

Methodology for completion of Part C and D to the response to the Questionnaire contained in the Appendix to the Section 21 (2) (a) Notice ("the response") served on Loretto School Limited ("Loretto") in accordance with the Inquiries Act 2005.

In completing Parts C and D to the response, Loretto adopted the same approach as that detailed in the methodology submitted with the response to Parts A and B, dated June 2017, subject to some changes including details of the records reviewed and individuals involved in the review. The same definitions of terms have been used as in the response to Parts A and B.

The methodology dated June 2017 has been amended to reflect these changes and included in full below for ease of reference.

Loretto is committed to assisting and cooperating with the Scottish Child Abuse Inquiry ("The Inquiry") and its investigations.

The response to Parts C and D has been completed by Loretto to the best of its knowledge and belief following a thorough review of the records and other sources it holds as referred to below.

PART C and D

Research

In responding to the questions contained in Parts C and D of the Appendix Loretto undertook a detailed review of the following:

Records which it holds in the form of:

- i. Minutes from Full Board and other Governor Committees from 1930 to date.
- ii. Incomplete files from former members of staff dating back to the 1960s.
- iii. Current staff files.
- iv. Behavioural Referral Forms for the Senior School – 2009 to date.
- v. Files held electronically by Madeline Bonner, Assistant Head Pastoral and Compliance (formerly Director of Pastoral Care) and Child Protection Officer ("CPO") (including Pastoral & Welfare records from previous Vicegerent and DPC, Elaine Logan) relating to the Senior School.
- vi. Paper files held by Madeline Bonner, including Pastoral & Welfare records from Elaine Logan, relating to the Senior School.
- vii. Junior School ("Nippers") Complaints files from January 2013 to date.
- viii. Nippers' files relating to staff issues and pupil issues retained at Nippers.
- ix. Staff records held by Nippers.
- x. Records held electronically by Philip Meadows, the former Head of Nippers, relating to Child Protection and behaviour issues involving pupils in Nippers.
- xi. Paper files relating to the 2001 Observer Magazine Article by Don Boyd.
- xii. Files from solicitors instructed by Loretto's insurers to represent Loretto in the civil litigation claims at the instance of 1) [REDACTED] and 2) [REDACTED].
- xiii. File from solicitors instructed by Loretto's insurers to represent the school in a potential litigation at the instance of [REDACTED] (father of [REDACTED]).
- xiv. Paper file held by Loretto relating to a ski-trip in 2003.
- xv. Archive file – Loretto School Trustees- correspondence and papers from 25 July 1961 to November 1968.
- xvi. Archive file containing Loretto School Headmaster's reports (1939 -1976).
- xvii. Archive file of Headmaster's papers (1967-1970).
- xviii. Archive file – Loretto School Policy - correspondence from 1938-1961.
- xix. Archive file – Loretto School Limited - correspondence from 1975-1980.
- xx. Admissions and Awards Handbook

Policies and Procedures

- i. Loretto School Rules.
- ii. The Ground Rules.
- iii. Loretto School Policies.
- iv. Vade Mecum for Staff.
- v. Employment Manual – Academic Staff.

- vi. Employment Manual – for those employees working in Catering.
- vii. Employment Manual – Administrative & Support Staff.
- viii. Policies and Practice Handbook.
- ix. Employment Manual – Academic & Support Staff.
- x. Academic Handbook.
- xi. Boarding House Handbook.
- xii. Child Protection Policy ("CPP") 2017.
- xiii. Academic Monitoring of Pupils at Loretto (Senior School).
- xiv. Risk Assessment – Information and Forms Document for Senior School and Nippers.

Other Sources:

- i. The Loretto Register 1815-2000.
- ii. Loretto 150 – a historical account of Loretto written by Frank Stewart, Old Lorettonian and Chair to the Board of Governors from 1972 to 1981.
- iii. Loretto Website and Intranet.
- iv. Care Inspectorate reports held by the Care Inspectorate (formerly the Care Commission) on its website.
- v. E-mails regarding Education Scotland's ("ES") annual update inspection on 21 November 2016.

Who undertook the review?

The following individuals undertook the review of the records:

- i. Dr. Graham Hawley, Headmaster of Loretto.
- ii. Philip Meadows, former Headmaster of Nippers
- iii. Steven Howard, Bursar, Loretto.
- iv. Madeline Bonner, Assistant Head, Pastoral and Compliance (formerly DPC) and the CPO, Loretto.
- v. Rachel Caughey, Joint Vice–Chair to the Board of Governors, Loretto.
- vi. Fiona Gordon, Director of Admissions.
- vii. Dr. Michael G Topping, Assistant Head Academic, Loretto.
- viii. Elaine Burgess, Acting Deputy Head, Nippers.
- ix. Charlotte Fleming, Clerk to the Board of Governors, Loretto.

Charlotte Fleming, the Clerk to the Board of Governors, was employed to undertake the work in connection with the response in addition to and on a separate contract from her role as Clerk. Charlotte Fleming is a qualified solicitor with experience in civil litigation and employment law. She qualified in 1992 and, whilst she has not held a practising certificate since August 2016 as her current role does not require this, her name remains on the Roll of Solicitors in Scotland.

Review of records confined to written/electronic records and other sources

Loretto restricted its research to those written records it holds rather than carrying out its own independent investigation and has not interviewed staff, pupils and Governors both past and present. Loretto, having taken legal advice, has taken the view that to embark on such an investigation in advance of the Inquiry hearings has the potential to not only compromise the evidence of individuals who may be called to give evidence but also interfere with the role and integrity of the Inquiry.

Further, the Inquiry has engaged experienced staff trained to take statements from witnesses, which will include evidence on sensitive and personal events. Loretto does not have the expertise to meet with witnesses and take such statements.

Loretto has sought the advice of Senior Counsel who has recommended that Loretto does not investigate through discussions with third party individuals the matters detailed in the response to the questionnaire given the potential conflict this could have with the aims of the Inquiry.

Loretto has provided details of potential witnesses being those named in 5.9 of this response and has, following approval of this response by the Board of Governors, advised these individuals that their names are being provided to the Inquiry.

