iii.	<p>If there was local authority policy/guidance in respect of any of the following in relation to provision of residential care for children, to what extent was the organisation aware of such?</p> <ul style="list-style-type: none"> • Child welfare (physical and emotional) • Child protection • Complaints handling • Whistleblowing • Management of residential establishments • Child migrants • Record retention • Recruitment and training of residential care staff • Requiring employers to divulge details of complaints etc. to prospective employers • Reviewing a child's continued residence at a residential establishment
	<p>The policies in place in the school reflected national legislation as well as taking into account the local authority protocols as examples of good practice, developing alongside the practice of Edinburgh and the Lothians whilst also engaging with other independent schools to share approaches to structures and procedures.</p>
iv.	If the organisation was aware of such, did they give effect to that

	policy/guidance?
	Whilst the School, as an independent organisation, was not directly engaged by the local authority to provide education, the School was aware of local authority guidance and policy and used these as templates of good practice for the development of its own policies and guidance, reflecting local and national standards. An example of this is the School's approach to GIRFEC guidance/ legislation using the City of Edinburgh Child Protection guidelines. The school followed the Inter-agency Child Protection Procedures, Edinburgh and the Lothians, which informed our policies and procedures.
v.	If so, how was effect given to such policy/guidance?
	The policies that the school developed reflected the national and local authority structures.
vi.	If not, why not?
	N/A

Present

vii.	With reference to the present position, are the answers to any of the above questions different?
	The Child Wellbeing and Protection Policy states clearly that Social Care Direct is the first contact point for advice on any potential child protection concern and their advice will be followed.
viii.	If so, please give details
	Reflection of Edinburgh and the Lothians protocols in all policy and practice. An example of this is the use, by the School, of the City of Edinburgh Child's Plan document as the template for the school's Child's Plan and Support Plan documents.

4.3 Admissions**Policy****Past**

i.	What policies and/or procedures did the organisation/establishment have in place in relation to admission of children to the establishment?
	The contracts between the School and parents/ guardians have evolved

	<p>overtime and the organisation does not have copies throughout the period 1930 – 2014, therefore cannot confirm whether the contract required the organisation to meet, or fulfil, any legal and or regulatory requirement in respect of children in its care throughout this period.</p> <p>However, since 2005 the Terms and Conditions, which have been part of the contract between the parent and School, have clearly defined the school's obligations in this area which includes the following;</p> <p style="padding-left: 40px;">“While your child remains a pupil of the School, we undertake to exercise reasonable skill and care in respect of his education and welfare. This obligation will apply during school hours and at other times when your child is permitted to be in School premises or is participating in activities organised by the School.”</p> <p>Prior to this date the School assumes the basis of the contractual agreement would have been an application form from the parents and a subsequent letter from the School confirming the place. However, information relating to the Admissions process has not been retained within the pupil files which are retained once a pupil has left the School.</p> <p>The Prospectus of 1931 (the School does not have a detailed archive of these publications) includes brief details of the Admission process as well as the medical arrangements for pupils. In addition, this publication highlights the fees payable for ‘board and education’.</p>
ii.	<p>Was there a particular policy and/or procedural aim/intention?</p> <p>The establishment would enter into a contract with the parents or guardians of the children to authorise the School to provide schooling and residential care through boarding.</p>
iii.	<p>Where were such policies and/or procedures recorded?</p> <p>From 2005 these were kept electronically.</p>
iv.	<p>Who compiled the policies and/or procedures?</p> <p>Initially this would have been through the Headmaster's office and then latterly through the Admissions Office.</p>
v.	<p>When were the policies and/or procedures put in place?</p> <p>From 2005 onwards</p>
vi.	<p>Do such policies and/or procedures remain in place?</p> <p>The policy and procedures have evolved over time with the original contracts being agreement to the conditions on the Registration Forms.</p>
vii.	<p>Were such policies and/or practices reviewed?</p> <p>Yes</p>
viii.	<p>If so, what was the reason for review?</p>

	As with question vi above these policies and forms evolved as the need for more information before admitting boys became evident.
ix.	What substantive changes, if any, were made to the policies and/or procedures over time?
	More information was required at the point of registration and before a boy joined the School.
x.	Why were changes made?
	As question viii above
xi.	Were changes documented?
	New versions of the Registration form were put into circulation
xii.	Was there an audit trail?
	Yes, all copies of registration forms are kept in a pupil's personal file.

Present

xiii.	With reference to the present position, are the answers to any of the above questions different?
	Yes.
xiv.	If so, please give details.
	<p>The Admission policy is reviewed and updated, as necessary, every year. The current policy states:-</p> <p>“ADMISSIONS POLICY”</p> <p>Admission to the School depends upon a prospective pupil meeting the criteria required to maintain and, if possible, to improve the educational and general standards for all its pupils commensurate with the ethos to which the School aspires. The School must also feel reasonably sure that it will be able to educate and develop the prospective pupil to the best of his potential and in line with the general standards achieved by the pupil's peers so that there is every chance that the pupil will have a complete, happy and successful school career and emerge a confident, well-educated and well-rounded adult with a good prospect of a satisfying life. These criteria must continue to be met throughout the pupil's time at the School.</p> <p>Pupils who apply to the School must fulfil the School's academic entrance requirements. This is usually done through entrance assessment (or by public examination results). This allows us to ensure that Merchiston is the right school academically for each pupil, and to tailor our academic programmes to the needs of our students. Assessment for each point of</p>

entry is different, and details of the assessments can be found on the School's website.

The School requires parents to complete the appropriate section of the Registration Form (available on the website) at the time of application, and to declare any additional support needs, medical condition or disability, which could require specialist support, treatment or equipment. This information is essential to assist with any interview or other pre-assessment screening. All pupils are screened for additional support needs at the time of initial assessment and undertake a medical examination on entry. The School's policy is to apply the same criteria to all current and potential pupils regardless of any disability or need of which it is aware, subject to its obligation to make reasonable adjustments, so as not to put any disabled pupil or potential pupil at a substantial disadvantage compared to any pupil who is not disadvantaged because of his disability.

In addition to assessments, we will normally take up a (confidential) report from a pupil's current school, which will provide information on his academic progress."

Admissions Process

All parents and pupils are fully involved in the application and Taster programme for prospective entrants. The Taster visits to School are tailor-made for each prospective pupil as well as a number of organised events for prospective pupils, to give them a taste of Merchiston life, including residential weekends. The Admissions procedure is exhaustive and provides a complete profile of each pupil before he joins the School. This includes a very detailed medical form which is completed by all parents. This is especially important if specific learning and health issues need to be provided for. Support for Learning plans, Support Plans and, if relevant, Child's Plans are prepared and circulated to all relevant staff. The Headmaster and a team of staff meet applicants and their families to ensure that the School understands the aspirations and needs of individual applicants whilst explaining the School's ethos of supporting each individual to fulfil his potential. The Faculty of Support for Learning and the Medical Department will spend time with pupils where there are specific needs to ensure that these can be met and the necessary resources allocated to them.

Admissions

The School has a very detailed website, www.merchiston.co.uk with a wide range of information about the School, which was relaunched in February 2015, as well as a School Prospectus. The Information Booklet provides a wealth of information for prospective parents about life in the School. The Admissions Department arranges personal tours for prospective parents and pupils with an opportunity to ask any questions, including questions to present pupils without staff present. There are, in

	<p>addition to this, Information Mornings and other events for prospective families. Personal taster visits can be arranged for prospective new pupils.</p> <p>The Admissions Department arranges entrance days for boys joining the Junior and Middle Years in the January of the year of entry. We also assess boys who cannot make these events on a one-to-one basis. Offers are made on the basis of a boy satisfying our academic entrance criteria and we also take up reports from a boy's current school using our own reference request forms which ask for sharing of information about wellbeing concerns as well as any support that may be required.</p> <p>The Admissions Department send out joining papers, which include, for example, the medical information form and the music lesson request form. All new parents are given access to the ParentNet section of the School's website which enables them to read information specifically for new boys joining the School as well as access to a whole range of School policies and information. This includes House Handbooks and year group specific information as well as information for International students. All documents are reviewed and updated annually with input from pupils. Houses also have an Anti-Bullying Policy/Code of Conduct to confirm the aspirations of the boys in the House that year.</p> <p>There is an International Student Policy, see extract below:</p> <p>"Merchiston has for many years welcomed overseas pupils wishing to experience British education. Some of these pupils come to the School for only one year; others come to receive their entire secondary education at the School.</p> <p>In any year, a small number of each year group will be International pupils. Whilst Merchiston does not operate a quota system, the School nevertheless aims to maintain a clear balance between UK and International recruitment so that the International pupils can experience a truly British education. In any year, therefore, a small number of International pupils may be members of each House, although it is recognised that there are likely to be more International pupils in the senior part of the School – especially in the Sixth Form. Our International pupils also come from more than 20 different countries and both they, and UK students, have a wonderful opportunity to broaden their cultural horizons and to make friends with students from all around the world."</p>
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Practice

Past

i.	Did the organisation/establishment adhere in practice to its policy/procedures in relation to the admission of children to the
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	establishment?
	Yes
ii.	How was the adherence demonstrated?
	By documenting the recruitment of each boy
iii.	How can such adherence be demonstrated to the Inquiry?
	Pupil files dating back to 1986 have the relevant paperwork
iv.	Were relevant records kept demonstrating adherence?
	Yes
v.	Have such records been retained?
	Yes
vi.	If policy/procedure was not adhered to in practice, why not?
	Policy was adhered to.
vii.	If policy/procedure was not adhered to in practice, what was the practice?
	N/A

Present

viii.	With reference to the present position, are the answers to any of the above questions different?
	Yes
ix.	If so, please give details.
	<p>The School has a programme in place to enable new boys to settle and integrate into the School. This programme is reviewed every year and altered as required. This is current programme. The School also have a process in place before issuing CAS (Certificate of Acceptance to Study) which enable boys requiring a Tier 4 visa to apply to the UKVI. This reflects best practice in complying with UKVI regulations.</p> <p>Induction Programme for pupils and parents which includes appointment of buddies for new entrants involving boys' peers and prefects. The new international boys will also have their own induction morning which will include talks from:</p> <ul style="list-style-type: none"> • The IT Department • The School Librarian • The Director of Sport • The Medical Department • Sessions with the Head of EAL • Ski trip information • Merchistonian Club information

- Deputy Head Co-Curricular on standards

United Kingdom Visas and Immigration – as a School we sponsor boys to come into the UK to study on either Tier 4 student or Tier 4 General visas. The admissions policy for recruitment of these boys is the same as non-international students and we also conduct Skype interviews with all these prospective pupils to ensure that they are who they say they are. The only deviation from this process is if the family have visited and we have met the candidate in person or if the family have met a School representative whilst travelling overseas. All entrance assessments returned to the School must also have an invigilation certificate attached to confirm that the exams were administered in exam conditions and are the work of the student being assessed.

Joining papers are issued to all new joiners during the summer term. These include:

- Welcome letter from Housemaster
- A copy of the House Handbook
- Term Dates
- Fees and other charges (including insurances and extras)
- A uniform list specific to the area of the School
- Naming of belongings
- An Introduction to the kilt
- A comprehensive medical form
- Medical Centre guidelines
- Letter from Medical Centre
- Illness before arriving at School
- Chest x-ray request for relevant countries
- Information concerning trips and tours including Ski trip, DofE
- Timetable for reports issued throughout the year
- Music lesson form
- Support for Learning and EAL information
- Request for exam results
- School shop account form
- Stationery price list
- Information on the Merchistonian Club
- Visitor information regarding accommodation, transport
- Guardian information request

Updated registration forms

These have been amended and updated since 1986. At the current time there is a Registration Form and an Acceptance of offer form (one copy is retained by parents) and this forms the basis of the contract between the School and the parents. Terms and Conditions are also sent with the Acceptance Form. The current version of these is from September 2011.

4.4 Day to Day

Policy

Past

i.	What policies and/or procedures did the organisation/establishment have in place in relation to the day to day running of the establishment?
	<p>Below are the policies relating to the day to day running of the establishment in place during the academic year 2014-15. The policies have been set out under the headings given in section 4.4 (iv). The date next to each individual policy is the first recorded version still available in the School's archives.</p> <ul style="list-style-type: none"> • <u>Activities For Children</u> <p>Curriculum Handbook (for each year group from 1999) School Sports (2004) Sports Policy (2004) Sport-injury Reporting (2010) Playing Rugby outwith the School (2012)</p> <ul style="list-style-type: none"> • <u>Off-Site Activities For Children Including Trips, Holidays And Visits To Family</u> <p>Outside Visits and School Trips (including work experience) (1994) International Visits (1999) International Pupils (2004) Leave-out and Bounds (2004) Community Links (2005 Staff Handbook) Conduct of Staff on School Trips (2005) Boarding-in Weekends (2007) Guardianship (2013)</p> <ul style="list-style-type: none"> • <u>Schooling And Education</u> <p>Dress – Pupils (1999 first formal policy and previously in School Rules from 1937) House System and Accommodation (1937) Links with Girls' Schools (1994) Communication with Parents (1999) Curriculum Handbook (one for each year group from 1999) Mobile Phones (1999) School Pupil Reports and Parent-teacher Meetings (1999) Support for Learning (1999) Able and Very Able Learner Policy (2005)</p>

	<p>Colours and Major Games Ties (2005) Prefect Selection Policy (2006) Electronic Contact between School and Parents (2008) Invigilating internal exams (2008) Academic Matters (2011) Laptop Policy (2011) Electronic Communication Standards (2012) Electronic Documentation Standards (2012) Environmental Sustainability Guidelines (2012) Accessibility Policy (2014) Boarding in the Middle Years (2014) Internationalist's Tie (2014)</p> <ul style="list-style-type: none"> • <u>Discipline</u> <p>Pupils' Charter and School Guidelines (1936 – Renamed 2004) Anti-bullying Policy (1937) (– current from 1994) Disciplinary Procedure (1994) Drugs Policy (1998) Alcohol Policy (2004) Jewellery, Tattoos, Body-piercing Policy (2004) Smoking Policy (2004) Out of School Code of Behaviour (2005) Plagiarism (2005) Pornography Policy (2005) Dealing with Confrontational Behaviour (2014)</p>
ii.	Was there a particular policy and/or procedural aim/intention?
	<p>Each of the policies and procedures would have had a slightly different aim/ intention related to the relevant subject matter. However, the following extract taken from the Introduction to the School Policies and Guidelines for Pupils, Parents and Guardians, August 2014, summarises the overall aim/ intention:</p> <p>“School policies and guidelines, by providing the framework within which pupils will grow to maturity at Merchiston, aim to foster a sense of responsibility for the individual and for others. Ultimately, this should provide the best possible opportunity for every young man to develop latent talents and to emerge into the workplace as a rounded individual, ready to make a significant contribution, whatever his chosen field of endeavour.”</p>
iii.	Where were such policies and/or procedures recorded?
	<p>1937, 1958, 1982 School Rules Child Protection Policy 1999 1999, 1994, 1995 (supplement) Staff Handbook From 1994 key policies were recorded in the Staff Handbook.</p>

	<p>From 2000 until the present day, all policies have been published in a School Policies and Guidelines booklet, sent to all pupils, parents and staff. Pre 2000, such policy statements and guidelines were found in the school prospectus, enclosures, information sheets and booklets and the Headmaster's End of Term letter sent to parents and pupils.</p>
iv.	<p>What did the policies and/or procedures set out in terms of the following?</p> <ul style="list-style-type: none"> • Activities for children • Off-site activities for children including trips, holidays and visits to family • Schooling/education • Discipline
	<ul style="list-style-type: none"> • <u>Activities For Children</u> <p>The "Curriculum Handbook" for each year group set out the activities available to each year group outwith the classroom.</p> <p>The "School Sports document" set out the staff responsibilities as well as guidance for pupils on expectations of positive and sportsmanlike behaviour, guidance for parents and other spectators and communication about fixtures.</p> <p>"The Sports Policy" set out the wide range of sports, and the School's commitment to achieving excellence in all of the representative sports. The policy stated that "Diversity is achieved through the Physical Education curriculum and the activity programmes, through which the boys have an excellent opportunity to experience a wide range of activities. It is important to note that we always endeavour to think of each and every boy's 'journey' in terms of his on-going fitness and his personal welfare in this area, both while he is at Merchiston, and indeed beyond his school career." This Policy set out the School's ethos of the central importance of the juxtaposition of the curricular and co-curricular programmes in all aspects of a boy's development.</p> <p>"Sport Injury Reporting" stated that, at Merchiston, "we have a very strict injury reporting system and this data is recorded by our medical staff and analysed on an annual basis. If a boy sustains a 'Serious Injury' then we are obliged to log the details on the Scottish Rugby central database.</p> <p>"Playing Rugby Outwith the School" sets out the guidelines to encourage young people to avoid playing too much rugby and putting themselves at risk of injury.</p> <ul style="list-style-type: none"> • <u>Off-Site Activities For Children Including Trips, Holidays And Visits To Family</u> <p>"The Outside Visits and School trips (including work experience)" guidelines sets out what an educational visit is and guidelines for the</p>

planning of any trip, with the safety and well-being of pupils and staff is the paramount principle in arranging any educational visit.

If members of staff wish to take boys out of School it was made clear they must adhere to the **Educational Visits Policy (for staff)** on the School Server. This gave detailed advice on the planning and required documentation for all educational visits.

"International Visits Guidelines" made clear to staff the process for gaining permission to run a trip and sets out how arrangements should be put in place, paying due attention to the Going Out There framework at www.goingoutthere.co.uk

"The International Pupils Policy" set out expectations of International Pupils and procedures to encourage integration, as well as celebrating the diversity they bring to the School. The Policy sets out the structures in place to support and manage the needs of International pupils.

"The Leave-out Policy" sets out the permissions needed by the School where a parent wishes to invite out one or more of the boarding pupils, to ensure that the school fulfils its legal duty of care for the pupil during the School term time. This is linked to the **"Bounds"** policy, which sets out clear guidelines on Town leave, to help safeguard the pupils.

"Community Links/Koinonia- teamwork in the community" guidelines set out that the School was keen to foster and extend links with both the local community of Colinton, within Edinburgh, and throughout Scotland and beyond. Arrangements for such interactions are covered by the School's Educational Visits Policy.

"Conduct of staff on School Trips" sets out roles and responsibilities of staff on School trips and expectations in terms of alcohol and smoking.

"The Boarding-in Weekends Policy" explains why certain weekends are designated 'Boarding-in Weekends'. On these weekends we would not expect boys to make requests for leave out unless there are exceptional circumstances, such as a special family celebration.

"The Guardianship Policy" set out that every pupil, including those who are 16+ years of age and those whose parents are resident abroad, must have a suitable guardian living in this country and sets out the responsibilities which the School expects a guardian to assume.

- Schooling and Education

"Dress (pupils)" set out the uniform policy and when casual clothes can be worn and the responsibilities of pupils and staff in this area.

"House system and Accommodation" set out a pupil's allocation to a particular House when they enter the School, according to the year group

the pupil will be joining.

“Links with Girls’ Schools” guidelines set out the opportunities for girls to be involved in the School’s activities and the safeguarding arrangements surrounding such opportunities.

The School’s **“Accessibility Policy”** set out its obligations as required in the Education (Disability Strategies and Pupils’ Educational Records) (Scotland) Act 2002, which is underpinned by the further legal requirements of the Equality Act 2010. It covered “reasonable adjustments”; information needed by parents at admissions stage; the screening of pupils; accessibility improvements as part of all property refurbishments and new developments and the remit of the Accessibility Committee.

“Communication with Parents” set out guidelines for communicating with parents, including the use of generic email addresses and the role of tutors and promoted staff in managing parental communication.

“The Curriculum Handbook” (one for each year group) covered in detail the academic curriculum for each year group, as well as the choices available.

“Mobile Phones” set out where and when a mobile phone can be used and rules on the taking of photographs and video footage.

“School Pupil Reports and Parent-teacher Meetings” set out arrangements for end of Term Reports (all forms) as well as arrangements for Internal Audits, such as report cards and grades for effort and attainment, together with a written comment, are completed for all year groups.

“The Support for Learning Policy” set out the provision throughout the School, including how pupils’ needs are identified; referral to outside specialists: the support do we provide; how pupils are supported.

“The Able and Very Able Learner Policy” recognises that the Able learner very often needs to be presented with more demanding challenges than national syllabuses alone can provide. The policy covers how we identify such pupils and the provision made.

“The Colours and Major Games Tie Policy and the Internationalist’s Tie” set out the criteria for awarding of Colours and Half Colours, Major Games and Internationalists’ Ties.

“The Prefect Selection Policy” set out clear guidelines on opportunities for Sixth Form to display management and leadership throughout the year. This included the Lower Sixth ‘Helpers Scheme’ and application and selection process for prefect-ship. The Headmaster will appoint the Captain of School.

“The Electronic Contact Between School And Parents procedure” set out the sharing of information available between parents and school as well as the email protocol for contact with academic teachers, tutors and Housemasters and Senior Leaders.

The **“Invigilating Internal Exams”** policy sets out clear guidelines to staff on the protocols surrounding exams, to ensure a compliant and safe process.

“Academic matters” set out the roles and responsibilities of staff; pupil choice of subjects for GCSE and for the Sixth Form; Prep Policy for Day Boys ;Academic Priority Time (to support a pupil in catching up with academic work); rewards for academic effort and attainment.

“The Laptop Policy” set out the requirement for Third Form and above to own a laptop and covered advice on specification, software etc.

The **“Electronic Documentation Standards Policy”** set out basic standards expected in submission of work and when such skills are taught within the school. Further expectations on the writing of emails is covered in the electronic communications standards guidelines.

“The Environmental Sustainability Guidelines” explained how the school set out to reduce its carbon footprint, covering energy, waste and travel.

“Boarding in Middle Years Houses” clarified arrangements for boarders at this level of the school and that there are no step-up boarding packages available in the Senior School.

- Discipline

“The Pupils’ Charter and School Guidelines” were shared with the whole community and with parents. They were designed to keep pupils safe and underpinned the school’s ethos, laying down very clear boundaries and expectations.

“The Anti-Bullying Policy” set out the School’s focus on this area and detailed the definitions, systems to prevent and confront, procedures and the education offered in this area. It stated the aim of the Anti-bullying Policy was to clarify for students and staff that bullying is always unacceptable, to encourage an environment where independence is accepted and individuals can flourish without fear. It stated that “Every student has the right to be safe and happy in School, and to be protected when he feels vulnerable.” It also made it clear that some bullying behaviour may constitute a criminal offence, for example assaults and misuse of electronic communications.

“The Disciplinary Procedure” set out process in the case of the report

of serious pupil offences. These are defined and include arrangements for the suspension or expulsion of a pupil, including the investigations to be undertaken and the appeal process. The policy also includes detailed guidance on lesser sanctions, including 'Blue Paper' punishment exercises and detentions. Members of the School are reminded of the Disciplinary Procedure on an annual basis.

"The Drugs and Other Substances Policy" gave its principal aim as to educate pupils about drugs. In the health education section of Personal, Social and Health Education pupils consider the health, social and legal implications of involvement with drugs and are made aware of the nature of drugs and their effects. There are further aims of prevention and deterrence through appropriate sanctions so as to avoid actions which may be threatening to the safety and welfare of pupils or of others. It did this through 3 strands: Education, Detection & Prevention. Guidance also given to staff on searching.

"The Alcohol Policy" set out the rules on possession and consumption of alcohol with guidelines and emphasis on the education that will be given. It stated that "Pupils are not permitted to be in possession of alcohol while at School. Boarding pupils are not permitted to consume alcohol off School premises other than at times when they are on leave out and thus come under the care of parents or guardians. The School would not expect any parents hosting other (under age) pupils on leave out to supply them with alcoholic drinks." It explained that some alcohol will be served to older pupils in controlled social events. It also set out the expectations of parents and visitors and the School's responsibility if an adult is under the influence of alcohol on campus. Guidance also given to staff on searching.

"The School Jewellery, Tattoos and Body Piercing Policy" did not permit pupils to wear jewellery at School during term time, both inside and outside School. Tattoos and body piercing are also banned. The School will exercise discretion with regard to a pupil who makes a special request for religious or cultural reasons.

"The Smoking Policy" for School Staff, Parents and Visitors set out the designated smoking area. The policy for pupils was designed to educate, discipline and rehabilitate and covered the banning of all Electronic cigarettes (e-cigarettes); shisha pipes and electronic shisha pipes. The policy covered how the School educates its pupils and the consequences if caught smoking and the support available.

"The Out of School Code of Behaviour" set out very clear expectations of pupil behaviour and dress out of school, making clear that the School's Anti-Bullying Policy, Disciplinary Procedures, jewellery policy apply out of school as well as in school.

"The Plagiarism Policy" looked at the monitoring of pupils' coursework and the possible consequences of plagiarism.

	<p>“The Pornography Policy” offered advice on this issue, explaining the education offered to the young people, advice for parents, the disciplinary approach to breaches of policy linking this to the use of technology and the relevant policies applicable to those areas of school life.</p> <p>“Dealing with Confrontational Behaviour” gave guidelines to staff for dealing with confrontational or aggressive behaviour. Any aggressive behaviour directed towards a pupil by a member of staff was covered in the expected professional standards of behaviour in the profession.</p>
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v.	Who compiled the policies and/or procedures?
	<p>Prior to the academic year 1999-2000, policies and procedures were compiled by the Headmaster and his Deputies as well as delegated staff with specific responsibilities, for example medical, academic and Housemasters. For the 2014 booklet, policies and procedures were, in the first place, drafted by the member of staff with responsibility for that area, compiled and overseen by the Senior Deputy Head and signed off by the Headmaster.</p>
vi.	When were the policies and/or procedures put in place?
	<p>Prior to the academic year 1999-2000, policies and procedures were shared in the form of the school prospectus, enclosures and in information sheets and House handbooks as well as in the Headmaster’s End of Term letter sent to parents and guardians.</p> <p>In her August 2014 report for the Governors on Child Protection policies and procedures, Kate Cherry notes that in 1995, additions were made to the School handbook, covering welfare and child protection in more detail. It stated in the introduction that it, ‘brings together policy statements and code of practice’. At this point, the Headmaster was the designated Child Protection Coordinator and vetting procedures were in place for staff.</p> <p>The documentation from 1995 onwards reflected the focus following the Children (Scotland) Act 1995 and was reflected in the Inspection report, following an inspection of the welfare of residential pupils in 1996: To quote from this HMIe report: “A good range of relevant general school policies were in place. A commendable supplement to the staff handbook provided some useful guidelines on the welfare and protection of children”.</p> <p>From 1999-2000 these documents were brought together in a comprehensive guide, published in a booklet shared with all pupils, parents, staff and governors. These policies booklets have all been retained.</p>

vii.	Do such policies and/or procedures remain in place
	Yes, all of these policies remain in place and the booklet has been augmented by the addition of new policies and procedures as required.
viii.	Were such policies and/or practices reviewed?
	Yes. The policies were reviewed on an annual basis by the relevant department, overseen and compiled by the Deputy Head.
ix.	If so, what was the reason for review?
	Following 2000 there is clear evidence that policies were reviewed annually to ensure that they were up to date with national legislation and reflecting best practice.
x.	What substantive changes, if any, were made to the policies and/or procedures over time?
	<p>Substantive changes were made to ensure new legislation/national guidelines were embedded in school policy, for example "Going Out There" (national guidelines for educational visits), led to extensive changes to the Educational Visits Handbook.</p> <p>In 1974, the use of corporal punishment of pupils by prefects was abolished and in 1987, corporal punishment by staff was abolished. The report to the Governors by Kate Cherry in August 2014 noted that this was referenced in the staff handbook of 1994 and we have retained a copy of the supplement to the Staff Handbook from 1994, which records this significant change.</p>
xi.	Why were changes made?
	An example of a reason for a substantive change is the removal of corporal punishment from the Disciplinary Policy in 1987. This happened to reflect the changing ethos of the School and in advance of the abolition of corporal punishment in independent school in Scotland in 2000, although reflecting the national legislation banning corporal punishment in state schools in 1986.
xii.	Were changes documented?
	<p>Changes since 1999 can be tracked though each new annual edition of the School's Policy booklet. Records were not kept of the discussion and proposals only of the changes made.</p> <p>Pre- 1999 the School does not have the same consistent record of policies and changes made to them.</p>

xiii.	Was there an audit trail?
	As mentioned in question xii above, records were not kept of the discussion and proposals, only of the changes made.

Present

xiv.	With reference to the present position, are the answers to any of the above questions different?
	Yes, additional policies have been added and key changes made to existing policies since 17 December 2014.
xv.	If so, please give details.
	<p>The Anti-bullying Policy has been fully revised, with input and guidance from RespectMe, Scotland's Anti-Bully service, and much improved consultation with pupils and parents.</p> <p>The Disciplinary Policy has been updated and renamed the Behaviour Management Policy, with a Restorative Approach at its heart.</p> <p>Tracking of pupils' attendance in school has been improved by the addition of a "Reporting an Absence to School Policy" for parents in August 2015. This policy outlines the responsibility of the parents in reporting an absence and the actions the School will take in the event of an unexplained absence.</p>

Practice**Past**

i.	Did the organisation/establishment adhere in practice to its policy/procedures relating to the day to day running of the establishment?
	For the most part- yes. There were some exceptions which came to light and which led to a review of the relevant policy. Please see below.
ii.	Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following? <ul style="list-style-type: none"> • Activities for children • Off-site activities for children including trips, holidays and visits to family • Schooling • Education

	<p>For the most part- yes. However, as noted above there were some exceptions which came to light and which led to a review of the relevant policy. Please see below.</p> <ul style="list-style-type: none"> • Activities for children - no evidence of failure to follow policy. • Off-site activities for children including trips, holidays and visits to family - there are five examples where policy and practice did not match. Please see Part D 5.9.5 and 5.9.8 and 5.9.10 and 5.9.21 and 5.9.24. • Schooling and Discipline- two cases of continuation of physical punishment after corporal punishment was banned in the School resulting in disciplinary action against the member of staff. Please see Section D, 5.9.28 and 5.9.29. • Education- no evidence of failure to follow policy.
iii.	How was adherence demonstrated?
	<p>Participation records, school reports, school magazine articles, post-trip reports, lack of adherence would be seen in disciplinary records or complaints or in staff PRD paperwork.</p> <p>Some examples of relevant paperwork are:</p> <ul style="list-style-type: none"> • 1984 Inspection report • 1996 School profile for Welfare Inspection plus report • Care Inspectorate Inspection reports 2005 – 2014 • HMle reports from 1996 – 2014 (ES) • 2014 Cherry Report – has key summary statements re. policies
iv.	How can such adherence be demonstrated to the Inquiry?
	Through sharing of material from the above sources.
v.	Were relevant records kept demonstrating adherence?
	Whilst we do not hold formal records of adherence staff files hold records of any breach of policy which is, in itself, evidence that staff were held accountable when failing in their responsibility to follow policy and procedure.
vi.	Have such records been retained?
	Yes, in staff files.
vii.	If policy/procedure was not adhered to in practice, why not?
	For the vast majority of staff, policy was adhered to.

	<p><u>Off-site activities for children including trips, holidays and visits to family:</u></p> <p>An example of where practice in one part of the School ran contrary to School Policy/procedures was on School camping trips. The member of staff responsible for the trip received a written warning in October 1999, after it was reported that he had allowed pupils to swim naked at camp. The cause of this was a staff member apparently thinking he could run a trip, contrary to School policy and guidelines. The action taken was to improve the staffing of these trips, to ensure compliance with established guidelines. See also Part D 5.8 and 5.9</p> <p>Another example where the School was made aware of culture running contrary to School policy at an externally run activity centre, Solway bank in Dumfriesshire, in March 2012, despite explicit reassurances about Child Protection arrangements and, in particular, privacy surrounding showering arrangements. As a result of this incident, the School ceased to use Solwaybank and another organisation run by the same firm, Ru'a Fiola where in 2007 one of our pupils had been permitted to take part in an activity unclothed, as part of a dare. This also led to a review of policy and procedure for trips and further training of staff in April 2014, using an external expert.</p> <p><u>Schooling and Discipline:</u></p> <p>The two cases of continuation of physical punishment after corporal punishment was banned in the School are examples of individual staff members failing to comply with school policy. Firm action was taken by the school and there was no evidence of further corporal punishment by these staff members.</p>
viii.	If policy/procedure was not adhered to in practice, what was the practice?
	Practice was in line with policy/ procedure, with exceptions noted above.

Present

ix.	With reference to the present position, are the answers to any of the above questions different?
	The same practice has been maintained, in terms of review of policy and the practical application of policy and procedures, but there has been improved consultation with staff, pupils, parents and Governors and external advisors over the formation of new policy. See below for examples.
x.	If so, please give details.
	The Anti-bullying Policy has been fully reviewed and revised, with input

<p>and guidance from RespectMe and much improved consultation with pupils and parents.</p> <p>Termly audits of sanctions test the practical application of the reviewed Behaviour Management Policy.</p> <p>The Summary of Concerns document in Staff folders gives a clear overview of any breaches of policy helping to inform our staff training as well as allowing for ease of scrutiny by the School and by the Governors' Child Protection and Compliance Committee.</p>

4.5 Children

Policy

Past

i.	What policies and/or procedures did the organisation/establishment have in place in relation to caring for children at the establishment?
	<p>Below are the policies relating to the day to day running of the establishment in place during the academic year 2014-15. These policies have been sorted under the headings given in section 4.4 (iv). The date next to each individual policy is the first recorded version still available in our archives.</p> <ul style="list-style-type: none"> • <u>SAFEGUARDING</u> <p>"The Pupils' Charter and School Guidelines" 1936</p> <p>"The Leave-out Policy" 1937 (part of the School Rules and remained in place with minor amendments until a separate Policy was included in the Policy Booklet in 2004.)</p> <p>"The Anti-Bullying Policy" 1994</p> <p>"Cars In School" 1994</p> <p>"Fire Evacuation" 1994</p> <p>"The Health and Safety Guidelines" 1994</p> <p>"The Health and Safety Guidelines" 1994 Staff Handbook (Policy from 1999)</p> <p>"Physical Contact with Pupils" 1994</p> <p>"Firearms and Offensive Weapons" 1996</p>

<p>“National Care Standards School Care Accommodation Services” 1996</p> <p>“Transporting Pupils” 1996</p> <p>“The Drugs and Other Substances Policy” 1998. Major Update 1999</p> <p>“The Alcohol Policy” 1999</p> <p>“The Mobile Phone, Text Messaging & Mp3 Player Policy” 1999 – Handbook (Policy from 2004)</p> <p>“Staff and Mobile Phones” 1999</p> <p>“The Sports Hall Guidelines” 2000</p> <p>“The Swimming Pool Guidelines” 2000</p> <p>“Dog Walking” 2002</p> <p>“Private Parties” 2004</p> <p>“The Smoking Policy” 2004</p> <p>“Bomb Threat Evacuation Procedures” 2005</p> <p>“Conduct of Staff on School Trips” 2005</p> <p>“The Pupil’s Problem Guide” 2005</p> <p>“Self-harm and Sudden Death Policy” 2005</p> <p>“Public Interest Disclosures aka Whistleblowing” 2008</p> <p>“Crisis Management Policy” 2009</p> <p>“The Absconding Policy” 2012</p> <p>“The Electronic Contact Between School And Parents procedure” 2012</p> <p>“The ICT Policy Guidelines” 2012</p> <p>“Playing Rugby Outwith the School” 2012</p> <p>“The Safe Holding Policy” 2012</p> <p>“The Photography Policy” 2013</p> <ul style="list-style-type: none"> • <u>CHILD PROTECTION</u> <p>“The Child Protection Policy” 1994. Updated 1999 and in 2013 following a Governor Review of Policy and Procedures.</p>
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	<p>“The Health and Safety Guidelines” 1994 Staff Handbook (Policy from 1999)</p> <p>“The Confidentiality Policy” 2005</p> <p>“Self-harm and Sudden Death Policy” 2014</p> <ul style="list-style-type: none"> • <u>MEDICAL CARE</u> <p>“Medical Department” 1994</p> <p>“Sport Injury Reporting” 2010</p> <p>“Diabetic Policy” 2014</p> <ul style="list-style-type: none"> • <u>CHILDREN’S PHYSICAL WELLBEING</u> <p>“The Food Policy” 1994</p> <p>“Nutrition and Performance” 1994</p> <p>“The Drinks Policy” 2004</p> <p>“The Care Plan Policy” 2011</p> <p>“The Energy Drinks Policy” 2014</p> <ul style="list-style-type: none"> • <u>CHILDREN’S EMOTIONAL AND MENTAL WELLBEING</u> <p>“Advice, Encouragement, Support Counselling” 1999</p> <p>“The Support for Learning Policy” 1999</p> <p>“Multi Faith Provision” 2004</p> <p>“The Equal Opportunities Policy” Staff Handbook (Policy from 2005)</p> <p>“The Pornography Policy” 2005</p> <p>“The Care Plan Policy” 2011</p> <p>“The Guardianship Policy” 2013</p>
ii.	Was there a particular policy and/or procedural aim/intention?
	<p>The following extract is taken from the Introduction to the School Policies and Guidelines for Pupils, Parents and Guardians, August 2014:</p> <p>“School policies and guidelines, by providing the framework within which pupils will grow to maturity at Merchiston, aim to foster a sense of responsibility for the individual and for others. Ultimately, this should provide the best possible opportunity for every young man to develop</p>

	latent talents and to emerge into the workplace as a rounded individual, ready to make a significant contribution, whatever his chosen field of endeavour.”
iii.	Where were such policies and/or procedures recorded?
	<p>1937, 1958, 1982 School Rules</p> <p>Child Protection Policy in the 1994, 1995 (supplement) of Staff Handbook and updated annually thereafter.</p> <p>From 1994 other key policies were recorded in the Staff Handbook.</p> <p>From 2000 until the present day, all policies relating to pupils have been published in a School Policies and Guidelines booklet, sent to all pupils, parents and staff.</p> <p>Pre 2000, such policy statements and guidelines were found in the school prospectus, enclosures, information sheets and booklets and the Headmaster’s End of Term letter.</p>
iv.	<p>What did the policies and/or procedures set out in terms of the following?</p> <ul style="list-style-type: none"> • Safeguarding • Child Protection • Medical care • Children’s physical wellbeing • Children’s emotional and mental wellbeing
	<ul style="list-style-type: none"> • <u>SAFEGUARDING</u> <p>“The Pupils’ Charter and School Guidelines” were shared with the whole community and with parents. They were designed to keep pupils safe and underpinned the school’s ethos, laying down very clear boundaries and expectations.</p> <p>The Leave-out Policy sets out the permissions needed by the School where a parent wishes to invite out one or more of the boarding pupils, to ensure that the school fulfils its legal duty of care for the pupil during the School term time.</p> <p>“The Anti-Bullying Policy” set out the School’s focus on this area and detailed the definitions, systems to prevent and confront, procedures and the education offered in this area. It stated the aim of the Anti-bullying Policy was to clarify for students and staff that bullying is always unacceptable, to encourage an environment where independence is accepted and individuals can flourish without fear. It stated that “Every student has the right to be safe and happy in School, and to be protected when he feels vulnerable.” It also made it clear that some bullying behaviour may constitute a criminal offence, for example assaults and</p>

misuse of electronic communications.

“Cars In School” explained the safety considerations and regulations which the school required for any parent who requests permission for their son to use a car at school.

“Fire Evacuation Policy” explained that the main emphasis was to ensure the safe evacuation of personnel based on a search of the building. The system automatically called the Fire Brigade. It stated that “Staff must quickly establish if the activation is genuine or a false alarm and inform the fire brigade of their findings when they arrive. All activations must be treated as genuine and immediate evacuation undertaken. All staff have a role to play should the fire alarm be sounded and should be familiar with the evacuation procedures for the buildings where they are working and if necessary be prepared to assume control of the emergency. It is particularly important that any campus resident is proactive if an alarm goes off in the holidays, at weekends, or outside normal office hours in term time and extra training is given to these staff.”

“The Health and Safety Guidelines” detailed the safety requirements for a wide range of personal items (electrical/electronic) and the checks that are required in certain circumstances. It gave House guidelines too, as there were differences for age and stage.

“Physical Contact with Pupils” was embedded in **“Staff Interaction With Pupils - A Code Of Practice”** which stated that “the School seeks to provide an environment in which there are caring and safe relationships between adults and pupils. For such relationships to develop, informed common sense and sound professional practice must be evident. Do not rely on your ‘good name’ to protect you.”

“Firearms and Offensive Weapons Policy” detailed the rules surrounding the bringing into School or the possession of an offensive weapon within the School grounds which was strictly forbidden. The policy extended to all employees, reflecting the law under *The Offensive Weapons (1996) Schools Act*.

“National Care Standards School Care Accommodation Services” set out the regulations to which the School was subject as outlined by the Scottish Commission for the Regulation of Care. These regulations were available in all boarding houses for all pupils, parents and staff to read.

“Transporting Pupils” detailed instructions for drivers, accident procedures and emergency first aid information. These Instructions were designed to assist all drivers of Merchiston Castle School vehicles to ensure compliance with the law, safety of all people travelling and to give clear protocols for checking safety throughout a journey as well as in case of emergency.

“The Drugs and Other Substances Policy” gave its principal aim as to

educate pupils about drugs. In the health education section of Personal, Social and Health Education pupils consider the health, social and legal implications of involvement with drugs and are made aware of the nature of drugs and their effects. There are further aims of prevention and deterrence through appropriate sanctions so as to avoid actions which may be threatening to the safety and welfare of pupils or of others. It did this through 3 strands: Education, Detection, Prevention.

“The Alcohol Policy” set out the rules on possession and consumption of alcohol with guidelines and emphasis on the education that will be given. It stated that “Pupils are not permitted to be in possession of alcohol while at School. Boarding pupils are not permitted to consume alcohol off School premises other than at times when they are on leave out and thus come under the care of parents or guardians. The School would not expect any parents hosting other (under age) pupils on leave out to supply them with alcoholic drinks.” It explained that some alcohol will be served to older pupils in controlled social events. It also set out the expectations of parents and visitors and the School’s responsibility if an adult is under the influence of alcohol on campus.

“The Mobile Phone, Text Messaging & Mp3 Player Policy” set out the responsibilities of ownership and the acceptable use in school, including correct use in class, messaging, photos and videos. It was developed in connection with the Acceptable User Agreement which all pupils and staff signed.

“Staff and Mobile Phones” explained the responsibilities that staff had for acceptable use of mobile phones, for example, images of pupils must not be stored on mobile phones, but deleted, once shared with the Marketing Department and that personal electronic devices brought into school should only contain material appropriate to staff professional activity and all internal activity should be appropriate. Staff were required to observe meticulously the school Acceptable Usage Agreement for computer and internet use.

“The Sports Hall Guidelines” set out that the Sports Hall use was for Physical Education, for the coaching of sports and for recreation. It set out the supervision structure and policy alongside timetables for use.

“The Swimming Pool Guidelines” set out that the Swimming Pool was for use only with Lifesaver presence. It set out the supervision structure and policy alongside timetables for use and the safety considerations.

“Dog Walking” gave instruction about the regulations for the control of dogs when on campus, the requirement of responsible adults to clear up and dispose of any waste as a health and safety concern with young people playing sport and recreational activities on the grounds.

“Private Parties” explained the school’s recommendations for parties during term-time with the offer of further documentation for parents to help

them to consider all the safety issues if preparing a party for young people. It also explained the structure for boarders attending parties outside school and the permissions required for this to happen.

“The Smoking Policy” for School Staff, Parents and Visitors set out the designated smoking area. The policy for pupils was designed to educate, discipline and rehabilitate and covered the banning of all Electronic cigarettes (e-cigarettes); shisha pipes and electronic shisha pipes. The policy covered how the School educates its pupils and the consequences if caught smoking and the support available.

“Bomb Threat Evacuation Procedures” explained the necessary steps to take in order to protect pupils and staff and any visitors on site in the event of a bomb threat. It set out detailed steps to follow when taking a call and what to do afterwards to ensure the safety of all and when to contact the authorities.

“Conduct of Staff on School Trips” set out the responsibilities of the trip leader for Health and Safety, although all accompanying staff held responsibility too and, for the duration of the trip, all members of staff were expected to take full responsibility for the children in their charge. It linked this document to the Protection of Pupils on School trips and International Visits and Child Protection Policy sections.

“The Pupil's Problem Guide” explained what a young person could do “if I just want to talk to someone about something that is making me unhappy or worried?”. It detailed staff and outside agencies available to help and support as well as the procedure to follow if the concern was not addressed.

“Self-harm and Sudden Death Policy” set out the School’s approach to keeping pupils safe with specific reference to avoidance of self-harm. It stated that “the well-being of each pupil is of paramount importance. At Merchiston, we endeavour to provide as safe and supportive an environment as possible. We must recognise that, for various and often complex reasons, some pupils may experience profound stress and anxiety which manifests itself in behaviour which is potentially harmful and dangerous. We provide robust and comprehensive policies which seek to address such issues, including Self-Harm and Sudden Death.” It also detailed the steps to support and to allow for early intervention to avoid harm.

“Public Interest Disclosures aka Whistleblowing” was a policy adopted by the School to enable members of staff to raise concerns internally and in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, and failure to comply with legal obligations, inappropriate behaviour or unethical conduct. The policy also provided if necessary, for such concerns to be raised outside the organisation.

“Crisis Management Policy” set out the aim to minimise injury to people, and damage to the property and/or reputation of the School in the event of a critical incident. This could include a major fire; fatal accident; murder; suicide; violence by a disturbed person; terrorist action; extreme weather; major medical incident, such as a fatal virus. This policy provided a framework for the reduction of disaster risks affecting Merchiston.

“The Absconding Policy” set out its aim as to work actively to provide a secure, safe environment, a school where pupils want to come to enjoy learning and living with others as part of a caring community. It stated that “We recognise that it is highly unlikely that a child will try to abscond from our school, but this policy is written to ensure we are ready to deal with this eventuality should it occur.”

“The Electronic Contact Between School And Parents procedure” set out the sharing of information available between parents and school as well as the email protocol for contact with academic teachers, tutors and Housemasters and Senior Leaders.

“The ICT Policy Guidelines” explained the context of technology in young people’s lives and the School’s approach to education and monitoring. It set out the filtering safety features of the school system, the regulations for mobile phones, internet access and awareness, excessive use, dangers online including social media. It also offered advice for parents about monitoring use and looking out for signs of difficulty.