Board of Governors Approval

The response has been completed following the review of documents as detailed above. All members of the Board of Governors for Loretto have considered and reviewed the response and provided their approval to this in their capacity as a Governor, not a witness.

Organisation and Establishment

The Establishment is the campus at Linkfield Road in Musselburgh along with Nippers at North Esk Lodge, and Eskbank, High Street, Musselburgh. The campus houses not only the classrooms, sports hall and pitches, music school and theatre but also the various boarding houses.

Loretto is a company with the Governors as Directors. The campus does not have a separate legal identity – it is the place where the pupils attend academic and extra-curricular activities as well as board.

13 October 2017
Charlotte Fleming

4. Policy and Practice

4.1 National

Past

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

Yes.

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

Loretto has not retained records for the entire period from 1930 until 17 December 2014 relating to national policy/guidance relevant to the provision of residential care for children in the context of a boarding school setting.

From the records reviewed, it is noted that Loretto was aware of the following:

- a) ES and the Care Inspectorate

Since the 1930s, the Scottish Education Department and Her Majesty's Inspector of Education ("HMIE") and then ES have inspected Loretto.

The Care Inspectorate (formerly the Care Commission) has inspected Loretto since 2002. The Care Inspectorate's inspections are in place to ensure that schools meet the relevant regulations and national care standards relating to their service provision.

In March 2001, the Scottish Executive (which functions were taken over by the Scottish Government) published the National Care Standards: School Care Accommodation Services. These were revised in September 2005 and are specific to the care of children in boarding schools.

In March 2007, the Scottish Executive published guidance on Safer Recruitment Through Better Recruitment and noted this guidance as relevant to School Care Accommodation Services.

b) Care of Children

Loretto has been registered as an independent school since 1957. The Education (Scotland) Act 1980 required independent schools apply to be placed on a new register of independent schools maintained by the Registrar of Independent Schools appointed by the Secretary of State for Scotland.

In 1998, the Scottish Executive published "Protecting Children A Shared Responsibility: Guidance for Education Authorities, Independent Schools, School Staff and all others working with children in an education context in Scotland". This guidance was revised in 2003. This guidance was superseded by the Scottish Government's Guidance for Child Protection in Scotland, which was first published in 2010, and updated in 2014.

The Children (Scotland) Act 1995 required Loretto to appoint a Child Protection Coordinator ("CPC").

Regulation of Care (Scotland) Act 2001 – this Act introduced regulation of care and inspection of this measured against national standards of care.

"Getting it right for every child" ("GIRFEC") is the national approach in Scotland for improving outcomes and supporting the wellbeing of children and the Safe, Happy, Achieving, Nurtured, Active, Respected, Responsible, Included ("SHANARRI") diagram is used to assess a pupil's wellbeing if a wellbeing concern is raised.

The Children and Young People (Scotland) Act 2014 – this Act aims to improve the way services work to support children, young people and families and to strengthen the GIRFEC principles. The provisions of the Act are not fully in force pending review of the Named Person scheme.

c) Scottish Council for Independent Schools ("SCIS")

SCIS published Wellbeing and Child Protection guidelines for Independent Schools in 1997, which were revised in 2015.

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

It is not possible, given the passage of time and records retained by Loretto, to provide a detailed response to this question for the period from 1930 to 17 December 2014. The records reviewed as detailed in the methodology set out above do not provide confirmation of Loretto's knowledge of the relevant national policy/guidance in place from time to time. However, the following information provides details of the actions taken relevant to the provision of residential care for children under the specified headings.

- Child welfare (physical and emotional) – The records reviewed demonstrate that Loretto was regularly inspected by ES and the Care Inspectorate (and their predecessors) against national care standards in place from time to time. Loretto has retained registration with both regulatory bodies demonstrating it follows national care standards in place from time to time.
- Child protection - As stated in response 4.1 ii, Loretto was aware of the requirement to appoint a CPC under the Children (Scotland) Act 1995, the National Care Standards: School Care Accommodation Services, the National Care Standards, the SCIS Wellbeing and Child Protection guidelines for Independent Schools and the Children and Young People (Scotland) Act 2014.

Loretto is also aware of the Scottish Government's National Guidance on Child Protection (2010 & 2014).

- Complaints handling - Loretto is aware that the National Care Standards: School Care Accommodation Services obliges the School to have in place a written complaints procedure, which can be accessed by parents.
- Whistleblowing – Whistleblowing legislation came into force in the United Kingdom in July 1996 with the introduction of the Public Interest Disclosure

Act. Loretto is not aware of any relevant guidance and considers this is an area where guidance would be of assistance.

- Management of residential establishments – Loretto has been registered as an independent school since 1957. The Education (Scotland) Act 1980 required independent schools apply to be placed on a new register of independent schools maintained by the Registrar of Independent Schools appointed by the Secretary of State for Scotland.

The Registrar will only place an independent school on this register if it is considered to be satisfactory following an inspection by ES. Loretto is on this register.

As stated, Loretto is aware of the National Care Standards: School Care Accommodation Services and the standards relating to the management of boarding houses detailed in this guidance.

- Child migrants – Loretto has never been involved in the provision of care to child migrants.
- Record retention – SCIS published its "Retention of Child Protection Records in School" guidance document in 2013. This was revised in 2014. It refers to the requirement derived from the Pupils' Educational Records (Scotland) Regulations 2003 that a pupil's education record should be kept for 5 years after leaving school, and that there is no definitive guidance regarding a school's child protection records.
- Recruitment and training of residential care staff – Loretto is aware of the Safer Recruitment Procedure as agreed by the Headmasters' and Headmistresses' Conference. This requires the Headmaster/mistress of an independent school to provide confirmation to a prospective employer of one of its academic staff that that member of staff is deemed to be a fit person to work in an unsupervised setting with children. It is also aware of "Safer Recruitment Through Better Recruitment" by the Care Inspectorate and the Scottish Services Council published in 2016 which replaced the Scottish Government's Guidance published in 2007.
- Requiring employers to divulge details of complaints etc. to prospective employers – Loretto is aware that it is required to provide references which are accurate and do not contain misstatements.

- Reviewing a child's continued residence at a residential establishment - A child's continued attendance at Loretto is subject to the wishes of the child and their parents. It is not subject to review by specific national policy/guidance.

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

Yes

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

It is not possible, given the passage of time and the records retained by Loretto, to provide a detailed response to this question for the period from 1930 to 17 December 2014. However, the following steps have been taken to give effect to policy/guidance:

- Child welfare (physical and emotional) - Loretto has regularly been inspected by ES and the Care Inspectorate (and their predecessors) against national care standards in place from time to time. Loretto's continuous registration with both regulatory bodies demonstrates compliance with all national care standards in place from time to time.

Each Boarding House (including Schoolhouse, which is the house for day pupils) has a handbook, which is provided to pupils in advance of their starting at Loretto. This handbook details to whom they should raise concerns/complaints. Pupils also have access to a school counsellor as well as external counselling.

Loretto displays in all boarding houses and other suitable places on campus, the Safe, Happy, Achieving, Nurtured, Active, Respected, Responsible, Included ("SHANARRI") diagram that is used to assess a pupil's wellbeing if a wellbeing concern is raised.

Loretto has made available to all academic staff a Child Protection Concern form and Wellbeing Concern form both of which are GIRFEC compliant.

- Child protection - Loretto appointed a Director of Personal, Social and Health Education in 1992. In advance of the coming into force of the Children (Scotland) Act 1995, the School appointed this Director to the role of CPC. The role of CPC has remained since 1995. In 2015, Loretto appointed a

Director of Pastoral Care (“DPC”) who became the CPC. The Head of Nippers is the CPC for Nippers.

Loretto has an Academic Handbook which contains its CPP and the following appendices:

- i. Appendix 1: Cause for Concern – GIRFEC Compliant (available to teachers in common room and on Loretto intranet).
- ii. Appendix 2: Guidance for Teacher Behaviour.
- iii. Appendix 3: Staff Guidance on Interaction with Pupils.
- iv. Appendix 4: Guidelines for Academic Staff in relation to Pupils in Boarding Houses.
- v. Appendix 5: Restraining a pupil “holding safely”.
- vi. Appendix 6: Procedures regarding self-harm.
- vii. Appendix 7: Digital Media, the Internet and Cyberbullying.
- viii. Appendix 8: Other conditions that can impact adversely on Children.
- ix. Appendix 9: Guidelines for non-academic staff in relation to pupils in boarding houses.
- x. Appendix 10: Pupil Grievance/Complains Procedure (also contained in Boarding House handbooks).
- xi. Appendix 11: Confidentiality Policy for Loretto.
- xii. Appendix 12: Confidentiality Statement for pupils at Loretto.

Staff training was arranged during 1996 to cover relevant issues in the Children (Scotland) Act 1995. Child Protection training is required for all staff and is organised by Loretto. The CPC retains a list of the staff who have attended.

- Complaints handling - Loretto Senior School has in place a written complaints procedure, which can be accessed by parents. This written procedure has been in place since at least 2001 and tends to cover complaints against Loretto and/or staff rather than behaviour between pupils.

Nippers has in place a written complaints procedure for parents, which has been in place since at least 2002. This procedure deals with both complaints about pupil behaviour made by parents and complaints parents may have about Loretto and/or staff.

- Whistleblowing - Loretto introduced a Whistleblowing Policy in 2012. This was reviewed in 2016. This policy is contained in the Employment Manual:

Academic and Support Staff. Prior to this staff could raise concerns through the Grievance procedure.

- Management of residential establishments - Loretto's registration with the Care Inspectorate under the Public Services Reform (Scotland) Act 2010 requires it to comply with the staffing schedule in place from time to time as detailed in its Certificate of Registration. A copy of this certificate is displayed in Schoolhouse reception along with the Staffing Schedule. Compliance with this is a condition of registration.

Loretto has in place clear lines of responsibility and accountability. The governance of the school is set out in the response to section 2.1 of Part A of the Questionnaire. The introduction of a number of sub-committees of the Board of Governors between 2010 and 2014, with each responsible for oversight of a different part of Loretto's activities, was intended as a measure of good governance so that no one individual on the Board might have a disproportionate level of influence.

- Record retention - Record retention has depended on the requirements of individual departments, with some guidance contained within specific policies. Loretto retains pupil records, usually, for a period of five years following the pupil's departure from the School. From 2003 onwards, pupil records have been retained without limit of time where it has been identified that there may be a child protection issue. Records detailing wellbeing concerns have also been retained however these are incomplete. Given that the SCIS guidance on retention of child protection records referred to in the "Record retention" part of the response to 4.1 iii narrates the ambiguity as to how long such records should be retained, the introduction of guidance clarifying this point would be welcome.
- Recruitment and training of residential care staff - Loretto has in place a detailed recruitment process with a comprehensive checklist of procedures in place since 2012. This requires to be completed for both academic and support staff appointments. The checklist includes confirmed membership of the PVG scheme, two references, completion of an application form and/or CV, personal health questionnaire, confirmation of appropriate qualifications and interview(s) records and confirmation of identity.

Since 2002, Loretto has carried out Enhanced Disclosure checks with Disclosure Scotland and, since 2011 the Protection of Vulnerable Groups

("PVG") Scheme for all potential employees. Loretto's policy is to gain Enhanced Disclosure or membership of PVG scheme for all staff prior to employment at Loretto. Those who have responsibility for pastoral care are SSSC registered or are exempt due to GTCS registration and are required to achieve the appropriate qualifications within 3 years of registering.

Loretto requires two references from applicants and, in the case of an applicant to an academic post, a reference from their current Headmaster/mistress. Loretto operates the Safer Recruitment Procedure as agreed by the Headmasters' and Headmistresses' Conference. This procedure is described in the corresponding part of response 4.1 iii. Loretto has a standard reference request (implemented in 2012) which referees are asked to complete. This reference requests, information about an applicant's suitability for the role applied for, details of the role presently undertaken, suitability to work with children and details of disciplinary record and child protection concerns. The comprehensive checklist from 2012 detailed above requires references to be checked to ensure these are valid.