“Playing Rugby Outwith the School” sets out the guidelines to encourage young people to avoid playing too much rugby and putting themselves at risk of injury.

“The Safe Holding Policy” set out the School’s approach to the use of physical restraint on a pupil should involve the absolute minimum force necessary and is only permissible when a member of staff is certain that a pupil is at imminent risk of endangering himself, the member of staff, others or property.

“The Photography Policy” set out the permissions required and the controls and safety considerations for any photography taking place in school, including video recording. It also set out the occasions when exceptions may be given. It also detailed the use of photos and the controls on publication of images. Additionally, advice was given to parents about their use of cameras in school.

“The Health and Safety Guidelines” detailed the safety requirements for a wide range of personal items (electrical/electronic) and the checks that are required in certain circumstances. It gave House guidelines too, as there were differences for age and stage.

- **CHILD PROTECTION**

“**The Child Protection Policy**” outlined the responsibilities of the School to create a safe environment which as far as possible reduced risks to pupils, but also to have measures in place to respond effectively to actual or threatened instances of abuse. It set out the School’s 9 key responsibilities which included all procedures and responsibilities of staff, governors and parents. It gave detailed information about the communication with other agencies and the role and responsibility of the Child Protection Coordinator. A Governor review of the School’s Child Protection Policy and Procedures was published in November 2012 and led to improvements in policy adopted in 2013.

“**The Health and Safety Guidelines**” detailed the safety requirements for a wide range of personal items (electrical/electronic) and the checks that are required in certain circumstances. It gave House guidelines too, as there were differences for age and stage.

“**The Confidentiality Policy**” set out the protections for data based on the principles and values expressed in the UN Convention on the Rights of the Child and Scottish Executive’s Framework for Children’s Services, *Getting It Right for Every Child* (GIRFEC). This overarching framework was applied across all aspects of working with children and young people in Scotland. The policy detailed the presumption of confidentiality whilst giving the 4 qualifications that would mean the School was required to share information with other agencies.

“**Self-harm and Sudden Death Policy**” set out the School’s approach to keeping pupils safe with specific reference to avoidance of self-harm. It stated that “the well-being of each pupil is of paramount importance. At Merchiston, we endeavour to provide as safe and supportive an environment as possible. We must recognise that, for various and often complex reasons, some pupils may experience profound stress and anxiety which manifests itself in behaviour which is potentially harmful and dangerous. We provide robust and comprehensive policies which seek to address such issues, including Self-Harm and Sudden Death.” It also detailed the steps to support and to allow for early intervention to avoid harm.

- **MEDICAL CARE**

“**Medical Department**” This policy laid out the care offered to all pupils and detailed all the processes from application to entry and beyond for medical care. The procedures were underpinned by the stated aim to “...encourage partnership working with parents to provide a high level of care for the boys. Parents are welcome to phone or email the Department with any concerns. It set out the procedures by which The Medical Centre co-ordinated health related out-of-school appointments. It also detailed the role of the Medical Centre in ensuring “the boys have the knowledge, skills and understanding to follow a positive, healthy lifestyle. The Medical

Centre works within the School community to promote emotional health awareness and provide advice and support for boys experiencing any emotional difficulties or facing any adversity.”

“**Sport Injury Reporting**” stated that, at Merchiston, “we have a very strict injury reporting system and this data is recorded by our medical staff and analysed on an annual basis. If a boy sustains a ‘Serious Injury’ then we are obliged to log the details on the Scottish Rugby central database.

- **CHILDREN’S PHYSICAL WELLBEING**

“**Diabetic Policy**” supported pupils with diabetes in Merchiston, both as day and boarding pupils. It stated that those pupils “... will be encouraged to take part in all activities in the School, including sport and school trips. Merchiston staff will endeavour to provide support as the pupil moves from dependence to independence in the management of their diabetes and clear age appropriate arrangements will be put in place for the discreet and safe management of insulin injections. It also stated the school’s commitment to work closely with the pupils and parents and for individual care plans to be kept for each pupil with diabetes.

“**The Food Policy**” set out the approach to healthy eating and diet adopted by the School. Through this policy the School catering team promoted healthy eating practices and was successfully reaccredited for the Health Living Award over the last several years consecutively. It detailed the approach to menus, special diets, choice and high quality ingredients. It set out the commitment that menus are constructed to offer favourite dishes using both healthy ingredients and safe cooking techniques.

In “**Nutrition and Performance**” the School set out the policy for providing a healthy diet and lifestyle for all pupils. “In order for the boys at Merchiston to achieve a healthy lifestyle they should try and achieve a balanced diet where whole foods form the basis of their diet. The Deputy Head (Co-curricular and Sport) works with the Food Production Manager to ensure that the boys are offered a balanced diet throughout the week.” It also included 9 key principles to allow the pupils to monitor their diet in line with their daily lifestyle.

“**The Drinks Policy**” reinforced the School’s commitment to react to scientific research that clearly shows that considerable damage can be caused to children’s health by consuming sweet or acidic drinks. It stated the School’s decision to not offer either sweet or acidic drinks as part of the boys’ diet. It emphasised that the School did not seek to ban these drinks from School and that all boys are free to purchase such drinks outside School. The School has a number of drinking fountains around School, notably in the Pringle Centre, Sports Hall and Robertson Building. Boys are informed through the ‘Health’ aspect of PSHE classes of the need to eat a healthy diet and the health risks contained in certain foods and drinks.

“The Care Plan Policy” set out the procedure to offer a higher level of support to a pupil within the GIRFEC approach, documented and agreed by all key stakeholders. These plans would currently defined as Child’s Plans. The policy gave the principles and procedures for this level of support, who would take responsibility, review dates and information sharing with those involved in the care of this young person. It stated that a “formal Care Plan may be deemed necessary for a boy with complex, multi-faceted and/or serious issues affecting his well-being and progress.”

“The Energy Drinks Policy” set out to tackle the fact that, in recent years the consumption of energy drinks by young people has increased dramatically. It stated the School’s sense of duty to make sure boys are able to participate to the best of their ability in lessons and co-curricular activities. There is much pertinent research that suggests the consumption of energy drinks can hinder both mental and physical performance. The Food Standards Agency has concluded that high caffeine content drinks are not recommended for children and that these drinks must not be promoted or marketed to children under 16. It is for this reason that the consumption of energy drinks was prohibited at all levels of the School by this policy.

- **CHILDREN’S EMOTIONAL AND MENTAL WELLBEING**

“The Support for Learning Policy” set out the provision throughout the School, including how pupils’ needs are identified; referral to outside specialists: the support do we provide; how pupils are supported.

“Multi Faith Provision” explained the school’s open and inclusive approach to faith, explaining the educational provision, the assemblies and services that pupils (and parents) attend and the consideration given to those who practise other faiths in order to facilitate their worship.

“The Equal Opportunities Policy” set out the legal basis for the school policy, The Equality Act 2010, “which makes it unlawful to discriminate directly or indirectly because of a protected characteristic.” It listed the protected characteristics as well as detailing the school’s commitment to providing equality of opportunity for all staff and pupils and “we actively seek to demonstrate this commitment by adopting policies, codes of practice and action plans to combat discrimination in any form.”

“The Pornography Policy” offered advice on this issue, explaining the education offered to the young people, advice for parents, the disciplinary approach to breaches of policy linking this to the use of technology and the relevant policies applicable to those areas of school life.

As stated above, although relevant also in this section, **“The Care Plan Policy”** set out the procedure to offer a higher level of support to a pupil within the GIRFEC approach, documented and agreed by all key stakeholders. These plans would currently defined as Child’s Plans. The

	<p>policy gave the principles and procedures for this level of support, who would take responsibility, review dates and information sharing with those involved in the care of this young person. It stated that a “formal Care Plan may be deemed necessary for a boy with complex, multi-faceted and/or serious issues affecting his well-being and progress.”</p> <p>“The Guardianship Policy” sets out that every pupil, including those who are 16+ years of age and those whose parents are resident abroad, must have a suitable guardian living in this country and sets out the responsibilities which the School expects a guardian to assume.</p>
v.	<p>Who compiled the policies and/or procedures?</p>
	<p>Until 1998, it was likely that the Headmaster compiled the policies and procedures. From 1998 onwards, the compilation of policies and procedures involved senior delegated members of staff, such as Deputies and the Bursar.</p> <p>For the 2014 booklet, policies and procedures were, in the first place, drafted by the member of staff with responsibility for that area, compiled and overseen by the Senior Deputy Head and signed off by the Headmaster.</p>
vi.	<p>When were the policies and/or procedures put in place?</p>
	<p>Prior to the academic year 1999-2000, policies and procedures were shared in the form of the school prospectus, enclosures and in information sheets and House handbooks as well as in the Headmaster’s End of Term letter. From 1994, a Staff Handbook brought together key policies.</p> <p>In her August 2014 report for the Governors on Child Protection policies and procedures, Kate Cherry notes that in 1995, additions were made to the Staff Handbook, covering welfare and child protection in more detail. It stated in the introduction that it, ‘brings together policy statements and code of practice’. At this point, the Headmaster is designated Child Protection Co-ordinator and vetting procedures were in place for staff.</p> <p>The documentation in 1995 reflects the national focus following the Children (Scotland) Act 1995. The school’s policy development was reflected in the Inspection report, following an inspection of the welfare of residential pupils, in 1996. To quote from this HMle report: “A good range of relevant general school policies were in place. A commendable supplement to the staff handbook provided some useful guidelines on the welfare and protection of children”.</p> <p>From 1999-2000 these documents were brought together in a comprehensive guide, published in a booklet shared with all pupils, parents, staff and governors. These policies booklets have all been retained.</p>

vii.	Do such policies and/or procedures remain in place?
	Yes, all of these policies remain in place and the booklet has been augmented by the addition of new policies and procedures as required.
viii.	Were such policies and/or practices reviewed?
	Yes, annually from 2000.
ix.	If so, what was the reason for review?
	<p>Following 2000 there is clear evidence that policies were reviewed annually to ensure that they were up to date with national legislation and reflecting best practice.</p> <p>Additionally, changes to policy were made in response to incidents. For example, in March 2010 a section was added to the "Transporting Pupils Policy" clarifying the responsibility of staff accompanying pupils to position themselves so that they were fully aware of what was happening in all parts of the coach. This came out of an internal review following a disciplinary incident.</p>
x.	What substantive changes, if any, were made to the policies and/or procedures over time?
	<p>Substantive changes were made to ensure new legislation/national guidelines were embedded in school policy, for example "GIRFEC" led to substantive changes to the School's Child Protection Policy and Guidelines.</p> <p>There was a change in procedure in 1982, to quote former Headmaster David Spawforth, as "I felt it important for a more family-style regime to be introduced in the Houses, i.e. more female teaching staff to be deployed there." This resulted in an increasing focus on appointing married Housemasters as vacancies became available.</p>
xi.	Why were changes made?
	Changes were made to reflect national legislation and agreed best practice in the sector.
xii.	Were changes documented?
	<p>Changes since 1999 can be tracked though each new annual edition of the School's Policy booklet. Records were not kept of the discussion and proposals only of the changes made.</p> <p>Pre- 1999 the School does not have the same consistent record of policies and changes made to them.</p>
xiii.	Was there an audit trail?
	As mentioned in xii above, records were not kept of the discussion and proposals, only of the changes made.

Present

xiv.	With reference to the present position, are the answers to any of the above questions different?
	<p>Yes, chiefly with the introduction of new policies and the redrafting of policies to ensure “an overarching strategic policy to wellbeing and protection within which all other policies sit.” (WithScotland Report,2016) The school engaged the services of an external expert to assist in reviewing and drafting policies.</p>
xv.	If so, please give details.
	<p>➤ New policies adopted since 17 December 2014 are:</p> <p>“Drug and Alcohol at Work Policy” sets out the expectations and responsibilities of staff whilst caring for children within the school or school activities. It gives guidelines and possible consequences for failing to follow these guidelines.</p> <p>“Bereavement and Loss Policy and Procedures” sets out the support for pupils and their families as well as the relevant recording and sharing of information. (June 2017)</p> <p>“Child Sexual Exploitation Guidance” sets out the concern that CSE presents and our commitment to protecting and supporting the school community and working with partner agencies to achieve this. It aims to create a considered and consistent approach to dealing with concerns about CSE at Merchiston. (Adopted January 2017)</p> <p>“Child Protection Training Strategy” sets out the procedure for training and recording in order to monitor the training of all staff. (June 2017)</p> <p>“Code of Conduct for Parents and Carers” sets out the School’s expectations of the standards of conduct expected of parents in their interactions with Merchiston staff. (September 2015)</p> <p>“GIRFEC Guide for Parents” aims to ensure the wellbeing and care of our pupils while we promote the Scottish Government introduction of Getting it Right for Every Child, an approach which is embedded within legislation from August 2016 as part of the Children and Young People’s (Scotland) Act, 2014. The guidance has been written to introduce our approach and give an understanding of <i>how</i> Getting it Right for Every Child (GIRFEC) at Merchiston is implemented. (Adopted July 2016)</p> <p>“Prevent Duty” reflects the fact that the Counter-Terrorism and Security Act 2015 gives the School the responsibility to prevent people from being drawn into terrorism. The School will undertake Prevent awareness and</p>

	<p>other training that could help staff to prevent people from being drawn into terrorism. (July 2015)</p> <p>“Safe Touch Policy” sets out that across both curricular and co-curricular activities within Merchiston Castle School, some physical contact may be deemed necessary and appropriate between staff and pupils. Physical contact may be required to assist an injured pupil, administer first-aid and in rare circumstances, safe touch is sometimes essential to aid effective teaching and learning i.e. awareness of correct muscle usage, correct posture, correct line and breathing techniques. The purpose of this policy is to ensure that any necessary physical contact between staff and pupils is managed appropriately and in accordance with best practice. (Adopted February 2016)</p> <p>➤ Policies substantially updated since December 2014:</p> <ul style="list-style-type: none"> • Smoking Policy – updated June 2017 • Personal Device Policy and Procedures – June 2017 • Disciplinary Policy (Staff) – updated January 2017 • Allegations of Abuse against Staff – adopted Summer Term 2017 • Anti-bullying - updated Summer Term 2015 • Alcohol Policy (Pupils) - updated Summer Term 2017 • Child Wellbeing and Protection Policy - updated August 2016 • Child’s Plans - updated Summer Term 2016 • Complaints Procedure (Pupils) – updated Summer 2015 • Confidentiality Policy - updated Summer 2015 • Drugs Policy – updated Summer 2016 and Summer 2017 • Health and Safety - updated April 2015 • Knives and Offensive Weapons - updated June 2016 • Reporting and Absence from School – updated Summer 2015 • Staff in Boarding Houses - updated August 2016
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Practice

Past

i.	<p>Did the organisation/establishment adhere in practice to its policy/procedures relating to the care of children at the establishment?</p>
	<p>For the most part- yes. There were some known exceptions of individual members of staff failing to adhere, which in some cases led to a review of policy. The School has identified examples where policy was not rigorously enforced. Please see detailed references below.</p>
ii.	<p>Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?</p> <ul style="list-style-type: none"> • Safeguarding • Child Protection

	<ul style="list-style-type: none"> • Medical care • Children's physical wellbeing • Children's emotional and mental wellbeing
	<p>Yes- but there is evidence where the School could have been more rigorous in its enforcement of policy. There are examples of this in the Section D, 5.9 responses relating to the following recorded incidents:</p> <ul style="list-style-type: none"> • <u>Safeguarding and Child Protection:</u> <p>Examples can be found in 5.9.1, 5.9.2, 5.9.3, 5.9.13, 5.9.21, 5.9.25</p> <ul style="list-style-type: none"> • <u>Children's physical wellbeing:</u> <p>5.9.40 – this raised a concern that the School's Anti-bullying Policy had not succeeded in preventing this incident, although there was a rigorous response adhering to the School's Child Protection and Disciplinary policies.</p> <ul style="list-style-type: none"> • <u>Children's emotional and mental wellbeing</u> <p>An example of this can be seen in 5.9.32.</p>
iii.	How was adherence demonstrated?
	<p>Adherence can be demonstrated through action taken against individuals who acted in breach of policy or procedures. Examples within Section D, 5.9 are:</p> <p>5.9.3 demonstrates adherence to the Staff Disciplinary Policy.</p> <p>5.9.29 and 5.9.32 and 5.9.49 demonstrate adherence to the Complaints Policy and Procedure.</p> <p>5.9.37 demonstrates adherence to the Child Protection Policy.</p>
iv.	How can such adherence be demonstrated to the Inquiry?
	<p>Through documentary evidence of action taken to challenge breaches of Child Protection and Safeguarding policies detailed in staff files with reference to the disclosures made in Section D, parts 5.8 and 5.9.</p>
v.	Were relevant records kept demonstrating adherence?
	<p>Staff and pupil files hold evidence of action taken where policy or procedure was not followed by an individual or group in the cases referred to in Section D, 5.9.</p>

vi.	Have such records been retained?
	Yes – there is documentary evidence connected to all cases listed in 5.8 and 5.9.
vii.	If policy/procedure was not adhered to in practice, why not?
	<p>In a small number of the cases listed in 5.9, the School was slow to move from informal to formal procedures in cases of complaints against staff. Previous offences were not always considered fully when deciding on appropriate sanctions for staff, and there was a lack of oversight.</p> <p>There are a few instances of complaints that would have been categorised as a Child Protection issue if they happened in the present day, but at the time they were handled as a disciplinary issue without the associated child protection paperwork and involvement of external agencies and governors.</p>
viii.	If policy/procedure was not adhered to in practice, what was the practice?
	There are examples of individuals not adhering to policy and procedure and some instances when the school should have acted more rigorously and formally in response to known instances of violation of school policy and procedure. However, there is no evidence of the School sanctioning practice outwith its policy and procedures.

Present

ix.	With reference to the present position, are the answers to any of the above questions different?
	<p>Yes, there is evidence of much greater rigour in the handling of any concerns which come to the School's attention and in following the updated Staff Disciplinary Policy. These are not detailed in 5.9 as they are examples of good practice since December 2014.</p> <p>There is thorough tracking of staff disciplinary issues in place with scrutiny from the Chair of the Governors' Child Protection and Compliance Committee.</p>
x.	If so, please give details.
	<p>Below are examples of rigorous application of the school's Staff Disciplinary Policy and Procedures for Child Protection and Safeguarding, Pupil Physical and Emotional Wellbeing:</p> <ol style="list-style-type: none"> 1. A concern about a member of staff touching a boy on the shoulder reported by another member of staff. Immediate suspension without

	<p>prejudice, formal disciplinary hearings resulting in written warning and re-training. No evidence of child abuse.</p> <ol style="list-style-type: none"> 2. A pupil threatened another boy with a knife. Immediate suspension of the boy concerned. Reintegration following engagement with parents and pupils. 3. Complaint about a member of staff shouting. Dealt with as a disciplinary issue with full investigation by Child Protection Coordinator. Solutions-oriented meeting to resolve the issue between staff, parents and pupil. Outcome agreed. 4. Complaint that a member of staff had imposed inappropriate punishments. Formal interview, retraining of staff member, letter outlining the resolution. 5. Member of support staff accused of inappropriate touching of a pupil and being present in a changing room whilst pupils were changing. Immediate suspension without prejudice followed by formal investigation, following advice from Social Care Direct, resulting in dismissal.
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4.6 Staffing

Policy

Past

i.	What policies and/or procedures did the organisation/establishment have in relation to staffing at the establishment?
	<p>There are limited records in place of such policies nor any detailed mention in any of the school records going back as far as 1930. The first evidence of a formalised policy document is dated 1994 and whilst this mainly focuses on the operational policies, some policies relating to staff at the establishment are included. Since that time there is evidence of policy formulation evolving and increasing to cover a wider number of areas relating to staff. This has been the result of regulations and guidance as provided by law and by the School's regulators e.g. the processes around safer recruitment of staff.</p> <p>Staff contracts have previously included the policy relating to Staff Disciplinary and Grievance process. However, there is no archive record of template contracts and the information below is from review of staff files over different decades.</p>
ii.	Was there a particular policy and/or procedural aim/intention?
	There is no evidence of a particular policy/procedural aim/intention specific to staffing, but the first Staff Handbook in 1994 highlights the

	<p>need for staff to be aware of their responsibilities and the code of practice.</p> <p>The Staff Handbook in 2000 states:</p> <p>“The Headmaster consequently is responsible for and takes the appropriate steps to check that the engaging of any member of staff (full or part time) in whatever department confirms that any such employee is (a) suitable for the duties required in that position, (b) presents no danger to the children in his/her care, so reflecting the requirements of “The Children’s Act” or equivalent Scottish legislation.”</p>
iii.	Where were such policies and/or procedures recorded?
	The policies and/or procedures we are aware of were recorded within Staff Handbooks, Policy and Guidelines documents and within staff contracts.
iv.	<p>What did the policies and/or procedures set out in terms of the following?</p> <ul style="list-style-type: none"> • Pre-employment checks • Recruitment • Induction • Transfer of staff to or from other establishments within or outwith the organisation • References • Appraisal/supervision • Training • Personal/Professional development • Disciplinary actions • Dismissal
	<p>Pre-employment checks (evidence in place from 1995)</p> <ul style="list-style-type: none"> • From the 1995 policy document, “References are sought on all staff employed by Merchiston Castle School prior to appointment. References are taken up with the knowledge and approval of the appointee. Referees are asked, inter alia, if there is any reason why the appointee should not be employed in a school environment. The appointee is also asked if there is any impediment to his/her appointment. The Headmaster is required to adopt any further vetting procedure that may be necessary.” • From 2000 the use of CV and the take up of 2 references to satisfy that “any such employee is (a) suitable for the duties required in that position, (b) presents no danger to the children in his/her care, so reflecting the requirements of “The Children’s Act” or equivalent Scottish legislation”

- The 2000 Policy & Guidelines document also details additional checks carried out prior to the engaging of any staff
 1. "Teaching Staff – check through SCIS/HMS and SCRO
 2. Non-teaching staff check through Scottish Criminal Records Office

Recruitment (evidence in place from 2000)

- Detailed that all posts would be advertised nationally and that staff would be selected on the basis of an interviews with the Headmaster, Head of Department and some time spent in school and in the department.

Induction (evidence in place from 1994)

- Detailed the process and timings for new teacher induction and the roles and responsibilities of those involved

Transfer of staff to or from other establishments within or outwith the organisation

- There is no evidence of such a policy in the time period 1930 – 2014.
- Although there was no policy in place, there is evidence from historic staff files of references being provided to other Schools when staff were moving on.

References (evidence in place from 1995)

- The information provided in the Policy & Guidelines document of 1995 detailed that that 2 references would be required as part of the staff recruitment process.
- Staff files prior to 1995 also indicate that in the majority of cases references were received by the School before new staff were employed and there is evidence in some files of hand-written notes of telephone conversations with the referees as part of the verification process.

Appraisal/supervision (evidence in place from 1994)

- Detailed the system for continuous appraisal of teaching staff and the roles and responsibilities of those involved.

Training

- Details of the principles of CPD at Merchiston, process for requesting CPD as well as expectations of the areas of CPD consider to be an individual's ongoing responsibility.
- There are records held from 2000 onwards.

	<p>Personal/Professional development</p> <ul style="list-style-type: none"> • Merchiston's Professional Review and Development Process for teaching staff has been adapted from the Scottish Council for Independent Schools (SCIS) PRD Framework; key features of which have been embedded in this PRD Process and validated by GTCS in May 2014 as a part of Professional Update. • Records of Staff PRD are held 2006 onwards. Prior to that date there was a programme in place for new and promoted staff which was then extended to include all staff. <p>Disciplinary actions</p> <ul style="list-style-type: none"> • Staff contracts (from at least 1999) detailed the disciplinary process and timings and the roles and responsibilities of those involved • Earlier contracts (e.g. 1987) in staff files detailed the power of the Headmaster to suspend or dismiss a member of staff but did not detail the disciplinary process. <p>Dismissal</p> <ul style="list-style-type: none"> • Staff contracts (from 1999) detailed the disciplinary process and within this stated that disciplinary action could result in 'dismissal, with notice in terms of the Statement of Particulars' or 'instant and summary dismissal, without notice'. • Earlier contracts (e.g. 1987) in staff files detailed the power of the Headmaster to suspend or dismiss a member of staff but did not detail the dismissal process.
v.	<p>Who compiled the policies and/or procedures?</p> <p>The School. These were compiled by the Deputy Head, Bursar, and other appropriate staff, for example, the HR Manager.</p>
vi.	<p>When were the policies and/or procedures put in place?</p> <p>Dates are included within 4.6 (iv).</p>
vii.	<p>Do such policies and/or procedures remain in place?</p> <p>Yes.</p>
viii.	<p>Were such policies and/or practices reviewed?</p> <p>Over the period the School can evidence that these policies and/or practices have been reviewed in that future versions have become more detailed and new policies introduced.</p>
ix.	<p>If so, what was the reason for review?</p> <p>The School are not aware of specific reasons but surmise that they will be due to one (or more) of the following factors:</p> <ul style="list-style-type: none"> • Feedback from Inspectors

	<ul style="list-style-type: none"> • Change in Headmaster • Changes in the law • Ongoing improvements and following of 'best practice' • The inspections by Education Scotland and the Care Inspectorate in 2014 highlighted improvements that could be made
x.	What substantive changes, if any, were made to the policies and/or procedures over time?
	Contract changes have occurred over the period as well as substantive changes to the Review and Development process for teaching staff due to the launch of the GTCS "Professional Update".
xi.	Why were changes made?
	To improve processes and minimise the risk of employing staff who could pose a risk to the pupils. In addition changes would have been made to bring policies and contractual terms and conditions in line with law and best practice.
xii.	Were changes documented?
	There are no records of specifically how and why any changes were made but the revised documents reflect changes made.
xiii.	Was there an audit trail?
	The revised documents reflect changes made.

Present

xiv.	With reference to the present position, are the answers to any of the above questions different?
	<p>The School continues to monitor processes and policies and improve them where appropriate. Employment Advisers and Solicitors are also used to ensure our policies are fit for purpose and consistent with legislative requirements.</p> <p>The above policies have been improved over recent years and a new Reference Policy is now in place.</p> <p>The School's current processes have been endorsed by both Education Scotland and the Care Inspectorate in recent inspections.</p> <p>"Sound policies and procedures for child protection, safeguarding and wellbeing are in place and are clearly understood by all staff and pupils" (Education Scotland, November 2016)</p> <p>"Merchiston Castle School had developed very good policies and practice in relation to recruiting staff safely" (The Care Inspectorate, December</p>

	<p>2015)</p> <p>See Part C Appendices for examples of the current policies and procedures for recruitment and disciplinary matters.</p>
xv.	If so, please give details.
	<ul style="list-style-type: none"> • Our reference requests now included questions on any instances of a member of staff being involved in any Child Protection investigation and we confirm this in our telephone verification of the reference. • Cessation of use of settlement agreements when staff leave the School where there have been any child protection issues identified as this can inhibit what can be said in a reference. • References are taken up before interview so that any 'issues' can be fully discussed during the interview if necessary. • Self-declaration form must be completed as part of the application process and any 'issues' can be discussed at interview if necessary. • There is a specific verbal request during interviews to confirm the details provided in the self-declaration form • Our reference request forms now include additional questions regarding suitability to work with children and we confirm this in our telephone verification of the reference. • The School maintains a separate register of Child Protection issues so that the Headmaster can ensure that any reference written will divulge any relevant information in this area • The Disciplinary policy and Grievance policy were revised and improved in 2015 and separated from the staff contracts. At the same time the disciplinary process confirmed that suspension without prejudice would be the 'norm' where any allegations of breaches of the Child Wellbeing and Protection Policy were made. • A reference policy was formalised in 2016 which outlines the School's position on providing employment references which bear the School's name and represent an official statement of the School's assessment of a former or existing employee of Merchiston Castle School. • A Review and Development Process for non-teaching staff has been developed and trialled. • The revised Disciplinary process and draft 'Allegations of Abuse against Staff and Volunteers' Policy both also highlight to staff what sort of information will be included in future references including "Any record relating to a breach of the Child Wellbeing and Protection Policy and Guidance will be retained indefinitely." • We have a retained Employment Law company who advise on all HR matters and review all policy changes before they are communicated. • Staff are now consulted during policy review, for example updating of the new Staff Disciplinary policy (March 2015) and the introduction of an Allegations of Abuse against Staff Policy (March 2017). • Middle management training has been provided covering the management of staff misconduct. <p>Staff related policies now include:</p>

	<ul style="list-style-type: none"> • Anti-Corruption • Attendance procedures • Acceptable User Agreement (for use school IT) • Capability Policy • Child Sexual Exploitation Policy • Child Wellbeing and Protection Policy and Guidelines • Child Wellbeing and Protection Training Strategy • Disciplinary Policy • Dress Code • Electronic Communications and Social Media • Equal Opportunities • Expenses Policy • Flexible working Policy • Grievance Policy • Leave of Absence • Maternity, Paternity and Family Care Policy • Race Equalities Policy • Recruitment and Selection Policy • Reference Policy and Procedure • Retirement Policy • Safe Touch Policy • Safeguarding Policy • Staff in Boarding Houses • Vetting Procedure • Whistleblowing <ul style="list-style-type: none"> • Policies are now reviewed on an annual basis.
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Practice

Past

i.	<p>Did the organisation/establishment adhere in practice to its policy/procedures in relation to staffing at the establishment?</p>
	<p>For the period where policies were in place it would appear they were generally adhered to.</p> <p>The Scottish Office Education and Industry Department inspected the School in March 1996 and commented:</p> <p>“Procedures for investigating the suitability of all potential teaching and non-teaching employees were in line with national advice”</p> <p>Staff files that remain from the period 1930 to 1970s (there are only 10)</p>

	<p>indicate that references were taken up before employment and that the School also provided references for those staff moving onto new roles. However, not all historic files are complete and relevant evidence is only present in 50% of the files. There is nothing held in these sample files regarding any disciplinary issues. There are also regular examples of the previous Headmaster's (1981-1988) handwritten notes of the verification telephone calls he had made to discuss the staff as part of the recruitment process.</p>
ii.	<p>Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?</p> <ul style="list-style-type: none"> • Pre-employment checks • Recruitment • Inductions • Transfers to and from other establishments within or outwith the organisation • References • Appraisals/Supervision • Training • Personal/Professional development • Disciplinary actions • Dismissal
	<ul style="list-style-type: none"> • Pre-employment checks The available records reviewed indicate that the policy was adhered to in practice. • Recruitment The available records reviewed indicate that the policy was adhered to in practice. • Induction The information available about induction indicates that the policy was followed in practice. • Transfer of staff to or from other establishments within or outwith the organisation As noted above, there is no specific policy or procedure in place. • References From our records it appears that the policy was adhered to in the most part. However, from the detailed review of the files of those members of staff referenced in 5.9, it would appear that on one occasion a full and frank reference was not provided to future employers. Please see 5.9.21.

	<p>The School has previously used Compromise Agreements and Settlement Agreements as part of managing staff out of the School and this process involved a limited reference although current policy will always make reference to any Child Protection concerns. On one occasion a reference was subsequently provided after the Compromise Agreement which provided fuller details of the staff member's achievements but did not include a specific child protection issue that had happened early in his career. Please see 5.9.9.</p> <p>Appraisal/supervision</p> <p>The information available about appraisal/supervision indicates that the policy was followed in practice.</p> <p>Training</p> <p>The information available about training indicates that the policy was followed in practice.</p> <p>Personal/Professional development</p> <p>The information available about PRD indicates that the policy was followed in practice.</p> <p>Disciplinary actions</p> <p>For a small number of disciplinary incidents, a full consideration of previous disciplinary issues has not taken place and the sanctions have not been made on a cumulative basis. An example of this can be seen in 5.9.2 and 5.9.3 and 5.9.5.</p> <p>Dismissal</p> <p>The information available about dismissal indicates that the policy was in place. In the examples from the above Disciplinary Actions, if sanctions had been made on a cumulative basis, dismissal could have been considered as an appropriate outcome.</p>
iii.	How was adherence demonstrated?
	Personnel files carry some details of recruitment processes, induction, disciplinary issues, training and appraisals and references provided for future employment. The amount of information held will depend on how recently the member of staff was recruited.
iv.	How can such adherence be demonstrated to the Inquiry?
	Evidence within staff files.
v.	Were relevant records kept demonstrating adherence?

	Staff files demonstrate the level of adherence.
vi.	Have such records been retained?
	It would appear that the vast majority of staff files have been retained over the period.
vii.	If policy/procedure was not adhered to in practice, why not?
	<p>From our records, it appears that policy and procedure were adhered to in practice in the most part. However, there are occasions where this was not the case and whilst these incidences were challenged to some extent by the School, they were not dealt with the rigour and formality that would be expected in the present day and the School would now treat these matters differently.</p> <p>From the records, it appears that previous disciplinary offences by members of staff were not always considered by management when determining what sanctions to impose on staff for disciplinary offences which were repeated or similar behaviours.</p> <p>It appears that were incidences where a reference was provided to help the staff member secure further employment and details of relevant Child Protection issues were not disclosed to potential future employers as the School felt (and it now acknowledges that this was not the School's decision to make) that the member of staff was not considered a risk to children/pupils. See 5.9.21.</p>

Present

viii.	With reference to the present position, are the answers to any of the above questions different?
	<p>The current processes have been regularly reviewed both internally and by regular inspections from Education Scotland and the Care Inspectorate.</p> <p>Adherence to the renewed policies and processes can be demonstrated by the comments made by Education Scotland and the Care Inspectorate who have reviewed our current processes and staff files during recent Inspections.</p> <p>“Sound policies and procedures for child protection, safeguarding and wellbeing are in place and are clearly understood by all staff and pupils” Education Scotland , November 2016)</p> <p>“Merchiston Castle School had developed very good policies and practice in relation to recruiting staff safely” (The Care Inspectorate, December 2015)</p> <p>See also Part C Appendices for current policies on recruitment and</p>

	disciplinary matters
ix.	If so, please give details.
	<ul style="list-style-type: none"> • Our reference requests now included questions on any instances of a member of staff being involved in any Child Protection investigation and we confirm this in our telephone verification of the reference. • Cessation of use of settlement agreements when staff leave the School where there have been any child protection issues identified as this can inhibit what can be said in a reference. • References are taken up before interview so that any 'issues' can be fully discussed during the interview if necessary. • School maintains a separate register of Child Protection issues so that the Headmaster can ensure that any reference written will divulge any relevant information in this area • The Disciplinary policy and Grievance policy were revised and improved in 2015 and separated from the staff contracts. At the same time the disciplinary process confirmed that suspension without prejudice would be the 'norm' where any allegations of breaches of the Child Wellbeing and Protection Policy were made. • Self-declaration form must be completed as part of the application process and any 'issues' can be discussed at interview if necessary. • There is a specific verbal request during interviews to confirm the details provided in the self-declaration form • Our reference request forms now include additional questions regarding suitability to work with children and we confirm this in our telephone verification of the reference. • A Review and Development Process for non-teaching staff has been developed and trialled. • A reference policy was formalized in 2016 which outlines the School's position on providing employment references which bear the School's name and represent an official statement of the School's assessment of a former or existing employee of Merchiston Castle School. • The revised Disciplinary process and draft 'Allegations against Staff' policy both also highlight to staff what sort of information will be included in future references including "Any record relating to a breach of the Child Wellbeing and Protection Policy and Guidance will be retained indefinitely." • We have a retained Employment Law company who advise on all HR matters and review all policy changes before they are communicated. • Staff are now consulted during policy review, for example updating of the new Staff Disciplinary policy (March 2015) and the introduction of an Allegations of Abuse against Staff Policy (March 2017). • Middle management training has been provided covering the management of staff misconduct. • The Chairman of the Child Protection and Compliance Committee undertakes an annual review of the references provided by the School for staff moving on to new roles. <p>The above changes are now all happening in practice.</p>

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4.7 Visitors

Policy

Past

i.	What policies and/or procedures did the organisation/establishment have in place in relation to visitors to the establishment?
	The School started to draft a comprehensive Access, Security and Visitors' Policy and Procedures in October 2014, with the final draft in place April 2015. Prior to this, arrangements for visitors are referred to in the School Rules, the earliest example dates from 1937.
ii.	Was there a particular policy and/or procedural aim/intention?
	There was only evidence of a detailed draft policy from October 2014 onwards. Prior to this, we are reliant on procedural intention, which was aimed at keeping pupils safe, whilst giving appropriate access to family and visitors.
iii.	Where were such policies and/or procedures recorded?
	In brief, through School rules and a comprehensive new policy drafted from October 2014 onwards.
iv.	Who compiled the policies and/or procedures?
	The School Rules were the responsibility of the Headmaster and Deputy Head. The new visitor policy was drafted by the Senior Deputy Head, assisted by the Headmasters PA and Assistant PA.
v.	When were the policies and/or procedures put in place?
	From October 2014, and through School Rules, from 1936.
vi.	Do such policies and/or procedures remain in place?
	Yes, in a much improved form.
vii.	Were such policies and/or practices reviewed?
	There is some evidence of review of practice before October 2014 when there was a comprehensive review carried out and a full policy drafted. Since that date there is an annual review in place.

viii.	If so, what was the reason for review?
	An awareness that the School had to enshrine good working practice in formal policy and establish a structure of review points.
ix.	What substantive changes, if any, were made to the policies and/or procedures over time?
	The really substantive change came from October 2014.
x.	Why were changes made?
	To bring the school in line with best practice.
xi.	Were changes documented?
	Changes in School rules evident in School Rules from 1936; 1958 and 1982, which show some progression.
xii.	Was there an audit trail?
	A full and formal audit trail only begins from October 2014.

Present

xiii.	With reference to the present position, are the answers to any of the above questions different?
	Yes
xiv.	If so, please give details.
	<p>From April 2015 a comprehensive policy was in place, covering all aspects of visitors to the School. The current Policy contains the following sections:</p> <ul style="list-style-type: none"> Access to Campus Strategy General Requirements for Visitors Badges Signing-in (Office Hours) Signing-in (Out of Office Hours) Unexpected Visitors (Out of Office Hours) Collection of Visitors External Providers of Activities for Pupils Community Lets Larger Events Parent and Guardian visits to Boarding Houses Reminders for Pupils Contractors Visitors to Boarding Houses and Staff Accommodation with a <u>direct link to a</u>

	<p>Boarding House Resident Family Members and Visitors to Staff Accommodation <u>without</u> a direct link to a Boarding House Additional Information Summary</p> <p>Appendix A – Visitors' Guidelines for Safeguarding and Safety Appendix B – Policy on Adults Staying in Staff Accommodation Appendix C - Declaration for Visiting Adults to sign</p>
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Practice

Past

i.	Did the organisation/establishment adhere in practice to its policy/procedures in relation to visitors to the establishment?
	As far as we can tell, yes.
ii.	How was adherence demonstrated?
	This can only be deduced from the absence of any records which record allegations against visitors to the School.
iii.	How can such adherence be demonstrated to the Inquiry?
	The HMle Care and Welfare Report from 2003 records that, 'arrangements for reception of visitors to the school was very good'. It is difficult to prove adherence before this date.
iv.	Were relevant records kept demonstrating adherence?
	No. The School can only deduce this from the absence of any records which record allegations against visitors to the School.
v.	Have such records been retained?
	No.
vi.	If policy/procedure was not adhered to in practice, why not?
	To the best of our knowledge policy/procedure was adhered to.

Present

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

	Yes
viii.	If so, please give details.
	<p>The WithScotland report published in March 2016 included a review of the School's Access, Security and Visitors Policy and Procedures. The report found the policy clear and made only small points for improvement, all of which were implemented.</p> <p>We have not only brought in a comprehensive policy, recently reviewed to ensure all bases are covered, but from January 2017 we introduced an electronic signing-in system, which will enable us to retain records of visitors.</p>

4.8 Volunteers

Policy

Past

i.	<p>What policies and/or procedures did the organisation/establishment have in place in relation to volunteers at the establishment?</p>
	<p>There are no records in place of specific policies in relation to volunteers at the establishment prior to 2014.</p> <p>However, during the tenure of the current Headmaster an unwritten policy evolved which has taken into account the regulations and guidance as provided by law and by the School's regulators to ensure that any necessary safeguarding processes (e.g. PVG) were undertaken by the School for all volunteers.</p>
ii.	<p>Was there a particular policy and/or procedural aim/intention?</p>
	<p>The procedural intention would have been as quoted in the staff Handbook of 2000:</p> <p style="padding-left: 40px;">"The Headmaster consequently is responsible for and takes the appropriate steps to check that the engaging of any member of staff (full or part time) in whatever department confirms that any such employee is (a) suitable for the duties required in that position, (b) presents no danger to the children in his/her care, so reflecting the requirements of "The Children's Act" or equivalent Scottish legislation"</p> <p>The Statement of Intent within the Recruitment and Selection Policy and Procedures dated 2012 states:</p> <p style="padding-left: 40px;">"Merchiston Castle School is committed to safeguarding and</p>

	promoting the welfare of children and young people in its care. As an employer, the school expects all staff and volunteers to share this commitment.”
iii.	Where were such policies and/or procedures recorded?
	Since 2014 these are held in electronic folder within HR and provided to all applicants.
iv.	Who compiled the policies and/or procedures?
	The School. These were compiled by the Deputy Head, Bursar, and other appropriate staff.
v.	When were the policies and/or procedures put in place?
	September 2014
vi.	Do such policies and/or procedures remain in place?
	Yes.
vii.	Were such policies and/or practices reviewed?
	They were only formalised in 2014.
viii.	If so, what was the reason for review?
	The introduction of a formal policy was due to the need to formalise and document working practices and to comply with recommendations received from the Regulators.
ix.	What substantive changes, if any, were made to the policies and/or procedures over time?
	The substantive changes were introduced in 2014.
x.	Why were changes made?
	To bring the School in line with best practice and minimise the risk of allowing volunteers who could pose a risk to the pupils into School
xi.	Were changes documented?
	The 2014 policy documents the changes made.
xii.	Was there an audit trail?
	A full audit trail only begins form 2014.

Present

xiii.	With reference to the present position, are the answers to any of the above questions different?
	The policy and process as established on 2014 remains in place but improvements have been made.

xiv.	If so, please give details.
	<ul style="list-style-type: none"> • The same check list that is now used for recruitment of all staff is also used for volunteers to ensure all necessary checks are undertaken before any volunteer can be in School which includes taking and verification of references as well as police checks. • Volunteers also complete a self-declaration form and Acceptable User Agreement forms. • Policies and Procedures in relation to volunteers also form a part of the School's Access, Security and Visitors Policy (from November 2015).

Practice

Past

i.	Did the organisation/establishment adhere in practice to its policy/procedures in relation to volunteers at the establishment?
	Yes.
ii.	How was adherence demonstrated?
	Personnel files for recently recruited volunteers reflect the new process.
iii.	How can such adherence be demonstrated to the Inquiry?
	Personnel files for recently recruited volunteers.
iv.	Were relevant records kept demonstrating adherence?
	Personnel files for recently recruited volunteers.
v.	Have such records been retained?
	Yes.
vi.	If policy/procedure was not adhered to in practice, why not?
	We are not aware of the policy not being adhered to. We are also not aware of any volunteers working in the School before 2014 who have been involved in any allegations of abuse or any other Child Protection issues.