Loretto has had in place since the 1990s an appraisal process for academic staff. Records detail that a written appraisal system, approved by GTCS, was put in place in 2009. This was replaced with the current appraisal system introduced in 2013. Since 2013 support staff have also been appraised annually. There is a requirement that staff attend relevant CPD courses throughout their careers.

Staff training was arranged during 1996 to cover relevant issues in the Children (Scotland) Act 1995. All staff are required to participate in Child Protection training organised by Loretto.

Pastoral staff are reviewed biennially as part of their boarding house review.

Loretto has in place a Grievance Procedure and a Disciplinary and Dismissal Procedure, a copy of which is contained in its Employment Manual – for Academic and Support Staff.

- Requiring employers to divulge details of complaints etc. to prospective employers - As stated, Loretto operates the Safer Recruitment Procedure as agreed by the Headmasters' and Headmistresses' Conference. This procedure is described in the corresponding part of response 4.1 iii.

vi. If not, why not?

Loretto has given effect to the policy/guidance.

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.

At present the CPC in Nippers is the Acting Deputy Head of Nippers.

4.1 ii. Is so, to what extent was the organisation aware of such?

The recruitment guidance referred to above was replaced in November 2016 by the Safer Recruitment Through Better Recruitment published by the Care Inspectorate.

- Child Protection - Since the start of the academic year in 2016 all staff are required to sign the Code of Conduct for Staff: Guidance on Interaction with Pupils Policy ("Code of Conduct for Staff").
- Record Retention - Since the start of the academic year in August 2016, the Assistant Head, Pastoral and Compliance (formerly DPC) has kept a centralised record of welfare issues she has dealt with in her role. This record details the date of the complaint, nature of the complaint, the complainer and the outcome as far as it relates to a welfare issue.

In order to ensure pupil pastoral and welfare information is more readily accessible, Loretto is introducing a Pastoral Management system, which will store this information securely on its own electronic operating system. This scheme is being piloted in the senior school.

The review of documents as detailed in the methodology provided Loretto with further opportunity to consider its policies/procedures and it was identified that an HR role should be put in place whose remit would include reviewing and putting in place a Records Management Policy. This is being implemented.

The new Health and Social Care Standards (published by the Scottish Government in June 2017) will be in place from April 2018. The Assistant Head, Pastoral and Compliance, the Chair of the Pastoral and Welfare Committee and the Clerk to the Board of Governors, met with Iain Lamb, Inspector with the Care Inspectorate on 4 October 2017 to discuss these new standards in the context of a Boarding School.

4.2 Local Authority

Past

- i. **Was there local authority policy/guidance relevant to provision of residential care for children?**

Loretto is not aware of any local authority guidance relevant to provision of residential care for children in independent boarding schools.

- ii. **If so, to what extent was the organisation aware of such?**
- iii. **If there was local authority policy/guidance in respect of any of the following in relation to provision of residential care for children, to what extent was the organisation aware of such?**
- **Child welfare (physical and emotional)**
 - **Child protection**
 - **Complaints handling**
 - **Whistleblowing**
 - **Management of residential establishments**
 - **Child migrants**
 - **Record retention**
 - **Recruitment and training of residential care staff**
 - **Requiring employers to divulge details of complaints etc. to prospective employers**
 - **Reviewing a child's continued residence at a residential establishment**
- iv. **If the organisation was aware of such, did they give effect to that policy/guidance?**
- v. **If so, how was effect given to such policy/guidance?**

- vi. **If not, why not?**

Present

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

No

- viii. **If so, please give details.**

4.3 Admissions

(a) Policy

Past

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

Children are placed at Loretto by their parents (or legal guardians) following discussions with those involved in the admission of pupils including the Director of Admissions, the Headmaster (or Head of Nippers if the pupil is to attend Nippers) and relevant academic staff.

The review of records as detailed in the methodology show that there has been a formal admissions procedure in place since at least the 1980s.

Records reviewed from the 1980s confirm that pupils intending to attend Nippers are required to take a short oral and written test. At that time Nippers was a Preparatory School for boys aged between 8 and 13 years old.

Admission to the Senior School required a potential pupil to pass the Common Entrance Examination of the Incorporation Association of Preparatory Schools ("IAPS").

There has been a formal written admissions procedure similar to the one in place now, since at least 2001. This has been amended since then although the process detailed below (and which is in place at present) is essentially the same.

Admission to Nippers requires i) the applicant/parent/legal guardian complete a Registration Form; ii) reports and reference from the applicant's current school, a further assessment by the Learning Support Department if necessary, and a short interview; iii) an offer being sent to the applicant; and iv) confirmation of entry when parents are asked to complete an acceptance form and pay a deposit to confirm their child's place.

Applications to the Senior School follow a similar process subject to a requirement to sit an assessment. Applicants will receive a prospectus when they enquire about Loretto and will then be interviewed - for those outwith the United Kingdom a Skype interview will take place. For non-British passport holders there will be a Mathematics and English as a Second Language assessment.

If the application is to join Lower 6th Form the place will be conditional upon the applicant achieving necessary grades in GCSE, IGSE, Standard Grade or equivalent or the option to sit an entrance assessment if preferred.

Once the interview and assessment process is complete successful applicants will receive an Offer and Enrolment pack along with various forms including Loretto's terms and conditions, offer letter, contract and medical forms for completion and return to Loretto. Applicants and parents are provided with access to Loretto's Drugs and Alcohol Policy and are asked to confirm that they have read and understood these.

Once the acceptance of the offer and all relevant forms are returned applicants receive a Welcome Pack, which includes boarding house allocation, information about the school uniform and subject choices.

Loretto offered and continues to offer bursaries and scholarships, which are considered by way of an applications procedure.

A full copy of Loretto's Admissions and Awards Process can be provided if required.

Once admitted to Loretto if a pupil is to board he/she will be allocated to a boarding house prior to their start date.

Loretto determined the boarding house to which children were assigned for the entire period under consideration.

If a boarding house was oversubscribed and the demand exceeded the number of bed spaces then the pupils' opinions were considered when finalising the list of pupils for that house. For example a questionnaire may now be given to the pupils although it is not possible to say if this was the practice in the 1930s or later.