Present

vii.	With reference to the present position, are the answers to any of the above questions different?
	The practice established in 2014 remains.
viii.	If so, please give details.
	Not applicable

4.9 Complaints and Reporting

(a) Policy

Past

i.	What policies and/or procedures did the organisation/establishment have in place in relation to complaints and reporting at the establishment?
	<p>Unwritten policies and procedures</p> <ul style="list-style-type: none"> • Audit of Complaints Files (governors) <p>Written policies and procedures</p> <ul style="list-style-type: none"> • Point of contact for parents (parents) • Pupils' right of appeal (pupils) • Grievances (staff) • Grievance Procedure (staff) • Grievances (pupils) • Complaints against a member of staff (staff) • Guidelines for responding when a child discloses abuse (staff) • Worries and Complaints (pupils and parents) • Complaints procedure (pupils and parents) • Pupils' Problem Guide (pupils) • Care Commission/Care Inspectorate: Records that all registered care services (except childminding) must keep (external policy) • Public Interest Disclosures aka Whistleblowing (staff) • Confidentiality Policy (staff) • Responsibilities of the Governors of Merchiston Castle School with regard to Child Protection Issues
ii.	Was there a particular policy and/or procedural aim/intention?
	<p>The procedural aim was that pupils, parents and staff should feel comfortable in coming forward with concerns and complaints. Complaints should be:</p> <ol style="list-style-type: none"> a) Taken seriously b) Recorded c) Considered, in terms of severity and potential harm d) Communicated to the relevant person(s) e) Investigated, as appropriate <p>Pastoral care should be offered according to the guidelines and any actions taken should be carefully considered and not result in any discrimination.</p>
iii.	Where were such policies and/or procedures recorded?
	<ul style="list-style-type: none"> • School Prospectus (from 1931) • School Rule Book (from 1937)

	<ul style="list-style-type: none"> • Staff Handbook (from 1994) • Supplement to Staff Handbook (1995): (1) Welfare of Pupils – Guidelines; (2) Protection of Pupils. This was effectively our first Child Protection policy. • Child Protection Policy (published as a separate Child Protection Policy in 1999, then incorporated into the Staff Handbook from 2005 to 2015, and a separate policy again thereafter) • School Policies and Guidelines for Pupils, Parents and Guardians (from 2000) • Staff contracts – statement of particulars of employment (from 1987 to 2013) • Suite of policies with review dates (from 2014) – a copy of the Grievance Policy and Disciplinary Policy was given to new staff at the start of their employment. These policies are also accessible to staff electronically • Headmaster’s Progress Report to the Board of Governors 30 (25 September 2006)
iv.	<p>What did the policies and/or procedures set out in terms of the following?</p> <ul style="list-style-type: none"> • Complaints by children • Complaints by staff • Complaints by third persons/family of children • Whistleblowing • Support, including external support, for those who made complaint or those who were the subject of complaint • Response to complaints (including response by organisation and/or establishment) • External reporting of complaints
	<p>1) <u>Complaints by children</u></p> <ul style="list-style-type: none"> • 1937 Pupils’ Right of Appeal (School Rule Book) – the School Rule Book refers to a pupil’s right of appeal if he feels injustice has taken place. • 1995 Grievances (Supplement to Staff Handbook (1994)) – Where a pupil feels that he is subject to an unjust punishment or has any grievance then he refers in the first instance to his Housemaster. He has, however, the right of appeal or to go direct to the Headmaster or Second Master and the option to consult with the Chaplain and the Medical Department. • 1999 Guidelines for responding when a child discloses abuse (Child Protection Policy) – Observe, RECORD and Report (to the Child Protection Officer). Includes the “If you have a concern” form. • 1999 Complaints against a Member of Staff (Staff Handbook) – Complaints should be taken seriously and recorded carefully. The recipient should consider whether the complaint falls into the category of Child Abuse. It would be normal practice to relay the complaint at the earliest opportunity to either the Child Protection

	<p>Officer, Headmaster, a Deputy Head, or a Housemaster.</p> <ul style="list-style-type: none"> • 2000 Worries and Complaints (School Policies and Guidelines for Pupils, Parents and Guardians) – Pupils with any worry or complaint are encouraged to seek advice or help from any of the following: the prefects or Housemaster, and a member of staff, the Deputy Head, the Headmaster, the medical staff: all are ready to help – details of how to contact outside agencies (e.g. Childline) are published in all Houses. • 2005 Pupils' Problem Guide (School Policies and Guidelines for Pupils, Parents and Guardians) – gives list of different staff that pupils can raise concerns with; people they can talk to outside school (parents, Care Commission, RSSPCC and Childline); how to make a formal complaint to the Child Protection Officer and the response they can expect to receive. States that pupils have a right to feel safe and a responsibility to keep others safe. • 2005 Confidentiality (Staff Handbook) – Confidentiality should not be promised when a complaint is made. In most cases confidential information which is instrumental in protecting a child should be passed at the earliest opportunity to a senior member of staff [see Child Protection]. Failure to do so could have legal consequences. • 2013 Confidentiality Policy (Staff Handbook) – More detailed information on confidentiality and when and how information should be shared. <p>2) <u>Complaints by staff</u></p> <ul style="list-style-type: none"> • 1987 Grievances (Staff contract particulars of employment) – any grievances about employment should be intimated to the Headmaster either orally or in writing. If the problem is not there resolved, the Teacher may take the matter to the Governors by sending a written statement outlining the problem and suggesting a remedy to the Chairman of the Board of Governors, who will deal with the situation as the Governors see fit, and will notify the Teacher of their decision. • 1994 Grievance Procedure (Staff Handbook) – In the first instance any complaint/grievance should be directed by a member of staff to his/her Head of Department and subsequently, if required, to the headmaster or the Bursar. If it is not satisfactorily resolved at this level then it should be directed to the Governors. • 1999 Complaints against a Member of Staff (Staff Handbook) – States that the procedure for a member of staff to make a complaint or grievance is detailed in the Particulars of Employment issued to all staff. • 2006 Grievance Procedure (Staff contract particulars of employment) – The procedure sets out, firstly, an informal procedure through which most grievances may be resolved without recourse to any subsequent stage; secondly, a formal procedure to be invoked when the first stage has failed or is inappropriate; and, thirdly, an opportunity for further review by the Board of Governors.
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	<p>3) <u>Complaints by third persons/family of children</u></p> <ul style="list-style-type: none"> • 1931 Point of Contact (School Prospectus) – the School prospectus made it clear that the Headmaster was the point of contact for parents. • 1999 Complaints against a Member of Staff (Staff Handbook) – Complaints should be taken seriously and recorded carefully. The recipient should consider whether the complaint falls into the category of Child Abuse. It would be normal practice to relay the complaint at the earliest opportunity to either the Headmaster, a Deputy Head, the Child Protection Officer or a Housemaster. Staff should follow the Pastoral Care guidelines carefully. • 2000 Worries and Complaints (School Policies and Guidelines for Pupils, Parents and Guardians) – Parents with any worry or complaint should in the first instance contact the Housemaster or in medical matters the School Doctors. If they feel this is inappropriate or that the problem is unresolved, any parent has the right of direct access to the Governors through the Chairman. • 2004 Complaints Procedure (School Policies and Guidelines for Pupils, Parents and Guardians) – details who would be appropriate to contact regarding different types of concerns, e.g. contact the Housemaster for minor issues, the Headmaster or Deputy Heads for major issues, and the Bursar for matters regarding finance and fees. Gives the option to contact the Chairman of Governors c/o the Bursar or General Teaching Council for Scotland. The procedure promises to take all expressions of concern seriously and follow them up promptly as part of a fair complaints procedure. • 2013 Complaints Procedure (School Policies and Guidelines for Pupils, Parents and Guardians) – Updated to say that complaints can be made by letter, email or telephone. <p>4) <u>Whistleblowing</u></p> <ul style="list-style-type: none"> • 2008 Policy on Public Interest Disclosures and Policy on Confidential Reporting (Staff Handbook) – in line with the Public Interest Disclosure Act 1998, and outlines the procedure for reporting a serious concern in good faith, and protecting the member of staff from any reprisals or victimisation. • 2014 Policy on Public Interest Disclosures (Staff Handbook) – Policy on Public Interest Disclosures combined with Policy on Confidential Reporting to provide a procedure to enable members of staff to express a legitimate concern regarding suspected malpractice within the School. This includes the right to report concerns directly to an external body. <p>5) Support, including external support, for those who made complaint or those who were the subject of complaint</p> <ul style="list-style-type: none"> • 1995 Health (Supplement to Staff Handbook (1994)) – States that the Medical Centre is open at all times during the day and when required at night. Boys can present themselves directly. The Medical Centre has an important role to play in the physical welfare of the boys but also in their overall care and welfare, where concerns/complaints may be
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	<p>raised.</p> <ul style="list-style-type: none"> • 1987 Grievances (Staff contract particulars of employment) - At any interview concerning a grievance the Teacher may, if desired, be accompanied by a friend. • 1995 Advice – Encouragement – Support Counselling (Supplement to Staff Handbook (1994)) – States that the Chaplain and Medical Department offer counselling that a referral to a designated expert counsellor or psychologist is made in extreme cases. The open doors policy and confidentiality offered by the Chaplain and/or the Medical Department provides an essential helpline. The Child Helpline number is displayed in houses. • 2000 Worries and Complaints (School Policies and Guidelines for Pupils, Parents and Guardians) – Pupils with any worry or complaint are encouraged to seek advice or help from any of the following: the prefects or Housemaster, and a member of staff, the Deputy Head, the Headmaster, the medical staff: all are ready to help – details of how to contact outside agencies (e.g. Childline) are published in all Houses. • 2005 Pupils’ Problem Guide (School Policies and Guidelines for Pupils, Parents and Guardians) – gives list of people they can talk to outside school (parents, Care Commission, RSSPCC and Childline) <p>6) <u>Response to complaints (including response by organisation and/or establishment)</u></p> <ul style="list-style-type: none"> • 1999 Complaints against a Member of Staff (Staff Handbook) –Staff should follow the Pastoral Care guidelines carefully. • 2004 Complaints Procedure (School Policies and Guidelines for Pupils, Parents and Guardians) –The procedure promises to follow up promptly all expressions of concern. • 2005 Pupils’ Problem Guide (School Policies and Guidelines for Pupils, Parents and Guardians) – Pupils will receive a note from the CPO or Deputy CPO within two days of making a formal complaint. They will be asked to talk the matter through with the CPO or Deputy CPO, and they can bring anyone with them: another pupil, a member of staff, or their parents. • 2005 Complaints Procedure (School Policies and Guidelines for Pupils, Parents and Guardians) – Updated to say that the School will respond no later than 28 days after the date on which the complaint is made. • 2006 Responsibilities of the Governors of Merchiston Castle School with regard to Child Protection Issues (Headmaster’s Progress Report to the Board of Governors 30, 25 September 2006) – <ol style="list-style-type: none"> 1. It is the responsibility of all Governors to be familiar with the School’s Child Protection Policies and Procedures. 2. According to point 3.2 of the new CP guideline issued by SCIS (2006), all new Governors need to have an Enhanced Disclosure check. All existing Governors will undergo such disclosure every three to five years. 3. Ultimately, it is also the Governors’ responsibility to ensure that
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	<p>all members of staff, teaching and non-teaching, have undergone Enhanced Disclosure checks or that the mechanisms are in place to carry them out with the appropriate frequency.</p> <ol style="list-style-type: none"> 4. There should be among the governing body one appointed Governor who will act as Child Protection liaison. This Governor should receive appropriate training in Child Protection issues and legislation, and have regular meetings with the School's Child Protection Coordinator (CPC). 5. The Governors, following recommendations from the Care Commission, should be kept abreast of any developments in this area: new legislation, issues developing in the School and recommendations from the relevant bodies. 6. It is the Governors' responsibility, as members of the Merchiston community, to ensure the happiness and well-being of all pupils in their care. 7. If, in the course of a School visit, a Governor is aware of a pupil who is unhappy or who appears unwell, he or she should inform the relevant Housemaster or contact the CPC so that an investigation can be initiated to unearth any problems that may be affecting the said pupil. 8. If a Governor is made aware of circumstances which may have implications for the well-being of a pupil at School, it is his or her duty to communicate these circumstances to the Headmaster, the relevant Housemaster or the CPC. <ul style="list-style-type: none"> • 2012 Audit of Complaints Files (Unwritten Policy) – A Governor reviewed each complaint and signed it off (from 2012 onwards) • 2013 Complaints Procedure (School Policies and Guidelines for Pupils, Parents and Guardians) – Updated to say that the School will deal with the complaint as quickly as possible and in proportion to its severity. "You will receive a rapid acknowledgement of your complaint, and we aim to respond to straightforward complaints within 7 days. If this is impractical we will respond as soon as possible thereafter, bearing in mind that there might be a delay if School holidays intervene. Some complaints will be more complex than others and require input from multiple members of staff and take longer to resolve. You might be invited to meet with School staff prior to a formal response if this is seen as potentially mutually beneficial. Once the School has fully considered its response, you will receive a letter/email." <p>7) <u>External reporting of complaints</u></p> <ul style="list-style-type: none"> • 1995 Complaint against a member of staff (Supplement to Staff Handbook (1994)) – in the event of an allegation of child abuse, the Headmaster is required to inform the Board of Governors or appropriate authority, which could include the police. • 1999 Child Protection Policy (standalone policy) – Child Protection matters may be referred to the local community child health department at the City of Edinburgh or Edinburgh Sick Kids Hospital. • 2004 Complaints Procedure (School Policies and Guidelines for
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	<p>Pupils, Parents and Guardians) – Gives the option to contact the General Teaching Council of Scotland.</p> <ul style="list-style-type: none"> • 2005 Complaints Procedure (School Policies and Guidelines for Pupils, Parents and Guardians) – Updated to give the contact details of the Care Commission. • 2005 Care Commission/Care Inspectorate: Records that all registered care services (except childminding) must keep – the School must notify the Care Commission/Care Inspectorate of any allegations of abuse involving a pupil at the school (details of occurrence, persons involved, actions taken); and allegations of misconduct by staff that warrants investigation, dismissal, or other disciplinary action. • 2012 Child Protection Policy (Staff Handbook) – the matter may be referred to Children and Families Social Care Direct and the Edinburgh Sick Kids Hospital. • 2013 Complaints Procedure (School Policies and Guidelines for Pupils, Parents and Guardians) – Updated to give the contact details of the Care Inspectorate. • 2013 Child Protection Policy (Staff Handbook) – The CPC has established productive relationships with Social Services, the Community Police and the NHS to whom he can refer for advice and support in the handling of cases. He has also instigated contact with the Edinburgh and the Lothians Inter-agency Child Protection Group. Contact with them will normally be made by the CPC himself, but contact numbers for the key individuals are held by other Staff in School who may need to use them in his absence. • 2014 Policy on Public Interest Disclosures (Staff Handbook) – Update of 2008 policy. Where all internal procedures have been exhausted, a member of staff shall have a right of access to an external person/body. This may include (depending on the subject matter of the disclosure) HMRC, the Audit Commission, the Health and Safety Executive, Police Scotland, Edinburgh Public Protection Unit, Social Care Direct, Scottish Social Services Council, Education Scotland or The Care Inspectorate. It should be noted that under the Public Interest Disclosure Act 1998, there are circumstances where a member of staff may be entitled to raise a concern directly with an external body where the employee reasonably believes: <ul style="list-style-type: none"> • That exceptionally serious circumstances justify it; • That the School would conceal or destroy the relevant evidence; • Where they believe they would be victimised by the School; • Where the Secretary of State has ordered it.
v.	Who compiled the policies and/or procedures?
	<p>Until 1998, it was likely that the Headmaster compiled the policies and procedures. From 1998 onwards, the compilation of policies and procedures involved senior delegated members of staff, such as Deputies and the Bursar.</p>

vi.	<p data-bbox="407 174 1114 205">When were the policies and/or procedures put in place?</p> <p data-bbox="407 205 1338 338">The first major development of written policies started in 1994 with the publication of the Staff Handbook and its accompanying Policy Document in 1995; this was followed by the first edition of the School Policies and Guidelines for Pupils, Parents and Guardians in 2000.</p> <p data-bbox="386 369 824 401">Written policies and procedures</p> <ul data-bbox="386 401 1325 982" style="list-style-type: none"> • Point of contact for parents (parents) – from 1931 • Pupils’ right of appeal (pupils) – from 1937 • Grievances (staff) – from 1987 • Grievance Procedure (staff) - 1994 • Grievances (pupils) - 1995 • Complaints against a member of staff (staff) – from 1995 • Guidelines for responding when a child discloses abuse (staff) – from 1999 • Worries and Complaints (pupils and parents) – from 2000 • Complaints procedure (pupils and parents) – from 2004 • Pupils’ Problem Guide (pupils) – from 2005 • Care Commission/Care Inspectorate: Records that all registered care services (except childminding) must keep (external policy) – from 2005 • Public Interest Disclosures aka Whistleblowing (staff) – from 2008 • Confidentiality Policy (staff) – from 2005 • Responsibilities of the Governors of Merchiston Castle School with regard to Child Protection Issues – 25 September 2006
vii.	<p data-bbox="407 1014 1073 1052">Do such policies and/or procedures remain in place?</p> <p data-bbox="407 1052 467 1083">Yes.</p>
viii.	<p data-bbox="407 1115 997 1152">Were such policies and/or practices reviewed?</p> <p data-bbox="407 1152 867 1184">Yes, and this is an ongoing practice.</p>
ix.	<p data-bbox="407 1215 886 1253">If so, what was the reason for review?</p> <p data-bbox="407 1285 1338 1383">Since 1999 there has been an annual review of all policies included in the School Policies and Guidelines and Staff Handbook. In addition a review would be triggered by a specific complaint/reporting issue.</p>
x.	<p data-bbox="407 1417 1260 1482">What substantive changes, if any, were made to the policies and/or procedures over time?</p> <p data-bbox="407 1482 1312 1547">Over time, policies/procedures on reporting of complaints have become more detailed to include:</p> <ul data-bbox="386 1547 1338 1791" style="list-style-type: none"> • To whom complaints and concerns can be made • Clear lines of responsibility in handling complaints • What to expect after you have made a complaint, including timescale of a response • Issues of confidentiality • Record keeping • Support agencies and external bodies.

	<ul style="list-style-type: none"> • Lessons learned
xi.	<p>Why were changes made?</p> <p>To improve the policy and to ensure that no gap existed between policy and practice.</p> <p>The Children (Scotland) Act 1995 put in law the duty of a boarding school to safeguard and promote the welfare of the child or young person while he is accommodated. In light of the national focus on child protection, in 1995 Merchiston published its Supplement to Staff Handbook (1995), containing the guidelines on welfare and protection of pupils.</p> <p>Following 1995, the development of written policies was driven by the need to make school policies accessible to pupils and parents. In the report of the 1996 HMIE Welfare Inspection it said that the school should extend its general school policies to give further advice on pupils' rights and make these guidelines widely available to pupils, parents and staff. The School Policies and Guidelines for Pupils, Parents and Guardians was developed over subsequent years and the first published edition in 2000 has a section on Worries and Complaints.</p> <p>Following the Regulation of Care (Scotland) Act 2001, the Scottish Ministers introduced the Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002, which set out the requirements for the recording of complaints and notifications of allegations of misconduct by staff.</p> <p>Over time, the school developed a very broad view of what constitutes a complaint: "Information coming to the School's attention leading to the School making an enquiry or carrying out an investigation". This definition therefore includes reported concerns regarding wide-ranging issues throughout the school, including academic, pastoral, co-curricular, finance and governance. New policies were introduced to address the different circumstances in which a complaint is made.</p>
xii.	<p>Were changes documented?</p> <p>The contents page of the School Policies and Guidelines for Pupils, Parents and Guardians highlights in bold which policies have been updated.</p>
xiii.	<p>Was there an audit trail?</p> <p>There was no central audit of updates to school policies. The process was however recorded electronically in the files of the administrator responsible for updating the policies each year and we can for the most part track the changes made.</p>

Present

Post 17 December 2014

xiv.	With reference to the present position, are the answers to any of the above questions different?	
	Yes.	
xv.	If so, please give details.	
	i.	<p>What policies and/or procedures did the organisation/establishment have in place in relation to complaints and reporting at the establishment?</p> <p>New since 17 December 2014:</p> <ul style="list-style-type: none"> • Grievance Policy and Procedure for Staff (removed from staff contract) • Complaints Procedure (Pupils) • Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School (staff and governors)
	ii.	<p>Was there a particular policy and/or procedural aim/intention?</p> <p>To ensure open and robust complaint procedures and tracking of patterns of behaviour, ensuring action taken and lessons learned.</p>
	iii.	<p>Where were such policies and/or procedures recorded?</p> <ul style="list-style-type: none"> • Grievance Policy and Procedure for Staff – standalone policy made available to staff through the staff section of shared computer drives. • Complaints Procedure (Pupils) – published in the School Policies and Guidelines for Pupils, Parents and Guardians • Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School – standalone policy made available to staff through the staff section of shared computer drives.
	iv.	<p>What did the policies and/or procedures set out in terms of the following?</p> <ul style="list-style-type: none"> • Complaints by children • Complaints by staff • Complaints by third persons/family of children • Whistleblowing • Support, including external support, for those who made complaint or those who were the subject of complaint • Response to complaints (including response by organisation and/or establishment) • External reporting of complaints

	<p>1) <u>Complaints by children</u></p> <ul style="list-style-type: none"> • 2015 Complaints Procedure (Pupils) (School Policies and Guidelines for Pupils, Parents and Guardians) – Outlines that the first point of contact is the Housemaster, but if the pupil wishes to speak to someone outside the boarding house, then they could contact the Senior Deputy Head, the Deputy Head Pupil Support, the Deputy Head Academic, the Deputy Head Co-curricular or the Head of Juniors. The Pupils' Support Guide suggests other adults to whom a pupil may wish to speak. Concerns can also be raised through House Councils, the Students' Forum or through the Head of House, who meets weekly with the Senior Deputy Head. If a pupil feels an expression of concern has not been properly handled, then please contact the Headmaster. • 2015 Dealing with a Disclosure of Abuse (Child Protection, Safeguarding and Wellbeing Policy, and later published in the Child Wellbeing and Protection Guidance) - updated to include the Child Protection Concern Form and Wellbeing Concern Form. <p>2) <u>Complaints by staff</u></p> <ul style="list-style-type: none"> • 2015 Policy on Public Interest Disclosures aka known as Whistleblowing (published separately from the Staff Handbook) – gives the contact details of the Whistleblowing Governor • 2015 Grievance Policy and Procedure (published separately from the Staff Handbook and the staff contract) – outlines an informal procedure, formal procedure, appeal procedure, and gives a flow chart of the overall process and pro formas to make a formal grievance and appeal. <p>3) <u>Complaints by third persons/family of children</u></p> <p><u>No change in present position.</u></p> <p>4) <u>Whistleblowing</u></p> <ul style="list-style-type: none"> • 2015 Policy on Public Interest Disclosures aka known as Whistleblowing (published separately from the Staff Handbook) – gives the contact details of the Whistleblowing Governor <p>5) <u>Support, including external support, for those who made complaint or those who were the subject of complaint</u></p>
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	<ul style="list-style-type: none"> • 2015 Confidentiality Policy – Updated to include the Confidentiality Statement for Pupils: <i>Pupils are given the following advice in their House Handbooks: If you are unsure about talking to a member of staff you can phone Childline on 0800 1111; the call is free and will not show up on your phone bill. Breathing Space (0800 83 85 87) is an alternative group that specialises in listening to teenagers. They will help you work out what to do next. These numbers are posted in all Houses.</i> • 2015 Grievance Policy and Procedure (published separately from the Staff Handbook and the staff contract) – mentions the support of Trade Unions for those staff that are the subject of a complaint. • 2015 Complaints Procedure (Pupils) (School Policies and Guidelines for Pupils, Parents and Guardians) –Updated to say that a pupil can also contact the Care Inspectorate and ask them to look at their complaint. • 2015 Pupils’ Problem Guide (School Policies and Guidelines for Pupils, Parents and Guardians) – updated to give contact details of suitable people and organisations outside the School: parents, Care Inspectorate, Children First, Childline and Breathing Space <p>6) <u>Response to complaints (including response by organisation and/or establishment)</u></p> <ul style="list-style-type: none"> • 2015 Grievance Policy and Procedure (published separately from the Staff Handbook and the staff contract) – After considering the employee’s representations and any other relevant information, the senior member of staff shall take whatever steps he/she considers necessary or appropriate to deal with the grievance, and shall inform the employee of the steps taken. The response will give a full written explanation of the decision and to whom an appeal should be made if the employee is still aggrieved. • 2017 Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School (2017) – on being advised of a concern, the Child Protection Co-ordinator will consider: <ul style="list-style-type: none"> ○ Whether the matter ought to be reported to the Police ○ Whether the matter ought to be reported to Social Care Direct ○ Whether a disciplinary investigation ought to be carried out. <p>Where the allegation indicates that a child may be at risk of significant harm, an immediate referral to Social Care Direct or the Police will be made to obtain further instruction on how to proceed. The School may not carry out an internal investigation immediately, if it is concerned that such an</p>
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	<p>investigation will interfere with any criminal investigation.</p> <p>7) <u>External reporting of complaints</u></p> <ul style="list-style-type: none"> • 2017 Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School (2017) – Following the initial fact-finding stage, the Child Protection Co-ordinator and the School Leadership Team will determine whether the allegation warrants referral to any external body and/or whether the matter ought to be dealt with as a management issue. When establishing whether a matter is to be handled as a management or disciplinary issue, advice may be sought from Social Care Direct.
v.	<p>Who compiled the policies and/or procedures?</p> <p>As opposed to a centralised orientated system, led by the Headmaster, the whole issue of policies and practice became a team exercise, consisting of senior school leaders, such as Deputy Heads, the Bursar and the Headmaster. All policies are sent out to all staff for consultation, and pupils are often involved in the consultation process regarding policies relevant to them. The Child Protection and Compliance Committee plays a role in formally adopting policies to present to the Board of Governors, e.g. the Allegations of Abuse against Staff Policy.</p> <p>We use an external expert/consultant (Heather Smith of Propensity to Protect) to help us build an overarching framework of policy. Heather Smith was initially involved with Merchiston in responding to the recommendations made by the WithScotland report on Merchiston's child protection policies and procedures (published March 2016). The report reviewed the following policies relating to complaints: Child Protection, Safeguarding and Wellbeing Policy; Disciplinary Policy; Whistleblowing Policy; and recommended that the School, "develops an overarching strategic policy to wellbeing and protection within which all other policies sit."</p> <p>We have retained an Employment Law company who advise on all HR matters and review all policy changes before they are communicated.</p>
vi.	<p>When were the policies and/or procedures put in place?</p> <ul style="list-style-type: none"> • Child Wellbeing and Protection Policy for all Parents, Pupils, Staff and Governors – August 2016 • Grievance Policy and Procedure for Staff - 2015 • Complaints Procedure (Pupils) - 2015 • Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School (staff and

	governors) - 2017
vii.	Do such policies and/or procedures remain in place?
	Yes.
viii.	Were such policies and/or practices reviewed?
	Yes, this is an ongoing practice.
ix.	If so, what was the reason for review?
	A review would often be triggered by a specific complaint/reporting issue or to keep in line with best practice. Policies for staff published after 2014 all have a review date on their cover sheet.
x.	What substantive changes, if any, were made to the policies and/or procedures over time?
	<p>The Grievance Policy for staff was removed from the staff contract and published as a standalone policy rather than a contractual entitlement. This was to allow more flexibility regarding any reviews and improvements.</p> <p>The Complaints Procedure (Pupils) was written in collaboration with pupils to make it clear to pupils how to make a complaint about any aspect of school life. The Complaints Procedure (Pupils) is in addition to the pre-existing Pupils' Support Guide (previously named the Pupil Problem Guide), which mainly addresses pupil wellbeing concerns.</p> <p>The Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School policy has been developed to assist in the fact-finding process required when an allegation is made. This procedure ensures a consistent and proportionate response to any allegation and that where there is a requirement for other agencies to be involved it is done so consistent with local Child Protection procedures.</p> <p>A full update of the Child Protection, Safeguarding and Wellbeing Policy (later renamed Child Wellbeing and Protection Guidance) clarified the reporting procedure when there are concerns of child abuse or concerns for the wellbeing of a child. In addition, the introduction of a Wellbeing Concern Form provided the Child Protection Co-ordinator with a record that, when seen in combination with other reports of wellbeing concerns and/or when viewed with his/her expert knowledge, may escalate the concern to that of a child protection issue.</p>
xi.	Why were changes made?
	To improve the policy and to ensure that no gap existed between policy and practice. In particular, there has been a greater focus

	<p>on the wellbeing of pupils, and policy has been updated to distinguish the difference between wellbeing concerns and child protection concerns – both of which are treated as complaints but are handled in different ways.</p> <p>The WithScotland report of an analysis of Merchiston Castle School's child protection policies and procedures (published 31 March 2016) recommended the development of an overarching framework of wellbeing and protection within which different processes occur. With regard to complaints and reporting, the Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School policy (2017) clarifies how the grievance and disciplinary process sits within the wellbeing and protection framework.</p> <p>See Part C Appendices for examples of policies on recruitment, disciplinary matters and allegations of abuse against staff</p>
	Were changes documented?
	Yes, in policy update communications.
xiii.	Was there an audit trail?
	Yes – the Bursar has put in place an audit trail for updates to staff policies and procedures and we have created a spreadsheet to audit the changes to whole school policies. The cover sheet of each new edition of a policy details who has been consulted in the process of review, and also specifies a date for the next review.

(b) Practice**Past**

i.	Did the organisation/establishment adhere in practice to its policy/procedures in relation to complaints and reporting at the establishment?
	As far as we know, yes.
ii.	Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following? <ul style="list-style-type: none"> i. Complaints by children ii. Complaints by staff iii. Complaints by third persons/family of children iv. Whistleblowing v. Support, including external support, for those who made complaint or those who were the subject of complaint

	<p>vi. Response to complaints (including response by organisation and/or establishment)</p> <p>vii. External reporting of complaints</p>
	<p>1) <u>Complaints by children</u></p> <ul style="list-style-type: none"> • Pre 1980 – We have no knowledge/records of complaints. • 1980 to 1998 – According to corporate memory, the unwritten policy/good working practice was followed. There are two complaints by children recorded in our archives for this time period. For one of these complaints there is no record of the initial response from the School, although there is a record of action taken at a later date. • 1998 to 17 December 2014 – Yes, policy and procedure was followed. <p>2) <u>Complaints by staff</u></p> <ul style="list-style-type: none"> • Pre 1980 – We have no knowledge/records of complaints. • 1980 to 1998 – According to corporate memory, the unwritten policy/good working practice was followed. • 1998 to 17 December 2014 – Yes, policy and procedure was followed. There are a few instances of complaints that would have been categorised as a Child Protection issue if they happened in the present day, but at the time they were handled as a disciplinary issue without the associated Child Protection paperwork and involvement of external agencies and governors. <p>3) <u>Complaints by third persons/family of children</u></p> <ul style="list-style-type: none"> • Pre 1980 – We have no knowledge/records of complaints. • 1980 to 1998 – According to corporate memory, the unwritten policy/good working practice was followed. There are two complaints by parents recorded in our archives for this time period. • 1998 to 17 December 2014 – Yes, policy and procedure was followed. <p>4) <u>Whistleblowing</u></p> <ul style="list-style-type: none"> • 2008 to 17 December 2014 – The School is aware of this avenue of communication being used by staff over the period and the Governors taking appropriate action as a result. <p>5) <u>Support, including external support, for those who made complaint or those who were the subject of complaint</u></p> <ul style="list-style-type: none"> • Pre 1980 – Since 1966 a resident Chaplain has been a source of support for pupils who do not want to talk to Housemasters or

	<p>teachers. Hitherto the School had relied on the Minister of Colinton Kirk to prepare boys for membership of the Presbyterian Church but to ask for much in the way of pastoral care was not fair from a Minister with a busy parish to look after. We know that there has been a sanatorium since 1930 – although we do not know the extent to which it provided support beyond medical care, the School's Register does suggest the wider support offered by the school Matron in this period.</p> <ul style="list-style-type: none"> • 1980 to 1998 – According to corporate memory, Housemasters, the School Chaplain and the Medical Centre were a source of support for pupils. Housemasters also displayed the contact number of Childline in their boarding houses. • 1998 to 17 December 2014 – Yes, policy and procedure was followed. <p>6) <u>Response to complaints (including response by organisation and/or establishment)</u></p> <ul style="list-style-type: none"> • Pre 1980 – We have no knowledge/records of complaints. • 1980 to 1998 – According to corporate memory, the unwritten policy/good working practice was followed. • 1998 to 17 December 2014 – Yes, policy and procedure was followed. <p>7) <u>External reporting of complaints</u></p> <ul style="list-style-type: none"> • Pre 1980 – We have no knowledge/records of complaints • 1980 to 1998 – According to corporate memory, complaints were not procedurally reported to external agencies prior to internal investigation (in line with School policy). The Headmaster of the time was aware of the responsibility to refer serious complaints of malpractice to the Scottish Education Department and complaints of criminal activity to the police, but he had no need to do this • 1998 to 17 December 2014 – Yes, policy and procedure was followed.
iii.	How was adherence demonstrated?
	<ul style="list-style-type: none"> • As a minimum, complaints were responded to with a formal letter which outlined the issues raised by the complaint, action taken and outcome of investigation. The Headmaster also often met with the complainant in person to discuss the issue. • The Care Commission/Care Inspectorate inspected the School's records of any complaints made by pupils, representatives, relatives or other persons. • The school demonstrated that it followed its procedure in handling Child Protection concerns by consulting with Social Care Direct. • From 2005 the School followed its obligation to notify the Care Commission/Inspectorate of any allegations of abuse or misconduct – this demonstrated how seriously the School took complaints and

	<p>communicated them to the appropriate people.</p> <ul style="list-style-type: none"> • From 2006 the Headmaster included updates on developing issues of concern relating to the welfare of pupils (e.g. Child Protection issues, allegations against staff) in his termly Progress Report to the Board of Governors. • After April 2013, when former pupils came forward to inform the School of allegations of abuse, the School passed these allegations onto the police immediately – this demonstrated how seriously the School took complaints and communicated them to the appropriate people.
iv.	How can such adherence be demonstrated to the Inquiry?
	<ul style="list-style-type: none"> • Copies of relevant complaint files • Evidence in confidential Child Protection records • Copies of Headmaster's Progress Reports to the Board of Governors • Copies of the inspection reports by the Care Commission/Care Inspectorate
v.	Were relevant records kept demonstrating adherence?
	<ul style="list-style-type: none"> • Pre 1998 – records are incomplete. Complaints against staff may or may not have been archived in personnel files. There was no central record of complaints. • 1998 to 17 December 2014 – letters of complaint and response served as a written record of the date of receipt and response, issues raised, action taken, and outcome of the investigation. In addition, emails formed a record of communications (particularly between staff) relating to how complaints were handled and minutes of meetings. From 1998, the School maintained an additional central record of complaints. In February 2010 the School introduced a cover sheet to each complaint which detailed the following: <ul style="list-style-type: none"> ○ Complaint summary ○ Action taken ○ Resolution reached/communicated • From 2001 the Child Protection Officer kept a record of complaints/allegations of child abuse and external reporting to agencies
vi.	Have such records been retained?
	<p>Pre-1998, our records of complaints fall into three categories:</p> <ol style="list-style-type: none"> 1. We do not know if a complaint was made and recorded at the time. No complaint was archived from this time period. (We know there was a potential issue due to disclosures made after 2013) 2. We know that a complaint was made but we do not know if it was recorded at the time. The complaint led to an internal investigation that generated other paperwork, e.g. formal written warnings. We have records of the other paperwork, but not of the original complaint.

	<p>3. We know that a complaint was made and recorded at the time. The complaint led to an internal investigation that generated other paperwork. We have records of the original complaint and the internal investigation.</p> <p>The central complaints record has been completely retained since it started in 1998. From May 2006 these records also included more detailed information such as copies of emails that demonstrated the handling of complaints.</p> <p>The confidential Child Protection records have been retained from 2000 and are now kept as long as necessary, which for the time being, particularly in light of the preservation order from the Inquiry, the School considers to be indefinitely. These records were kept securely locked and records have been retained so there is a record of the management of complex child protection issues. Pre 2001 such records have been retained as a part of a separate pupil file.</p>
vii.	If policy/procedure was not adhered to in practice, why not?
	The information available about Complaints indicates that the policy was followed in practice.

Present

viii.	With reference to the present position, are the answers to any of the above questions different?
	Yes, there have been improvements and amendments made to policy and practice.
ix.	If so, please give details.
	<p>In response to a recommendation from the Cherry Report of Merchiston Castle School's Child Protection Policy and Procedures (published August 2014), the School Leadership Team has ensured that incidents are properly logged. For staff issues, a red sheet is put in the personnel file giving details of the incident, action and outcome; and for pupil issues, a OneNote database puts in one place all the support issues for each pupil. This is in line with Getting it Right for Every Child (GIRFEC) guidance and provides an oversight of issues, concerns and complaints, so that further incidents can be considered in the context of the past evidence. In addition, from September 2015, a cover sheet was placed at the front of every complaint in the central complaints file detailing the impact and improvement resulting from the complaint.</p>

	<p>The agenda of the meeting of the Board of Governors was changed so that Child Protection was given a high priority and the Child Protection Liaison Governor was present. The Child Protection and Compliance Committee was set up in May 2016 to allow for much effective scrutiny of the School's response to child protection and wellbeing concerns. All staff meetings prioritise child wellbeing and protection on agenda items.</p> <p>The update of the Child Protection, Safeguarding and Wellbeing Policy (later renamed Child Wellbeing and Protection Guidance) formalised the previous informal arrangements with regard to reporting different types of concern. The WithScotland report of an analysis of Merchiston Castle School's Child Protection policies and procedures (published 31 March 2016) commented that staff were much clearer of what to do in relation to child protection concerns and disciplinary procedures. Staff clearly understood that they had a role in reporting concerns and to gather information, but not to investigate. Some commented that the procedures '<i>were catching up with practice</i>'. Many in pastoral roles did not feel that their practice had had to change significantly but the procedures brought clarity and transparency to their roles. Staff also knew to whom they would take concerns in the first instance. With the introduction of the Wellbeing Concern Form in addition to the Child Protection Concern form, there has been an increase in the number of concerns brought forward by staff to their managers.</p> <p>The governors have invested in increased staff, with the establishment of a Pupil Support Leadership Team (from August 2016), and the appointment of two Assistant Heads Pupil Support (from August 2016), following the appointment of the Deputy Head Pupil Support in August 2015. These new appointments have improved the School's capacity to manage complaints and concerns.</p>
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4.10 Internal Investigations

Investigation conducted by persons within the organisation or establishment

(a) Policy

Past

i.	What policies and/or procedures did the organisation/establishment have in place in respect of internal investigations relating to the establishment?
	<p>Written policies and procedures</p> <ul style="list-style-type: none"> • Complaint against a member of staff (staff) • Pastoral Care: Investigations (staff) • Child Protection: Checklists for Staff

	<ul style="list-style-type: none"> • Child Protection: Guidelines for Head, Deputy Head, Child Protection Officer (staff) • Disciplinary Procedure (later renamed Behaviour Management) (pupils, parents and guardians) • Disciplinary Procedure (staff)
ii.	<p>Was there a particular policy and/or procedural aim/intention?</p> <p>The procedural aim would always have been to ascertain the truth of the situation and to ensure the safety of pupils.</p> <p>Since 1999 the School has made a clear procedural distinction between investigations relating to alleged child abuse, and investigations relating to disciplinary issues. Investigations relating to alleged child abuse were co-ordinated by the Child Protection Officer and involved reporting to the Social Services.</p>
iii.	<p>Where were such policies and/or procedures recorded?</p> <ul style="list-style-type: none"> • Staff Handbook (from 1994-2012) • Child Protection Policy (published as a separate Child Protection Policy in 1999, then incorporated into the Staff Handbook from 2005 to 2015, and a separate policy again thereafter) • Staff Contracts (from 2006) • School Policies and Guidelines for Pupils, Parents and Guardians (from 2004)
iv.	<p>What did the policies and/or procedures set out in terms of the following?</p> <ul style="list-style-type: none"> • Approach to/process of internal investigations • Identifying lessons/changes following internal investigations • Implementation of lessons/changes following internal investigations • Compliance • Response (to child and abuser) • Response to complaints (including response by organisation and/or establishment) • External reporting following internal investigations
	<p>It is difficult to ascertain what formal policies and procedures in respect of internal investigations existed from 1930 until fairly recent years, 1980 onwards. The Headmaster would have taken the lead and central role in carrying out an internal investigation.</p> <p>For example, David Spawforth, the then Headmaster, wrote in 1996, "The Headmaster is appointed by the Board of Governors and is responsible to them. He is in the role of Chief Executive, responsible for all aspects of the school: formulates policy and presents to Board. Employment of staff, admission of pupils, also all day to day matters and</p>

disciplinary matters: expulsion of pupil involves decision by Chairman of Governors or Deputy.”

1) Approach to/process of internal investigations

- **1995 Complaint against a member of staff** (Supplement to Staff Handbook (1994)) – in the case of allegations of improper behaviour by staff towards pupils, a preliminary investigation must be made immediately. In the event of an allegation of child abuse – physical, mental, sexual – being made against a member of staff then the investigation procedure would be as follows:
 - The individual member of staff to be interviewed by the Headmaster in the presence of the Second Master or another senior member of staff.
 - The individual member of staff to be made aware of the nature of the allegation.
 - He/she to be given the opportunity to have a representative present – e.g. a colleague – during the interview and to seek legal or medical advice.
 - A written record of the interview to be kept.
- **1995 Investigation of Child Abuse** (Supplement to Staff Handbook (1994))
 - The Headmaster or other designated person, i.e. Second Master or Housemaster, will institute an investigation into the alleged case of abuse.
 - In the case of physical or sexual abuse, referral will be made to the School Doctors. The Headmaster will be advised as to the appropriate procedures thereafter.
 - It should be noted that any young person aged 16 or over has a right to consent to or refuse their own medical examinations or treatment.
 - Cases of bullying – mental or physical – will in the first instance be investigated by the Housemaster on detection, or reported by other staff, prefects, or as a consequence of disclosure to the Chaplain or Medical staff, or by another person – e.g. parent. Serious cases will be referred to/discussed with the Headmaster or and/or Second Master.
- **1999 Pastoral Care: Investigations** (Staff Handbook)
 - Investigations of pupils to be carried out by a senior member of staff only (Housemaster/Deputy Head/Headmaster);
 - Where possible in the presence of an experienced colleague;
 - Questioning should be held in private;
 - Due regard paid to the pupil’s need for meals and rest and other personal rights;
 - Attention should be paid to the safety of the pupil and the Medical Centre may need to be involved;
 - The pupil has the right to seek counselling from within the School resources or to contact parents at such times.

	<ul style="list-style-type: none"> ○ In the course of questioning, the options and the consequences should be made clear to each individual. ○ A written record of such questioning must be kept by the senior member of staff. <ul style="list-style-type: none"> ● 1999 Checklists for Staff (in the 1999 Child Protection Policy, and then copied in Staff Handbook 2005 to 2012) – <ul style="list-style-type: none"> ○ General staff should observe, RECORD and report. RECORD stands for: Respond; Enquire casually; Confidentiality not promised; Observe carefully; Record in detail; Do not interrogate. Staff are advised not to enter into detailed investigations. ● 1999 Child Protection: Guidelines for Head, Deputy Head, Child Protection Officer (Child Protection Policy in 1999 and then copied in Staff Handbook 2005 to 2012) – <ul style="list-style-type: none"> ○ Interviews in schools co-ordinated by a social worker or police officer – outlines issues to consider for different situations, e.g. if parental consent is not given because the parents are the perpetrators. ○ It is permissible for the School to ask some preliminary questions in order to ascertain whether an incident had occurred which should then be managed under the School's Disciplinary Policy or by a referral to Police or Social Work. ○ If an external referral is indicated, it is not appropriate for staff to take on a more investigative role. ○ Allegation of abuse against member of staff – the Head must consider the need to suspend a member of staff. The employee would be suspended as a precautionary measure where there are reasonable grounds to believe that children are at risk should the employee remain at work in the interim and/or their continuing presence might impede the investigation. Also, suspension should be considered if the allegation is so serious that it may constitute gross misconduct and dismissal is a possibility. ● 2004 Disciplinary Procedure (School Policies and Guidelines for Pupils, Parents and Guardians) <ul style="list-style-type: none"> ○ Where serious offences are referred to the Headmaster, he will conduct a full investigation including medical evidence if appropriate. ○ He may suspend pupils pending an investigation of an offence. Wherever possible, through a meeting, parents are informed immediately of the serious offence and of the grounds for suspicion or the evidence before any suspension takes place. ● 2006 Disciplinary Procedure (Staff contract particulars of employment) <ul style="list-style-type: none"> ○ In the instance of serious breaches of discipline or misconduct (or if informal measures carried out by Heads of Department
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	<p>are unsuccessful), the Headmaster is solely responsible for all matters of discipline.</p> <ul style="list-style-type: none"> ○ The employee is given at least two working days' notice in writing of an interview with the Headmaster and the case that they have to answer. At any such interview, the employee may, if desired, be accompanied by a colleague or union representative subject to the proviso that he/she may not be accompanied by any individual who is a witness to, or who has a direct or indirect interest in, the events or alleged matters in relation to which the interview is taking place. The Headmaster may also interview other employees or third parties that may have information which would be of use in assisting him in connection with any disputed issues of fact, or in connection with the appropriate sanction to impose in the circumstances. ○ If investigations are necessary or where the interests or welfare of pupils or the School so require, the Headmaster may at his discretion suspend the employee on full pay until such time as the investigations are complete. ○ Once he is satisfied that the investigation is complete and that he has all the necessary information, the Headmaster will conduct a further interview with the employee. The employee can be accompanied as described above. The Headmaster will intimate his decision and the disciplinary action (if any) which it is proposed to take. ○ The disciplinary action may consist of any one or more of the following: an informal first verbal warning; a formal first verbal warning; a first written warning; a final written warning; suspension from duties on full pay for up to one month; dismissal with notice; instant and summary dismissal. ○ The Headmaster shall have a complete and unfettered discretion as to which of the above sanctions he imposes, and in which order, in any given circumstances. He may move from any one sanction to another without being required to apply any of those which fall between the two in the above list. In considering the action to take, the Headmaster shall take into account the number of breaches of discipline or instances of misconduct which have occurred, and the seriousness of any one or more of them. This discretion is subject only to the proviso that in relation to minor breaches, not reflecting badly on the School in the wider context, at least one written warning should be given before the sanctions of suspension or dismissal are imposed. <ul style="list-style-type: none"> ● 2007 Disciplinary Procedure (School Policies and Guidelines for Pupils, Parents and Guardians) – updated to say that <ul style="list-style-type: none"> ○ As part of the investigation each case will be considered fairly, taking into account the individual circumstances: these may include the pupil's previous conduct record as well as any other relevant considerations (e.g. the domestic situation, harassment at school, medical evidence).
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	<ul style="list-style-type: none"> ○ In the most serious cases, which might lead to the pupil's withdrawal from the School, the process will also encompass the Headmaster seeking the views of relevant staff (e.g. Housemaster, previous Housemasters, the pupil's academic tutor and teachers, Deputy Heads) and, if appropriate, considering representations from the student body. ○ During this period, the School will do everything in its power to safeguard the welfare of the pupil concerned and that of the other pupils in the School. <p>2) <u>Identifying lessons/changes following internal investigations</u></p> <ul style="list-style-type: none"> ● 2012 Significant Event Analysis (Medical Centre unwritten procedure) – a pro-forma is filled in after a significant medical event to identify any lessons learnt and an action plan for implementation. ● 2012 Internally commissioned reviews – unwritten policy carried out as part of a process of self-reflection leading to improvement ● 2014 Tracking of incidents and investigations in personnel files (procedure documented in response to Cherry Report) – to avoid repeat occurrence <p>3) <u>Implementation of lessons/changes following internal investigations</u></p> <ul style="list-style-type: none"> ● 2012 Significant Event Analysis (Medical Centre unwritten procedure) – a proforma is filled in after a significant medical event to identify any lessons learnt and an action plan for implementation. ● 2013 Follow Up Action Plans – unwritten policy carried out according to best practice guidelines in order to implement recommendations from internally commissioned reviews. Traffic light system put in place to monitor progress. ● 2014 Tracking of incidents and investigations in personnel files (procedure documented in response to Cherry Report) – to avoid repeat occurrence <p>4) <u>Compliance</u></p> <ul style="list-style-type: none"> ● 1995 Complaint against a member of staff (Supplement to Staff Handbook (1994)) – in the event of an allegation of child abuse the Headmaster is required to inform the Board of Governors or appropriate authority, which could include the police. ● 1999 Child Protection: Guidelines for Head, Deputy Head, Child Protection Officer (Child Protection Policy) – a full report must be given to the governors whether or not it is assessed, following an investigation, that an offence has been committed against a child. ● 2004 Disciplinary Procedure (School Policies and Guidelines for Pupils, Parents and Guardians) – The Chairman of the Governors is notified of all serious offences. ● 2005 Care Commission/Care Inspectorate: Records that all
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	<p>registered care services (except childminding) must keep – the School must notify the Care Commission/Care Inspectorate of any allegations of abuse involving a pupil at the school (details of occurrence, persons involved, actions taken); and allegations of misconduct by staff that warrants investigation, dismissal, or other disciplinary action.</p> <ul style="list-style-type: none"> • 2006 Disciplinary Procedure (Staff contract particulars of employment) – appeals are made to the Board of Governors <p>5) <u>Response (to child and abuser)</u></p> <ul style="list-style-type: none"> • 1995 Complaint against a member of staff (Supplement to Staff Handbook (1994)) – in the event of an allegation of child abuse: <ul style="list-style-type: none"> ○ An allegation might be readily dismissed, having been satisfactorily explained, in which case the Headmaster must make this clear to the member of staff concerned. ○ In the event of the matter not being satisfactorily resolved then clearly the matter would have to be taken further: in certain cases this could involve referral to the Governors and suspension pending investigation. Legal or other representation would be required. ○ In the event of the allegation being proven then a formal warning would follow, or in very serious or extreme cases more serious consequences. • 1999 Pastoral Care: Investigations (Staff Handbook) – The outcome of the questioning must be made clear to the pupil – either ‘case dismissed’ or proven with subsequent action to be taken, punishment given or prompt referral to higher authority. • 2004 Disciplinary Procedure (School Policies and Guidelines for Pupils, Parents and Guardians) – If the Headmaster, after investigation, considers that a pupil should no longer continue his School career at Merchiston, he will have a meeting with the parents of the pupil and advise them of his intention, and give them an opportunity to make representations. <p>6) <u>Response to complaints (including response by organisation and/or establishment)</u></p> <ul style="list-style-type: none"> • 1999 Child Protection: Guidelines for Head, Deputy Head, Child Protection Officer (Child Protection Policy) – The parents of the child concerned must be informed following the appropriate guidelines. The initial communication to parents will be to the effect only that information which supports a possible allegation of abuse. Further details, identifying the member of staff concerned, will not be given until specific legal advice has been obtained. Where the member of staff concerned has had contact with a number of children, consideration will be given to the possibility that others may also have been abused. In the event of inquiries being made by other parents, they will be informed that an allegation of misconduct has been made against a member of staff, and that it is being investigated. No further information will be given without first taking legal advice, as the matter
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	<p>may be sub-judice.</p> <p>7) <u>External reporting following internal investigations</u></p> <ul style="list-style-type: none"> • 1995 Complaint against a member of staff (Supplement to Staff Handbook (1994)) – in the event of an allegation of child abuse, the Headmaster is required to inform the Board of Governors or appropriate authority, which could include the police. • 1999 Child Protection: Guidelines for Head, Deputy Head, Child Protection Officer (Child Protection Policy) – Investigation of a pupil: following preliminary questions, the Child Protection Co-ordinator might decide that an issue is best managed by a referral to Police or Social Work. Investigation of staff: those conducting the investigation must liaise with the police at the earliest opportunity. • 2005 Care Commission/Care Inspectorate: Records that all registered care services (except childminding) must keep – the School must notify the Care Commission/Care Inspectorate of any allegations of abuse involving a pupil at the school (details of occurrence, persons involved, actions taken); and allegations of misconduct by staff that warrants investigation, dismissal, or other disciplinary action.
v.	<p>Who compiled the policies and/or procedures?</p> <p>The Headmaster, Deputy Head, Bursar and Child Protection Officer.</p>
vi.	<p>When were the policies and/or procedures put in place?</p> <p>The first major development of written policies started in 1994 with the publication of the Staff Handbook and its accompanying Policy Document in 1995; this was followed by the first edition of the School Policies and Guidelines for Pupils, Parents and Guardians in 2000.</p> <p>The policies on internal investigations appeared in the following documents according to the following dates:</p> <ul style="list-style-type: none"> • Complaints against a member of staff (staff) – from 1995 • Investigation of child abuse (staff) – 1995 only • Pastoral Care: Investigations (staff) – 1999 to 2014 • Child Protection: Guidelines for Head, Deputy Head, Child Protection Officer – in the Child Protection Policy in 1999, then copied to the Staff Handbook from 2005 to 2014 • Disciplinary Procedure (pupils) – from 2004 (later renamed Behaviour Management) • Disciplinary Procedure (Staff contract particulars of employment) – from 2006.
vii.	<p>Do such policies and/or procedures remain in place?</p> <p>The above policies remained in place on 17 December 2014.</p>
viii.	<p>Were such policies and/or practices reviewed?</p>