Since 1930, there have been changes to the allocation of pupils to boarding houses and with the introduction of girls to 6th form in 1981, boarding houses for girls were introduced. Minute books for Loretto confirm that a house system was introduced to the boarding houses in the late 1950s. This system meant that a pupil would initially board in Schoolhouse for two years following his joining Loretto and thereafter move to another boarding house.

This system was altered in 1961 (with the advent of a new Headmaster) when it was decided that a house system would be used where boys stayed in one boarding house throughout their time at Loretto.

This house system introduced in 1961 continued (with some changes to accommodate the girl boarders) until 2007 when it was decided that the boarding houses should be age specific although in Seton and Holm houses there is a greater age range in that these houses accommodate pupils from 2nd Form to end of 5th Form.

At present, the house system in place since around 2007 is as follows:

Loretto's junior boarding houses (Seton – boys and Holm – girls) accommodate pupils from the 2nd Form to the end of their 5th Form. Occasionally Loretto may have a small number of Year 7 boarders who are accommodated in the junior houses.

Balcarres House accommodates 6th Form girls.

Eleanora Almond House was opened in 2012 and currently accommodates 5th and 6th Form girls.

Sixth form boys are accommodated in Pinkie and Hope houses.

Schoolhouse has been the house for day pupils since 2001.

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

The aim was (and remains) to ensure that parents and legal guardians were aware of the academic and extra-curricular education provided at Loretto and to ensure that Loretto was the right school for any potential pupil.

Allocation to a boarding house is largely dependent on the age of the pupil although Loretto does try to put siblings in the same house if requested.

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

Records reviewed indicate that the admissions process was in the past detailed in a brochure about Loretto.

The Admissions process since 2001 has been detailed in a brochure available to parents and guardians on request, when they attend an Open Day or during a pre-arranged visit.

iv. Who compiled the policies and/or procedures?

Admissions procedure is determined by the Admissions Department in Loretto in conjunction with the Headmaster.

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

Records reviewed disclose a formal admissions procedure since the 1980s. The formal written admissions procedure as detailed in i. above has been in place since at least 2001.

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

Yes

vii. Were such policies and/or practices reviewed?

The Admissions procedure is reviewed and amended as and when necessary although the records reviewed do not contain a record of when this occurred.

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

The records reviewed do not contain information which would enable this question to be answered.

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

The records reviewed do not contain information which would enable this question to be answered.

- x. **Why were changes made?**

The records reviewed do not contain information which would enable this question to be answered.

- xi. **Were changes documented?**

There is not a formal record of changes made.

- xii. **Was there an audit trail?**

An audit trail of changes is not available.

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.**

During 2016/2017, Loretto undertook a review of the Admissions and Awards (Scholarships and Means Tested Bursaries) brochure with the aim of putting in place a more user-friendly document, which contained the relevant information for parents and applicants. This brochure explains the admissions process although no substantive changes were made to this.

(b) Practice

Past

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

The admissions procedure allows for some deviation depending on certain circumstances. For example, bursaries may be considered for pupils in Year 1 to Year 7 of Nippers although this would be the exception.

The ethos behind the policy and procedure, being to try to ensure that Loretto is the right choice for a pupil, remains.

ii. How was the adherence demonstrated?

Adherence can be demonstrated by reference to pupil files although these are destroyed after a period (usually 5 years) following a pupil's departure from Loretto. Applications from unsuccessful applicants are retained for a period (usually until the child reaches the age of 16 years) and then destroyed.

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

Adherence can be demonstrated by reference to pupil files still held by Loretto.

iv. Were relevant records kept demonstrating adherence?

The records referred to in ii. and iii. above demonstrate adherence.

v. Have such records been retained?

The records referred to in ii. and iii. have been retained.

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

There is no evidence of non-adherence to the admissions procedure other than for deviations of the type mentioned in i. above.

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

Not applicable. See answers i. - vi. above

Present

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

No.

ix. If so, please give details.

4.4 Day to Day

(a) Policy

Past

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

It is not known what policies and procedures were in place at Loretto in relation to the day to day running of the School for the entire period from 1930 to 17 December 2014 given the passage of time and the records retained.

Since 1930 Loretto has offered its pupils a full academic curriculum and a wide range of activities each week. The activities include tuition in sport, music and the arts as well as outdoor activities and skills. Loretto offered (and continues to offer) trips off campus both on a day and a residential basis.

The records reviewed as detailed in the methodology demonstrate that Loretto had in place the following policies and procedures:

Guidance for Pupils

Policy/Procedure	Date	Content
The Code of Conduct		Short policy detailing expectation of behaviour from all those in the Loretto community
Loretto School Rules Rules relevant to day to day running of school: <ul style="list-style-type: none"> • Leave and Bounds • Exercise and Activities • Discipline • Visiting Boarding Houses 	An earlier version of Loretto School Policies, which were reviewed and put in place in or around 2008.	Provides guidance on day-to-day matters such as behaviour, personal relationships, visiting boarding houses and discipline.
The Ground Rules	Put in place in or around 2009.	Guidance on behaviour, organising time and behaviour in class, health and safety of pupils.
Loretto School Policies Rules relevant to day to day	In place from in or around 2008.	Includes a number of the matters detailed in

running of school: <ul style="list-style-type: none"> • Visiting Between Houses • Downtown Rules • Guidance on substance abuse – drugs & alcohol 		the School Rules and Ground Rules along with CPP and welfare policies for example anti bullying and substance abuse.
Behaviour and Discipline		Detailed policy in both the Senior School and Nippers.
Boarding House Handbooks	In place since at least 2000	Guidance on day-to-day running of school and house including timetable of school day and signing in procedure in accordance with this timetable.
School Calendars	In place since 1950s.	There are separate calendars in Senior and Nippers. These include timetables for the school day for each year group.