	Yes
ix.	If so, what was the reason for review?
	<p>The School Policies and Guidelines for Pupils, Parents and Guardians (policies booklet) and the Staff Handbook were republished every year following their initiation and the policies within them were reviewed as part of this process. A review would often be triggered by a specific complaint/reporting issue or to keep in line with best practice/ legislative developments.</p> <p>Advice from inspectors, e.g. verbal report from the re-visit of Welfare Inspectors on 20 November 1998 states that “advice to tutors that under certain circumstances you need to stop questioning a pupil so that evidence is not polluted.” The Child Protection Policy published in 1999 has a statement that children should not be subjected to multiple interviews.</p>
x.	What substantive changes, if any, were made to the policies and/or procedures over time?
	<ul style="list-style-type: none"> • The introduction of suspension without prejudice for staff undergoing an investigation • External reporting prior to internal investigation • Investigation of staff as part of a formal disciplinary process
xi.	Why were changes made?
	<p>To improve the policy and to ensure that no gap existed between policy and practice.</p> <p>The early development of Child Protection policy in the School happened with the backdrop of the national movement to create a coordinated approach to supporting the needs of every child in Scotland – later named Getting It Right For Every Child (GIRFEC). The School published its first Child Protection policy in 1995 in the supplement to the Staff Handbook (1994). However, the School must have still been unclear as to how to implement this policy because this was highlighted as an issue by the re-visit of the HMI Welfare Inspectors in November 1998. In 1999 the School took due regard of updated national Child Protection guidelines and published a new Child Protection policy with significant changes. With regard to internal investigations, two key concepts were introduced in this policy: firstly, the concept of early referral to the social work department and/or police prior to an investigation by the School; and secondly, the concept of suspension without prejudice for staff, to protect the interests and welfare of pupils whilst an investigation into an allegation of abuse was carried out.</p> <p>Early changes to Child Protection Policy were made separately from the development of general school policy. There were therefore initially different and distinct policies for investigating child protection issues and</p>

	<p>investigating general disciplinary issues. For example, following its introduction to the Child Protection policy in 1999, the concept of suspension without prejudice was later brought into the general Disciplinary Procedure for staff in 2006. In 2007 the School updated the Disciplinary Procedure in the in the School Policies and Guidelines for Pupils, Parents and Guardians to give an overview of how investigations of pupils were handled by the School. It stated that each case was to be considered fairly, taking into account the individual circumstances and views of relevant staff and pupils. It also emphasised that, "During this period, the School will do everything in its power to safeguard the welfare of the pupil concerned and that of the other pupils in the School." This is an example of how the School was demonstrating that the culture of safeguarding the wellbeing of children was now fully embedded in the life of the School.</p> <p>With the increase in reporting of issues against staff, there was also a need to put in place an informal and formal procedure to deal with allegations of misconduct, and an approach to and process of investigation. This was addressed by introducing the Disciplinary Procedure to the particulars of employment of staff contracts in 2006.</p>
xii.	Were changes documented?
	We do not know what was communicated to staff about the changes to Child Protection policy updates to disciplinary procedures. The contents page of the School Policies and Guidelines for Pupils, Parents and Guardians highlights in bold which policies have been updated.
xiii.	Was there an audit trail?
	There was no central audit of updates to school policies. The process was however recorded electronically in the files of the administrator responsible for updating the policies each year and we can for the most part track the changes made.

Present

xiv.	With reference to the present position, are the answers to any of the above questions different?	
	Yes.	
xv.	If so, please give details.	
	i.	What policies and/or procedures did the organisation/establishment have in place in respect of internal investigations relating to the establishment?
		<p>New since 17 December 2014:</p> <ul style="list-style-type: none"> • Disciplinary Policy and Procedure for Staff • Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School (staff and governors)

	<ul style="list-style-type: none"> • Child Protection, Safeguarding and Wellbeing Policy • Child Wellbeing and Protection Guidance • Disciplinary Log for Current Staff (unwritten procedure)
ii.	<p>Was there a particular policy and/or procedural aim/intention?</p> <p>Developments in policy relating to internal investigation post 17 December 2014 were principally in order to clarify how the process of investigation sits within the disciplinary and child protection policies.</p>
iii.	<p>Where were such policies and/or procedures recorded?</p> <ul style="list-style-type: none"> • Disciplinary Policy and Procedure for Staff - standalone policy made available to staff through the staff section of shared computer drives. • Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School (staff and governors) - standalone policy made available to staff through the staff section of shared computer drives. • Child Protection, Safeguarding and Wellbeing Policy - standalone policy made available to staff through the staff section of shared computer drives. • Child Wellbeing and Protection Guidance - standalone policy made available to staff through the staff section of shared computer drives. <p>The Disciplinary Log for Current Staff is an unwritten procedure documented in the organisation's response to the Cherry Report of Merchiston Castle School's Child Protection Policy and Procedures (published August 2014).</p>
iv.	<p>What did the policies and/or procedures set out in terms of the following?</p> <ul style="list-style-type: none"> • Approach to/process of internal investigations • Identifying lessons/changes following internal investigations • Implementation of lessons/changes following internal investigations • Compliance • Response (to child and abuser) • Response to complaints (including response by organisation and/or establishment) • External reporting following internal investigations
	<p>1) <u>Approach to/process of internal investigations</u></p> <ul style="list-style-type: none"> • 2015 Child Protection, Safeguarding and Wellbeing Policy (standalone policy) <ul style="list-style-type: none"> ○ The updated policy retained the "observe, RECORD, report" advice from previous policies, but reiterated that, "If the child does not respond, the matter should not be

		<p>pursued further and advice should be sought. Questioning and testing of evidence is not a matter for school staff, as this is the responsibility of the police and social work agencies. Such an approach by staff could prejudice later investigations.” Advice for the Child Protection Co-ordinator regarding interviews was removed. Instead, the policy stated, “The CPC will not investigate, but will gather appropriate information, consider the context of the child’s situation and, in consultation with appropriate members of the Wellbeing and Child Protection Team, make an initial assessment.”</p> <ul style="list-style-type: none"> ○ In 2016 this guidance was moved to a document titled, 2016 Child Wellbeing and Protection Guidance, separate from the Child Wellbeing and Protection Policy. The Wellbeing and Child Protection Team is now called the Pupil Support Leadership Team. The advice with regard to investigations has not changed from that given above. <ul style="list-style-type: none"> ● 2015 Disciplinary Policy (standalone policy, removed from staff contracts) <ul style="list-style-type: none"> ○ Alleged breach of Child Protection Policy – suspension is not regarded as disciplinary action and suspension without prejudice will occur in almost every instance whilst investigations are made. The Child Protection Co-ordinator will refer the case to the appropriate external agency. If the staff member lives on site, they will be re-housed during the period of suspension. Further guidance is given on the practicalities of suspension. ○ When a disciplinary situation arises, a senior member of staff will, as soon as reasonably practicable, carry out an investigation into the matter. The investigation will be confined to establishing the facts and gathering any relevant documentation. Where necessary, the investigating officer will obtain statements from any relevant individuals. An investigatory meeting with the employee may take place if considered appropriate by the investigating officer. ○ Disciplinary meeting – employee will be given notice in writing with copies of written evidence. The employee can call in their own witnesses and be accompanied by a Trade Union representative or a colleague. A note taker will be present. ○ Disciplinary action – verbal warning, written warning, final written warning and dismissal. ○ Examples are given as to what would constitute gross misconduct vs. unsatisfactory conduct.
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	<ul style="list-style-type: none"> • 2017 Disciplinary Policy (standalone policy) – updated to say that if the allegations are against the Headmaster a governor will be appointed to investigate. Also gives clarification of the role of the employee's representative. • 2017 Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School <ul style="list-style-type: none"> ○ When an allegation of abuse is made the Child Protection Co-ordinator works with the School Leadership Team. If a pupil is at immediate risk of significant harm, an immediate referral to Social Care Direct or the Police will be made to obtain further instruction on how to proceed. The School may decide not to carry out an internal investigation immediately, if it is concerned that such an investigation will interfere with any criminal investigation. ○ In almost every instance, it may be necessary to suspend the member of staff subject to the allegation from work, pending the outcome of any investigation, in order to protect the interests of both the child or young person and the member of staff. Suspension is a precautionary measure, does not imply guilt and is not a disciplinary penalty. ○ Fact finding stage – Child has confidential discussion with the Child Protection Co-ordinator. The parent/carer of the pupil is informed, and there is consultation with external agencies. The outcome is either: 1) No case to answer; 2) Management or disciplinary issue; 3) Referral to Social Care Direct. <p>2) <u>Identifying lessons/changes following internal investigations</u></p> <ul style="list-style-type: none"> • 2015 Disciplinary Log for Current Staff (unwritten procedure) A separate staff disciplinary file (“red file”) includes information about any staff disciplinary and child protection issues together in one file, tracked against each staff member. • 2017 Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School <ul style="list-style-type: none"> ○ False allegations – if the allegation is considered to have been made maliciously, the School Leadership Team may put in place support for the pupil making a malicious allegation (which may include referral to Social Care Direct), support for the child subject to the allegation, and also considering whether the child should return to school. ○ Referral to Social Care Direct – further investigation is required by core external agencies, including the
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		<p>Police, Social Care Direct and health services.</p> <ul style="list-style-type: none"> ○ Management or disciplinary action – the member of staff behaved unacceptably/unprofessionally and this can be managed by the School. ○ “If an allegation is substantiated, the School Leadership Team and Governors will review aspects of the case to learn from decisions made and how they were acted upon. This will include whether there are features of the organisation that may have contributed to, or failed to prevent, abuse occurring. Merchiston has a continued commitment to review recruitment policies and the measures in place to ensure on-going vigilance. In some cases a ‘Case Review’ may be appropriate this is where the case is reviewed to consider whether there are any lessons to be learnt and actions to be taken that should be shared more widely, so as to improve practice.” <ul style="list-style-type: none"> ● From September 2015, the cover sheet for each complaint in the central complaints record included the impact and improvement resulting from the complaint. <p>3) <u>Implementation of lessons/changes following internal investigations</u></p> <ul style="list-style-type: none"> ● 2017 Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School <ul style="list-style-type: none"> ○ Management or disciplinary action – staff will be supported to change their behaviour through training, supervision and counselling (if required). ○ Following referral to services – if it is considered a practice issue, the member of staff will be supported through supervision or additional training and support to address identified practice issues and his/her Professional Review and Development may be revised to address these issues. The allegation may also be investigated through the School’s Disciplinary Procedure. If it is considered that further information/investigation is required, the Edinburgh and Lothians Inter Agency Child Protection Procedures will be followed. ● From September 2015, the cover sheet for each complaint in the central complaints record included the impact and improvement resulting from the complaint. <p>4) <u>Compliance</u></p> <ul style="list-style-type: none"> ● 2015 Disciplinary Policy (standalone policy) <ul style="list-style-type: none"> ○ Record Keeping – A copy of all formal warnings will be
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		<p>retained on an employee's personal file but will be considered spent after a stated period of between 6 and 12 months. Any record relating to a breach of the Child Wellbeing and Protection Policy and Guidance will be retained indefinitely.</p> <p>5) <u>Response (to child and abuser)</u></p> <ul style="list-style-type: none"> • 2015 Disciplinary Policy (standalone policy) <ul style="list-style-type: none"> ○ Disciplinary meeting – employee will be given notice in writing with copies of written evidence. The employee can call in their own witnesses and be accompanied by a Trade Union representative or a colleague. A note taker will be present. ○ Disciplinary action – verbal warning, written warning, final written warning and dismissal. ○ Appeals – the employee may appeal against disciplinary action within 5 working days of receipt of the written decision. • 2017 Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School <ul style="list-style-type: none"> ○ During the process of an investigation the member of staff will have a single point of contact appointed to keep them up to date with progress of the investigation. The employee will be reminded of avenues of support, such as the Employee Assistance Scheme offered by “Workplace Options”. ○ The Edinburgh and Lothians Inter Agency Child Protection Procedures make it clear that parent(s), carer(s), and child must be kept informed of the Inter-agency Referral Discussion. <p>6) <u>Response to complaints (including response by organisation and/or establishment)</u></p> <ul style="list-style-type: none"> • 2017 Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School <ul style="list-style-type: none"> ○ The Edinburgh and Lothians Inter Agency Child Protection Procedures make it clear that the initial referrer must be kept informed of the Inter-agency Referral Discussion. ○ The outcome of any investigation may not be discussed with those raising a concern, as this would contravene employee rights to privacy and confidentiality, but a response can be made to whoever raises a concern, assurances that procedure will or has been followed. If the referrer is still unhappy that their concerns are not being acted upon or their concerns are dismissed, the alternative routes for concerns to be raised formally are: Whistleblowing Policy and Procedure; Direct contact with Social Care Direct; Care Inspectorate. Anyone
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	<p>raising a concern through the Whistleblowing Policy should do so in the knowledge and understanding that they have a right to do so without fear of victimisation or retaliation.</p> <p>7) <u>External reporting following internal investigations</u></p> <ul style="list-style-type: none"> • 2017 Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School <ul style="list-style-type: none"> ○ Following the initial fact finding stage, one of the outcomes can be referral to Social Care Direct and they may decide that further investigation is required by core external agencies, including the Police, Social Care Direct and health services. ○ If the member of staff is registered with a professional body such as the Scottish Social Services Council (SSSC) or the General Teaching Council for Scotland (GTCS), the School is required by law to inform the body of the on-going investigation. The registration body may require their own investigation and Merchiston may be required to share information with them pertaining to the allegation and any outcome of an investigation. The sharing of information on a particular case will only be carried out with advice from Police undertaking an investigation. ○ If the allegation is investigated and substantiated, the details are recorded on the personnel file and referral made under legal duty to Disclosure Scotland's Protection of Vulnerable Groups (Scotland) Act 2007.
v.	Who compiled the policies and/or procedures?
	<p>As opposed to a centralised orientated system, led by the Headmaster, the whole issue of policies and practice became a team exercise, consisting of senior school leaders, such as Deputy Heads, the Bursar and the Headmaster. All policies are sent out to all staff for consultation, and pupils are often involved in the consultation process regarding policies relevant to them. The Child Protection and Compliance Committee plays a role in formally adopting policies to present to the Board of Governors, e.g. the Allegations of Abuse against Staff Policy.</p> <p>We use an external expert/consultant (Heather Smith of Propensity to Protect) to help us build an overarching framework of policy. Heather Smith was initially involved with Merchiston in responding to the recommendations made by the WithScotland report on Merchiston's child protection policies and procedures (published March 2016). The report reviewed the following policies relating to complaints: Child Protection, Safeguarding and Wellbeing Policy; Disciplinary Policy; Whistleblowing Policy; and recommended that the School, "develops an overarching</p>

	<p>strategic policy to wellbeing and protection within which all other policies sit.”</p> <p>We have retained an Employment Law company who advise on all HR matters and review all policy changes before they are communicated.</p>
vi.	<p>When were the policies and/or procedures put in place?</p> <ul style="list-style-type: none"> • Child Protection, Safeguarding and Wellbeing Policy and Procedures for all Staff and Governors – August 2015 • Child Wellbeing and Protection Guidance for all Staff and Governors – August 2016 • Disciplinary Policy and Procedure for Staff – updated 2015 and 2017 • Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School (staff and governors) - 2017
vii.	<p>Do such policies and/or procedures remain in place?</p> <p>Yes</p>
viii.	<p>Were such policies and/or practices reviewed?</p> <p>Yes, this is an ongoing practice.</p>
ix.	<p>If so, what was the reason for review?</p> <p>To improve the link between policy and working practice, and to keep in line with best practice. Often a complaint resulting in an internal investigation had happened leading to a central reason for review.</p>
x.	<p>What substantive changes, if any, were made to the policies and/or procedures over time?</p> <p>The Disciplinary Policy for staff was removed from the staff contract and published as a standalone policy rather than a contractual entitlement. This was to allow more flexibility regarding any reviews and improvements. The updated policy addresses the practicalities of suspension of staff prior to the outcome of an investigation, and states that suspension will occur in almost every instance of alleged breach of Child Protection policy whilst investigations are made.</p> <p>The Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School policy has been developed to give guidance as to how and when an allegation of abuse should be investigated by the School according to the Disciplinary Policy for Staff, e.g. if the outcome of the initial fact finding process is that the allegation is a management or disciplinary issue; or if, following a referral to services, Social Care Direct advise that it is a practice issue that can be handled</p>

	<p>by the School. The School might also be involved in a collaborative investigation according to the Edinburgh and Lothians Inter Agency Child Protection Procedures. By linking in with the Disciplinary Policy for Staff and giving clear guidance about issues such as suspension pending the outcome of an investigation, this procedure ensures a consistent and proportionate response to any allegation, and that where there is a requirement for other agencies to be involved it is done so consistent with local Child Protection procedures. An element of oversight is built into the policy by including a statement on how the School will learn from allegations of abuse and the associated investigations.</p> <p>In both the updated Disciplinary Policy and the Allegations of Abuse against Members of Staff and Volunteers Policy there is a record keeping section which details what information will be held on personnel files. Details of any allegations that are investigated but found to be unsubstantiated are still retained to ensure that a repeat investigation is not required if the allegation resurfaces in the future. From 2015, a separate staff disciplinary file ("red file") includes information about any staff disciplinary and child protection issues together in one file, tracked against each staff member.</p> <p>A full update of the Child Protection, Safeguarding and Wellbeing Policy in 2015 (later contained in the Child Wellbeing and Protection Guidance) made it clear that no one in the School should investigate a child protection concern. Detailed guidance for the Child Protection Co-ordinator was removed to make it clear that the police or social work department lead the investigation stage.</p>
xi.	<p>Why were changes made?</p> <p>To improve the link between policy and working practice, and to keep in line with best practice. In particular, there has been a need to clarify how the process of investigation sits within the Disciplinary and Child Protection policies.</p> <p>The WithScotland report of an analysis of Merchiston Castle School's Child Protection policies and procedures (published 31 March 2016) recommended the development of an overarching framework of wellbeing and protection within which different processes occur. With regard to internal investigations, the Allegations of Abuse against Members of Staff and Volunteers at Merchiston Castle School policy (2017) clarifies how the disciplinary process sits within the wellbeing and protection framework; for example, when an investigation should be carried out according to the School's Disciplinary Policy, and when an investigation should be carried out by external agencies.</p>

	<p>The joint inspection of Education Scotland and the Care Inspectorate in November 2014 highlighted that the school's policy on child protection needed to be revised to reflect best practice. An example was that the Staff Handbook's guidance on investigations of general pupil disciplinary issues did not clarify that if the issue was a child protection concern it should be referred to the Child Protection Co-ordinator. The guidance on investigations was duly addressed in the 2015 updates of the Staff Handbook and the Child Protection, Safeguarding and Wellbeing Policy.</p> <p>The Cherry Report of Merchiston Castle School's Child Protection Policy and Procedures (published August 2014) recommended that there must be proper record keeping of disciplinary and child protection issues on personnel files to avoid future occurrence or misunderstanding by staff on the importance of due care towards pupils. The sections on record keeping in the Disciplinary Policy and the Allegations of Abuse against Members of Staff and Volunteers Policy make it clear what will and what will not be kept on personnel files and the reasons for doing so.</p>
xii.	<p>Were changes documented?</p> <p>Yes, in policy update communications</p>
xiii.	<p>Was there an audit trail?</p> <p>Yes – the Bursar has put in place an audit trail for updates to staff policies and procedures and we have created a spreadsheet to audit the changes to whole school policies. The cover sheet of each new edition of a policy details who has been consulted in the process of review, and also specifies a date for the next review.</p>