Policies and Procedures for Staff

Policy/Procedure	Date & review date	Content
The Code of Conduct		Short policy detailing expectation of behaviour from all those in the Loretto community.
Vade Mecum for Members of Staff Policies relevant to day to day running of School: <ul style="list-style-type: none"> • Introduction includes details of ethos and aims, responsibilities of academic staff and how the school is run. • The weekly routine • Discipline & Sanctions • Pastoral Care • School Visits, Visitors and Travel 	In place prior to 2008.	Provides staff with details of Loretto's weekly routine, discipline and sanctions, academic monitoring, pastoral care and guidance on schools trips.
Risk Assessment Trips: Complete Information and Forms Document Junior and Senior school documents	2008 and updated annually. Prior to this there was in place a risk assessment form.	Information regarding off-site trips and risk assessment. To be completed at least 48 hours prior to trip. Electronic copy is available to staff on the intranet.
Loretto Policies and Practice	Put in place in	Consolidation of

<p>Handbook Policies relevant to day to day running of the School:</p> <ul style="list-style-type: none"> • Prep Guidelines • Upper Sixth Dining Leave • Outdoor Education Guidelines 	September 2008.	policies and procedures relating to school routine and care of pupils. This handbook included policies relating to Outdoor Education, Transporting Children (School trips) as well as copies of the Code of Conduct, The School Rules and The Ground Rules detailed above.
<p>Academic Staff Handbook: Policies Relevant to day to day running of the School:</p> <ul style="list-style-type: none"> • General Points for staff – details routine in school • Weekly Routine – Senior and Nippers • Behaviour & Discipline • Academic Monitoring • Pastoral Care • School Visits, Visitors and Travel 	Put in place in 2012.	This was a consolidation and update of the policies and procedures contained in the Vade Mecum and the Policies and Practice Handbook. In relation to the day-to-day running of the School this included policies on academic monitoring, Behaviour and Discipline Pastoral Care and School Visits (school trips).
Academic Monitoring of Pupils at Loretto School (Senior)	2009	Monitoring academic progress of pupils, strategies for assisting pupils where there is an academic concern and rewards for achievement.

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

The aim of the various policies and procedures along with details of weekly and termly planners was to ensure that the Loretto community was aware of the timetable and routine at Loretto and what academic and extra-curricular opportunities were available to pupils.

The policies and procedures also provided pupils and staff with guidance on the behaviour expected of them and for pupils, the rules regarding leaving the School grounds, when this was permitted and signing-out procedures to cover visits out of school.

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

The table above details where the policies and procedures were recorded.

Copies of the School Policies along with information about academic monitoring, GCSE and Upper Sixth Examination including revision guidance and planning is also available on the secure area of Loretto's website and on the intranet.

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

- Activities for children

The policies/procedures detailed above under Guidance for Pupils detail the activities which are available. The School Calendar details the various educational and recreational trips organised for pupils by Loretto.

At the start of each year, a list of activities is available to pupils and parents in both the Senior School and Nippers.

Members of academic staff received a copy of the school timetable and this included the list of activities with which they were expected to assist.

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

The School Calendar provides parents and pupils with a list of off-site activities for pupils.

Parents are provided with details of off-site visits in advance, the itinerary and any clothing or equipment requirements.

The Vade Mecum provided staff with guidance on organising trips off campus as well as information about the use of the school minibus.

Staff were advised that it was appropriate for trips/visits to be risk assessed, registered with the Director of Activities with the appropriate forms being available electronically for completion.

The Policies and Procedures Handbook provided Outdoor Education Guidelines although the policy confirmed that this applied to all activities in the classroom as well as those outside the campus.

The Guidelines required a risk assessment be carried out considering the following:

- Nature of exercise.
- Strength and experience (qualifications) of instructor/supervisor.
- Conditions/weather/ground/sea.
- Pupils' fitness/experience/age.
- Equipment.
- Communications.
- Back-up.
- Emergency procedures.

The guidelines detailed staff ratios for non-technical activities and hazardous activities, which were different.

The guidelines confirmed that overnight trips must be documented in the School Trips Form (Form 1) and discussed with the CPO.

The Transport: A Policy Document covered pupils travelling to sports trials, squad sessions and representative matches during term time.

Different guidelines were in place dependent on the age of the pupil and provided guidance on staff accompanying pupils to these sporting events.

The Academic Handbook provides guidance on organising Educational and Recreational Visits and that the Head of Outdoor Pursuits is responsible for the collation of all Risk Assessments.

The guidelines confirm to staff that risk assessment templates and detailed descriptions on how to complete these could be found on Loretto's intranet.

Since 2008 Loretto has had in place a Risk Assessment Trips: Complete Information and Forms Document. This requires staff in the Senior School and Nippers to complete a risk assessment in accordance with this procedure prior to taking pupils off campus on a school trip.

In Nippers a central list of risk assessments is kept at the School Office.

In the Senior School all Form 1s are viewed and finalised by the Head of Organisation and Trips and the Head of Outdoor Pursuits as the Educational Visits Co-ordinator. A central list of trips for each academic year is retained.

Loretto often takes pupils to third party organisations which have educational programmes in place, delivered by qualified staff.

If a trip off campus involved an activity to be provided by a third party organisation then Loretto does ensure that this organisation is reputable. A member of staff from Loretto always accompanies pupils to any off campus activity or trip regardless of whether the activity is being delivered by the School or a third party organisation.

- Schooling/education

Background

The academic timetable and activities is organised by the Senior Management Team in discussion with members of staff.

The academic timetable is set with reference to exam board guidelines, which provide information on the number of lessons, to be delivered on a weekly basis depending on the subject and level of examination.

Pupils and parents are provided with the weekly routine and timetable of activities prior to the start of the academic year. Since the 1950s, the timetable has been included in the School Calendar, which is produced each academic term in both the Senior and Nippers.

Curriculum booklets detailing the subjects taught along with guidance on subject choices and revision can be found in the secure area of Loretto's website.

Loretto offers (and has offered) pupils the opportunity to undertake the following public examinations:

1. GCSE.
2. A-Levels.
3. International GCSE – no longer available.
4. Higher certificate – no longer available.

Loretto is recognised as a registered centre (and thus able to offer pupils the opportunity to sit relevant public examinations on campus) with the following exam boards:

1. Assessment and Qualifications Alliance (AQA).
2. Oxford, Cambridge and RSA Examinations.
3. Scottish Qualifications Authority.

Vade Mecum – this provided the weekly routine with times of lessons and activities. Academic staff were also provided with guidance on how poor work should be dealt with through academic detention where appropriate.

Academic Staff Handbook – this provides details of academic monitoring in the form of completion of reports for parents of pupils in both Nippers and the Senior School as follows:

Nippers – two full reports are provided to parents each academic year with a more detailed report provided at the end of the year.

Parent meetings take place twice each academic year.

Whilst not detailed in the Handbook, pupils in Nippers are tracked through their time at Nippers with annualised standardised testing in place. Pastoral and wellbeing matters are also tracked.

Pupil profiles are updated constantly throughout the academic year providing a record of the academic work and extra-curricular activities enjoyed by each pupil. These are available to parents.

Senior School – the handbook provides a synopsis of assessments, parents' meetings and reports to parents each half-term.

The academic assessment and reporting system was reviewed in autumn 2009. The Director of Academic Progress carried out parental & staff questionnaires, which led to a change in how reports were written.

Following this exercise, the Academic Monitoring Policy was changed and a new Academic Monitoring of Pupils at Loretto School Policy put in place. Effort was marked with reference to five areas: work in class, contribution in

the classroom, classroom focus and behaviour, quality of prep and prep submission.

Effort was measured against broad criteria and marked from 1-4 with 1 reflecting exceptional progress and 4, poor effort. A process could be put in place should a pupil's academic progress be deemed an "Academic Concern". The Policy provides strategies for assisting pupils where there is an academic concern with a view to assisting the pupil to improve their academic performance.

- Discipline

Pupil Guidance

The School Rules details behaviour, which would be considered misconduct and the sanction, which could be imposed. Sanctions included bookings, detention and loss of privileges, for example attending school social events. Poor academic effort was also covered in these rules where the sanctions were again detention but also the putting in place of an Academic Monitoring Card to monitor academic progress moving forward.

School Policies deal with discipline in relation to a breach of some of these policies for example Anti-Bullying and Drug and Alcohol Abuse. Breaches of these policies can lead to the matter being dealt with under the Behaviour Referral Form ("BRF") procedure monitored by the Vicegerent.

Academic Staff Guidance

The Vade Mecum sets out the behaviour expected of pupils attending Loretto and the sanctions, which could be imposed for breach of these which included detention and loss of privileges.

Poor academic progress was also covered under discipline where those who were performing poorly would be placed under the direct responsibility of the Director of Studies. This strategy would help to improve performance along with the pupil attending detention for poor or late work.

The Academic Handbook contains a Behaviour and Discipline Policy for both Nippers and the Senior School which was a review and update of the guidance contained in the Vade Mecum.

The Policy starts with Rewards and Sanctions and details the process in place for rewards in both Nippers and the Senior School.

In Nippers positive discipline is encouraged in the following ways:

1. Constant verbal praise for good behaviour.
2. Green merit stickers.
3. Excellence book & achievement boards.
4. E-mail/certificates home to parents.

Sanctions are dealt with through a Traffic Light System which is applied differently through the year groups which are divided for this purpose into Early Years (Years 1 & 2) and Years 4-7.

Very serious offences will result in an interview with the Head of Nippers and if necessary suspension and expulsion.

Senior School rewards operate on a two-tier system with Reds awarded for good academic work and a Distinction for outstanding award. Rewards are given for extra-curricular achievement.

Misconduct in the Senior School is dealt with through detention and through the Behaviour Referral Procedure, which involves a meeting with the Vicegerent and an investigation into the behaviour. If appropriate parents are involved in this process.

Serious misconduct can result in suspension and expulsion from Loretto.

Prior to the introduction of this policy, and during the period corporal punishment was lawful in schools, corporal punishment was used in both the Senior School and Nippers. Records do not disclose a specific policy on discipline sanctions during this time although the Minute books reviewed do detail punishments for certain misconduct for example a list of sanctions was referred to in the Minute book from 1962.

v. Who compiled the policies and/or procedures?

The records reviewed do not disclose this information.

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

The table above details when the policies and procedures were put in place as far as can be demonstrated from the records reviewed.

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

Yes.

viii. Were such policies and/or practices reviewed?

Yes. The table above details when the policies and procedures were put in place as far as can be demonstrated from the records reviewed.

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

The Loretto Policies and Practice Handbook was put in place in 2008 following a review and consolidation of policies and procedures relating to school routine and care of pupils.

The Academic Staff was put in place in 2012 following a review and consolidation of policies and procedures contained in the Vade Mecum and the Policies and Practice Handbook.

The Risk Assessment and Trips Complete Information and Forms Document was put in place in 2008 following a review of the process in place regarding trips organised for pupils.

The academic assessment and reporting system was reviewed by the Head of Academic Progress in 2009.

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

In 2008 the Vicegerent introduced a central register and process for the programme of trips for all year groups in the Senior School.

Whilst risk assessments were completed for activities and off campus trips prior to 2008 this central process required all Form 1s detailing school trips for the next academic year to be completed and submitted to the Head of Outdoor Pursuits and

the Head of Organisation and Trips for review. A central list for each academic year is retained and known as The Developmental List for all School Trips End: Master List.

Substantial changes were made to discipline with corporal punishment being outlawed and further with the removal from prefects of the ability to award detentions.

Following the review of academic monitoring in the Senior School in 2009 substantial changes were made to how academic effort was monitored and reported along with the action which could be put in place to assist pupils with the improvement of their academic performance.

xi. Why were changes made?

Changes to discipline policy and practice were due to changes in attitude to disciplining children.

The changes to academic monitoring in the Senior School were made to provide a process, which better assisted with academic monitoring and provided pupils and parents with a better measure of academic progress, areas of concern and strategies to improve in these areas of concern.

xii. Were changes documented?

Review of the records disclose that previous versions of some policies in place at present were retained however there is not a central record detailing the changes made, when this happened or the reasons for the changes.

Recent changes, for example, the change to academic monitoring, provide evidence of the changes and why these were made.

xiii. Was there an audit trail?

There is no a central record of changes made, when these were made and the reasons for the changes however, previous copies of some of the policies and procedure have been retained.

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.