(b) Practice

1930 to 17 December 2014

Past

i.	<p>Did the organisation/establishment adhere in practice to its policy/procedures in respect of internal investigations relating to the establishment?</p> <p>Not consistently. Please see below.</p>
ii.	<p>Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?</p> <ul style="list-style-type: none"> Approach to/process of internal investigations

	<ul style="list-style-type: none"> • Identifying lessons/changes following internal investigations • Implementation of lessons/changes following internal investigations • Compliance • Response (to child and abuser) • Response to complaints (including response by organisation and/or establishment) • External reporting following internal investigations
	<p>1) <u>Approach to/process of internal investigations</u></p> <ul style="list-style-type: none"> • Pre 1980 – There was no formal policy or procedure. We know of one instance of the school carrying out an internal investigation and dismissing a teacher in 1977, but we do not know how the investigation was conducted; we only have a record of the subsequent letter to the Scottish Education Department. Please see 5.9.22. • 1980 to 1999 – Following the introduction of staff disciplinary policy and Child Protection policy in 1994 and 1995 respectively, we understand that, according to corporate knowledge, policy and procedure were mostly followed. We are aware of five instances of investigations that would have been categorised as a Child Protection issue if they happened in the present day, but at the time they were handled as a disciplinary issue without the associated Child Protection paperwork and involvement of external agencies and governors. Please see 5.9.2 and 5.9.3 and 5.9.28 and 5.9.29 and 5.9.40. • 1999 to 17 December 2014 – Policy and procedure were followed in the most part. We are aware of two instances of an investigation that would have been categorised as a Child Protection issue if it happened in the present day, but at the time it was handled as a disciplinary issue without the associated Child Protection paperwork and involvement of external agencies and governors. Please see 5.9.5 and 5.9.9. • In January 2013, Merchiston employed a Human Resources Manager who was tasked to ensure that the School consistently followed policy and procedure in all recruitment and staff disciplinary issues. <p>2) <u>Identifying lessons/changes following internal investigations</u></p> <ul style="list-style-type: none"> • Pre 1980 – There was no formal policy or procedure • 1980 to 1998 – there was no formal policy or procedure • 1998 to 17 December 2014 <ul style="list-style-type: none"> ○ There were five internally commissioned reviews of Child Protection practices during this period that identified recommendations for change. The Governor Review of Child Protections Arrangements, Governor Review of Mr Rainy Brown file (5.9.11), Robertson Review into DRW (5.9.21), Cherry Reviews into i.) Historic Child Protection and ii.) the

	<p>Management of Mr Rainy Brown.</p> <ul style="list-style-type: none"> ○ From 2014 the HR department has used red sheets in personnel files to track any disciplinary or Child Protection issues for each member of staff. This provides an overview of investigations so that it is easier to identify a pattern of behaviour, and whether disciplinary action has been successful. <p>3) <u>Implementation of lessons/changes following internal investigations</u></p> <ul style="list-style-type: none"> ● Pre 1980 – There was no formal policy or procedure. ● 1980 to 1998 – There was no formal policy or procedure. ● 1998 to 17 December 2014 <ul style="list-style-type: none"> ○ Follow Up Action Plans were used to implement changes recommended by the Cherry Report and other reviews. ○ There are examples of how staff have been supported to change their behaviour as part of the School's disciplinary procedure, (NB when there was found to be no evidence of abuse). <p>4) <u>Compliance</u></p> <ul style="list-style-type: none"> ● Pre 1980 – There was no formal policy or procedure ● 1980 to 1998 – The first policy regarding the informing governors of abuse issues was introduced in 1995. We are aware of an incident in the 1995-1998 period which should have been communicated to governors but was not. (5.9.2) This incident would have been categorised as a Child Protection issue if it happened in the present day, but at the time it was handled as a disciplinary issue. ● 1998 to 17 December 2014 – Prior to September 2006 the School did not as a matter of course inform governors of child protection issues irrespective of whether it was determined that abuse had occurred. Following internal investigations no allegations of abuse were carried forward, so governors were not informed. In 2006 new legislation set out the child protection and safeguarding responsibilities of a school's governing body, and Merchiston duly updated the responsibilities of the Board of Governors and put in place a Child Protection Liaison Governor in 2007. From this point governors were routinely advised of child protection issues irrespective of whether it was determined that abuse had occurred. In late Summer 2012 the School started using the services of an employment law and human resources advice firm called Navigator, thus ensuring that the School complied to employment law with regard to the process of internal investigations. <p>5) <u>Response (to child and abuser)</u></p> <ul style="list-style-type: none"> ● Pre 1980 – There was no formal policy or procedure. ● 1980 to 1998 – The first policy regarding response to investigations was introduced in 1995. Post 1995 our corporate knowledge indicates that policy and procedure were followed. ● 1998 to 17 December 2014 – Yes, policy and procedure were
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	<p>followed.</p> <p>6) <u>Response to complaints (including response by organisation and/or establishment)</u></p> <ul style="list-style-type: none"> • Pre 1980 – There was no formal policy or procedure • 1980 to 1998 – There was no formal policy or procedure • 1998 to 17 December 2014 - Yes, policy and procedure were followed, with data protection restraints. <p>7) <u>External reporting following internal investigations</u></p> <ul style="list-style-type: none"> • Pre 1980 – There was no formal policy or procedure • 1980 to 1998 - The first policy regarding the external reporting following internal investigations was introduced in 1995. We are aware of one incident in the 1995-1998 period which should have been externally communicated but was not. This incident would have been categorised as a Child Protection issue if it happened in the present day, but at the time it was handled as a disciplinary issue. Please see 5.9.2. • 1998 to 17 December 2014 – We are aware of two instances of investigations that would have been categorised as a Child Protection issue if they happened in the present day, but at the time they were handled as a disciplinary issue without the associated Child Protection paperwork and involvement of external agencies and governors. Please see 5.9.3 and 5.9.9. We know of one instance where there was an allegation of abuse that was handled as a Child Protection issue but not referred externally. Please see 5.9.5.
iii.	How was adherence demonstrated?
	<ul style="list-style-type: none"> • Pre 1980 – There were no formal policies or procedures to adhere to. There is a record of a letter written to the Scottish Education Department as a form of external reporting. (5.9.22) • 1980 to 1995 - There were no formal policies or procedures to adhere to. There is a record of handwritten notes that a Headmaster made about an investigation. (5.9.1) • 1995 to 1998 – Letters record that investigations took place and the outcome of investigations. (5.9.2 and 5.9.40) • 1998 to 17 December 2014 – Adherence was demonstrated by liaising with Social Care Direct and/or the police, reports to and by the Child Protection Liaison Governor (from 2007), reports from the Headmaster to the Board of Governors, statements from witnesses, minutes of meetings, letters informing of the outcome of an investigation • From 2005 the School followed its obligation to notify the Care Commission/Inspectorate of any allegations of abuse or misconduct – this demonstrated how the School took complaints seriously and communicated them to the appropriate people.

iv.	<p>How can such adherence be demonstrated to the Inquiry?</p> <ul style="list-style-type: none"> • Copies of relevant personnel files and complaint files • Evidence in confidential Child Protection records • Copies of reports by the Child Protection Liaison Governor • Copies of Headmaster's Progress Reports to the Board of Governors • Copies of Care Inspectorate notifications
v.	<p>Were relevant records kept demonstrating adherence?</p> <ul style="list-style-type: none"> • Pre 1998 – records are incomplete. Records of investigations of staff may or may not have been archived in personnel files. We are not aware of any records of investigations of pupils aside from brief notes of incidents on the pupil files. There was no central record of complaints. • 1998 to 17 December 2014 – letters served as a written record of the outcome of an investigation. In addition, minutes of meetings were usually taken and kept as a record, and emails formed a record of communications (particularly between staff) relating to how investigations were handled. From 1998, the School maintained an additional central record of complaints. In February 2010 the School introduced a cover sheet to each complaint which detailed the following: <ul style="list-style-type: none"> ○ Complaint summary ○ Action taken ○ Resolution reached/communicated • From 2001 the Child Protection Officer kept a record of internal investigations of possible child protection issues.
vi.	<p>Have such records been retained?</p> <p>Pre 1998, our records of investigations fall into three categories:</p> <ol style="list-style-type: none"> 1. We do not know if an investigation was undertaken and recorded at the time. No record of an investigation was archived from this time period. (We know there was a potential issue due to disclosures made after 2013). Please see 5.9.13 and 5.9.14 and 5.9.15 and 5.9.17 and 5.9.18 and 5.9.27. 2. We know that there must have been an internal investigation because we have records of other related paperwork, e.g. formal written warnings. We have records of the other paperwork, but not of the original investigation. (5.9.28) 3. We have records of an internal investigation. (5.9.1 and 5.9.2 and 5.9.3 and 5.9.28 and 5.9.29 and 5.9.30) <p>The central complaints record has been completely retained since it started in 1998. From May 2006 these records also included more detailed information such as copies of emails that demonstrated the handling of</p>

	<p>investigations. In 2014, to make it easier to cross-reference between different staff issues, the HR department started using red summary sheets in personnel files to track any disciplinary or child protection issues for each member of staff.</p> <p>The confidential Child Protection records have been retained from 2001 and are now kept indefinitely.</p>
vii.	If policy/procedure was not adhered to in practice, why not?
	<p>The School was slow to move from informal to formal procedures in many cases of internal investigations. A Headmaster in a leadership position may have relied too much on individual discretion and judgement. Previous offences were not always considered when deciding on appropriate sanctions for staff, and there was a lack of oversight. There are instances of investigations that would have been categorised as a Child Protection issue if they happened in the present day, but at the time they were handled as a disciplinary issue without the associated Child Protection paperwork and involvement of external agencies and governors. This would suggest a lack of consistent understanding of Child Protection policy and procedure.</p>

Present

viii.	With reference to the present position, are the answers to any of the above questions different?
	Yes
ix.	If so, please give details.
	<p>With regard to the following areas, the School has followed all of its associated policies and procedures since 17 December 2014.</p> <ul style="list-style-type: none"> • Approach to/process of internal investigations • Identifying lessons/changes following internal investigations • Implementation of lessons/changes following internal investigations • Compliance • Response (to child and abuser) • Response to complaints (including response by organisation and/or establishment) • External reporting following internal investigations <p>There has been a real “bedding down” of policy within the School. Changes to policy in 2015 and 2017 clarified how the process of investigation sits within the disciplinary and child protection policies, but there have been no major changes to practice apart from a more co-ordinated approach to the logging of information and a greater degree of oversight and understanding of everyone’s roles.</p>

In response to a recommendation from the Cherry Report of Merchiston Castle School's Child Protection Policy and Procedures (published August 2014), the School Leadership Team has ensured that investigations are properly recorded. For staff issues, a red sheet is put in the personnel file giving details of the incident, action and outcome; and for pupil issues, a OneNote database puts in one place all the support issues for each pupil. This is in line with Getting it Right for Every Child (GIRFEC) guidance and provides an oversight of issues, concerns and complaints, so that further incidents can be considered in the context of the past evidence.

A number of measures have been put in place to improve the oversight of internal investigations. Since 2015 the School has kept a separate staff disciplinary file ("red file") which includes information about any staff disciplinary and child protection issues together in one file, tracked against each staff member. The School's close working relationship with Navigator (our external employment law and HR advice firm), and with an external law firm, ensures compliance with the employment law. The agenda of the meeting of the Board of Governors was also changed so that Child Protection was given a high priority and the Child Protection Liaison Governor was present. The Child Protection and Compliance Committee was set up in May 2016 to allow for much effective scrutiny of the School's response to child protection and wellbeing concerns. The School commissioned the WithScotland report on Merchiston's Child Protection policies and procedures (published March 2016). The report reviewed the following policies relating to complaints: Child Protection, Safeguarding and Wellbeing Policy; Disciplinary Policy; Whistleblowing Policy; and recommended that the School, "develops an overarching strategic policy to wellbeing and protection within which all other policies sit." This has now been achieved. The School also carried out 'Case Reviews' following the investigations into allegations against staff to identify lessons to be learnt and actions to be taken that should be shared more widely, so as to improve practice.

A number of measures have also been put in place to improve the understanding amongst staff of the investigation process for child safeguarding and protection issues. The governors have invested in increased staff, with the establishment of a Pupil Support Leadership Team (from August 2016), and the appointment of two Assistant Heads Pupil Support (from August 2016), following the appointment of the Deputy Head Pupil Support in August 2015. These new appointments have been trained in Intensive Contact Workforce Training (formerly known as Child Protection Level 4 training in Edinburgh and the Lothians), so enhancing their knowledge of the investigation processes between the police and social care. With this strengthened leadership, there is now a greater confidence amongst staff about the process of a child safeguarding or protection referral and how it will be investigated further down the line.

4.11 Child Migration

The Inquiry's definition of Child Migration is, "Children who were in the care of an organisation in Scotland and who were sent abroad by that organisation and placed in family homes or institutions in the receiving countries.". The School was never involved in any Child Migration. We have removed the question grids as these are not relevant to the school's response.

4.12 Records

Policy

Past

i.	What policies and/or procedures did the organisation/establishment have in relation to record keeping?
	<p>It has not been possible to identify one specific Record Keeping Policy.</p> <p>Based on the records the School has kept, the School had record-keeping procedures in line with The Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002 in relation to record-keeping, including in relation to boarders, employees, incidents, equipment and complaints as well as other legislative and regulatory requirements such as the PVG requirements under the Protection of Vulnerable Groups (Scotland) Act 2007.</p> <p>The School has other policies which within them deal with elements of record keeping, for example,</p> <ul style="list-style-type: none"> • Confidentiality policy • Child Protection Policy • Complaints policy • Recruitment policy
ii.	Was there a particular policy and/or procedural aim/intention?
	<p>To ensure record keeping was in line with legislation, regulatory guidance or best practice (e.g. recording Child Protection Issues and retention of disclosures on newly appointed staff).</p> <p>In addition, appropriate paperwork was kept within pupil and staff files to ensure that relevant issues were appropriately recorded in relation to that individual's career at Merchiston. This was necessary to ensure that ongoing issues were managed appropriately and that suitable references could then be completed.</p>

iii.	<p>What did the policies and/or procedures set out in terms of records relating to the following?</p> <ul style="list-style-type: none"> ▪ Children in its care • Staff • Complaints • Investigations • Discipline • Child migrants • Responding to requests from former residents for information/records • Other issues
	<p>Although no formal single Record Keeping Policy, based on the records the School has kept, the procedures would indicate that they were in line with The Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002 in relation to record-keeping, including in relation to boarders, employees, incidents, equipment and complaints</p> <p>The Staff Handbook of 1999 states under Confidentiality that:</p> <p>“No member of staff should pass on any information which could cause actual harm to the person whose confidence was breached. However, in most cases confidential information which is instrumental in protecting a child should be passed to a senior member of staff (See Child Protection), failure to do so could have legal consequences.</p> <p>Within the Child Protection section of the same document there is the following:</p> <p>“It is a responsibility of each member of staff to listen to children and their families when issues of abuse are raised. The member of staff should listen carefully to the child or parent, record as accurately as possible anything the child has said, noting exact words, time, place and context. Promises of confidentiality should not be made: rather, make clear to whom you will be reporting the matter. In all cases the matter should go to the Housemaster, Deputy Head or Headmaster. The pupil should be told who will be informed. All allegations of abuse must be taken very seriously.”</p> <ul style="list-style-type: none"> • Children in its care <p>Detailed records of the pupil from the admission process through to the end of their time at school including records of progress and achievements. The pupil file will also include details of any complaints made by the parents and any disciplinary actions or investigations involving this pupil. The pupil file is a combination of both paper records and data collected via the School’s management information system</p>

	<p>which has increased over the years.</p> <p>The files are retained once a pupil leaves but limited information retained which includes any details of known child protection issues, any disciplinary issues, any complaints, academic results and university applications and references provided. The School retains pupils' educational records for the required period under the Pupils Educational Records (Scotland) Regulations 2003.</p> <ul style="list-style-type: none"> • Staff Detailed records of staff are held including the recruitment process undertaken (e.g. references), review and development records and details of references provided. The staff file will also include any records of complaints or disciplinary or grievance issues involving the member of staff. • Complaints Please see above - included within staff or pupil file (or both) Please also see the detailed response on Complaints as provided in 4.9 of Section C. • Investigations Please see above - included within staff or pupil file (or both) • Discipline Please see above - included within staff or pupil file (or both) • Child Migrants Not relevant to the School. • Responding to requests from former residents for information/records The Privacy statement on the website provides details of how any subject access request under the Data Protection Act 1998 should be dealt with. • Other Issues We would expect that any other issues would also be captured in either the staff or pupil files.
iv.	Who compiled the policies and/or procedures?
	The School. These were compiled by the Deputy Head, Bursar, and other appropriate staff E.g. Child Protection Co-ordinator, Headmaster's Pa, Human Resources Officer

v.	When were the policies and/or procedures put in place?
	From the information the School has it is not possible to be specific as to when the records management working practices were established but they have been in existence and evolved during the tenure of at least the last three Headmasters. This is based on a review of the staff and pupil files from this period. The Privacy Notice on the website has been in place since 2012.
vi.	Do such policies and/or procedures remain in place?
	Yes.
vii.	Were such policies and/or practices reviewed?
	The School is not aware of any specific review before 2014 although there is evidence in pupil and staff files of increased information being retained in line with legislative/ regulatory requirements and good practice.
viii.	If so, what was the reason for review?
	The need to follow best practice and changes to regulatory requirements
ix.	What substantive changes, if any, were made to the policies and/or procedures over time?
	There is no evidence pre 2014 of substantive changes to policies relating to record keeping although the existing practices developed over time and were improved.
x.	Why were changes made?
	The need to follow best practice and changes to regulatory requirements
xi.	Were changes documented?
	There were no changes to a specific overarching policy but the changes in procedures were not documented.
xii.	Was there an audit trail?
	No

Present

xiii.	With reference to the present position, are the answers to any of the above questions different?
	Yes.
xiv	If so, please give details.
	The School is currently working with its retained legal advisers to review its Data Protection Policy and associated paperwork in light of the introduction of the EU General Data Protection Regulation which will

	<p>come into effect on 25 May 2018. The School is also preparing a draft Records Management Policy as part of this work.</p> <p>The School is also currently abiding by the instruction from the Inquiry (received via Scottish Council of Independent Schools in October 2015):</p> <p><i>“Organisations with records that may be of interest to the Inquiry are being asked to take the necessary steps to ensure that their records are preserved, to support the work of the Inquiry.”</i></p>
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Practice

Past

i.	Did the organisation/establishment adhere in practice to its policy/procedures in relation to record keeping?
	Records have been kept in line with the practice described above.
ii.	<p>Did the organisation/establishment adhere in practice to its policy/procedures in terms of record keeping relating to the following?</p> <ul style="list-style-type: none"> • Children • Staff • Complaints • Investigations • Discipline • Child migrants • Responding to requests from former residents for information/records • Other issues
	Records have been kept in line with the practice as detailed in part (iii) of the Section on Past Policy.
iii.	How was adherence demonstrated?
	The School has been able to find appropriate records of staff and pupils files when requested during recent Police investigations; when carrying out research for the purposes of this Inquiry; and when responding to other requests for information.
iv.	Were relevant records kept demonstrating adherence?
	The School has been able to find appropriate records of staff and pupils files when requested during recent Police investigations and for the

	<p>purposes of this Inquiry.</p> <p>Notes of disciplinary or other significant incidents that had occurred were on file when the School had been made aware of them.</p>
v.	Have such records been retained?
	Yes, in line with the requests of the Inquiry, all records have been preserved.
vi.	If policy/procedure was not adhered to in practice, why not?
	N/A
vii.	Did the establishment undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for at the establishment may have taken place?
	Yes.
viii.	If so, when did the reviews take place, what documentation is available, and what were the findings?
	<ul style="list-style-type: none"> • Following the suicide of a member of staff in 2013, the School Leadership Team conducted an audit of all known child protection issues involving members of staff. All these instances were passed to the Police in May 2013 to allow them to investigate. • In May/June 2013 the Board of Governors requested two Governors to carry out a review of the challenges posed over the tenure of the member of staff who committed suicide which involved a review of the staff file. • The Cherry Report of Merchiston Castle School's Child Protection Policy and Procedures (published August 2014) recommended that there must be proper record keeping of disciplinary and child protection issues on personnel files to avoid future occurrence or misunderstanding by staff on the importance of due care towards pupils.
ix.	How have the outcomes of investigations been used to improve systems, learn lessons?
	Systems have been reviewed to incorporate the identified improvements
x.	What changes have been made?
	<ul style="list-style-type: none"> • As a result of reviewing the files passed to the Police, In terms of findings, the School agreed that with hindsight, the issues could have been dealt with more objectively and with greater recourse to staff disciplinary policy, including suspension without prejudice and dismissal. • As a result of the Cherry Report and the internal report undertaken by two Governors, a central record of all child protection issues involving staff is now maintained and staff files also contain a summary of child protection issues so that any previous issues remain highly visible. • The sections on record keeping in the Disciplinary Policy and the

	Allegations of Abuse against Members of Staff and Volunteers Policy make it clear what will and what will not be kept on personnel files and the reasons for doing so.
xi.	How are these monitored?
	<ul style="list-style-type: none"> All new policies and any revisions to existing policies are reviewed by the Child Protection and Compliance Committee before final approval by the Board. Staff disciplinary and grievance issues are discussed in the termly meetings of the Child Protection and Compliance Committee and the Chairman of this Committee undertakes an annual review of the central register and cross-checks this with individual staff files.
xii.	Did the organisation/establishment afford former residents access to records relating to their time at the establishment?
	We have not afforded former pupils access to records relating to their time at Merchiston as we have not, to our knowledge been asked for such access (for example by way of a subject access request).
xiii.	If so, how was that facilitated?
	Not applicable as we have not been asked.
xiv.	If not, why not?
	N/A

Present

xv.	With reference to the present position, are the answers to any of the above questions different?
	Yes.
xvi.	If so, please give details.
	We continue to work on revised policies and processes in this area to ensure we remain compliant with the new regulations. Once the Scottish Child Abuse Inquiry is completed we will ensure that the principles of our revised data retention policy are enacted on the historic data currently held.
xvii.	Please provide details of any records currently held relating to the establishment in respect of the following: <ul style="list-style-type: none"> Children in its care

	<ul style="list-style-type: none"> • Staff • Complaints • Investigations • Discipline • Child Migrants • Responding to requests from former residents for information/records
	<ul style="list-style-type: none"> • Children in its care Records of the admission process, personal details, repayment of fees, academic, pastoral and co-curricular progress, disciplinary issues of all pupils. Some of these records go back to the 1970s but the data is pruned once a pupil has left. • Staff Recruitment details, personal details, salary details, pension details, disciplinary issues, Review and Development process, references given. Files are available back to 1930s although not all files hold all of the above data. • Complaints Details of the complaint, the complaint and action taken. Records are available back to 1998 • Investigations Details held in staff or pupil file. For staff issues a central log of child protection issue is maintained. • Discipline Within staff files or pupil records • Child Migrants Not applicable • Responding to requests from former residents for information/records From the School's records there have been no occurrences of this.