- Schooling/Education

In September 2017, Loretto introduced BTEC Qualifications in Physical Education and in Enterprise and Entrepreneurship.

Loretto is recognised as a registered centre by the examinations board "Edexcel".

(b) Practice

Past

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

It is not possible given the passage of time and the records reviewed to confirm that Loretto adhered in practice to its policies/procedures in respect of the day to day running of the School for the entire period from 1930 until 17 December 2014.

The review of the records as detailed in the methodology demonstrates that Loretto did have in place policies and procedures including those above which dealt with internal investigations and the specific areas mentioned in iv above.

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

It is not possible, given the passage of time and records retained by Loretto, to provide a detailed response to this question for the period from 1930 to 17 December 2014.

Loretto has destroyed some records relating to pupils who attended Loretto, for example some relating to academic or extra-curricular achievement and reports to parents.

Changes in timetabling and subjects taught were not retained for the entire period from 1930 to 17 December 2014 and some of the records retained by Loretto are not complete.

In response to the areas below Loretto can provide details of the steps taken in these areas:

- Activities for children

The records reviewed demonstrate that since the 1930s Loretto has provided a full timetable of academic subject and extra-curricular opportunities to its pupils.

Pupils, parents and staff have been provided with details of the weekly routine at Loretto and a termly calendar.

Pupils, parents and staff have also been provided with a more detailed timetable detailing the specific subjects and when these are taught along with a timetable for activities.

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

Records reviewed demonstrate that since the 1930s pupils have had the opportunity to participate in off-site activities, both academic and extra-curricular.

In advance of these off-site activities risk assessments are completed by staff both in Nippers and the Senior School. A central record of completed risk assessments is retained for the Senior School by the Head of Outdoor Pursuits and by the School Secretary in Nippers.

- Schooling and Education

Records reviewed demonstrate that pupils at Loretto enjoyed a varied curriculum of academic and outdoor activities in accordance with its policies and procedures.

Since the 1930s representatives from the Scottish Education Department, HMIE and more recently ES visited Loretto to carry out its inspections. Loretto does not hold copies of all these reports although reference is made to inspections in the Minute books for the various Committees of the governing body.

Loretto has also provided pupils with the opportunity to undertake public examinations as detailed in (a) iv above.

The records reviewed disclose that parents were provided with reports on their child's progress at Loretto.

Loretto has in place policies in respect of academic monitoring/tracking in both the Senior and Nippers and adheres in practice to the monitoring and reporting (to parents) provisions contained in these policies.

iii. How was adherence demonstrated?

Adherence can be demonstrated as follows:

1. Activities – with reference to pupil timetables which detail the activities undertaken.

Details of the activities are detailed in reports to parents and in pupil profiles.

Risk assessments are available, so far as these have been retained.

2. Off-site activities – with reference to pupil timetables and information in pupil profiles which detail the off-site activities offered to pupils.

Risk assessments are available so far as these have been retained.

3. Schooling and Education – with reference to pupil timetables and information available to parents.

Loretto does not hold copies of all the reports from ES and its predecessors although reference is made to inspections in the Minute books for the various Committees of the governing body.

Copies of more recent reports compiled by ES following an inspection at Loretto are available online.

Loretto has been registered as an independent school since 1957. The Education (Scotland) Act 1980 required independent schools apply to be placed on a new register of independent schools maintained by the Registrar of Independent Schools appointed by the Secretary of State for Scotland.

The Registrar will only place an independent school on this register if it is considered to be satisfactory following an inspection by ES. Loretto is on this new register and has been continuously since 1980.

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

Adherence can be demonstrated to the Inquiry as follows:

1. Provision of timetables as far as are available.
2. Details of activities provided and off –site trips organised as far as are available.
3. Copies of risk –assessments completed for off-site trips and activities as far as are available
4. Copies of reports cards and monitoring records as far as are available.
5. Certificates from Examination Boards detailed in (a) iv above.

v. Were relevant records kept demonstrating adherence?

Yes

vi. Have such records been retained?

Timetables and details of activities have been retained but not for the entire period from 1930 to 17 December 2014.

Since 2012 report cards for parents have been completed electronically and these have been retained. Report cards prior to this have not been retained by Loretto.

Public examinations records are retained by Loretto.

Pupil Profiles are retained for current pupils and destroyed 5 years after a pupil leaves the school.

Certificates from Examination Boards have been retained.

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

The records reviewed do not contain information to disclose whether or not the policies detailed above were not adhered to in practice.

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

Not applicable. There is no evidence that policy/procedure was not adhered to in practice.

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

No.

x. If so, please give details.**4.5 Children****(a) Policy****Past****i. What policies and/or procedures did the organisation/establishment have in place in relation to caring for children at the establishment?**

The records reviewed as detailed in the methodology indicate that Loretto did have in place:

- School Rules which determined how pupils should behave whilst at school and out of school whilst representing it.
- A Code of Conduct outlining in general terms the behaviour expected of pupils at Loretto.

Since at least 1999, there have been in place a number of policies and procedures as detailed in the table below. It is understood that not all of these policies were provided to pupils attending Nippers, for example, the Drugs Policy.

Policy/ Procedure	Date
Code of Conduct (Pupils)	
Communications and Resource Centre	
Child Protection Policy	

Parental Complaint Policy & Procedure	2001
Loretto Nippers Complaints Procedure	2002
Smoking Policy	2001
Anti-Bullying Policy	2001
Pornography Policy	2002
Personal Relationships – A Pupil's Guide	2002
Drugs Policy	2003
Alcohol Policy	2007
Procedure regarding Pupil Absence	2007
Procedure re missing pupils	2007
Registration & Lateness Policy	

Handbooks	Date
For staff:	
Vade Mecum for Academic Staff	Prior to July 2008
School Policies and Procedures	September 2008
Academic Staff Handbook	September 2012
For Pupils:	
The School Rules	
The Ground Rules	
Loretto School Policies	

In 2007, all HR policies and policies relating to the care of pupils at Loretto were gathered together and consolidated into a Policies and Practice Handbook. These included the specific policies detailed in the table above along with other policies. These policies had been held in different locations within Loretto.

Loretto also had in place a Vade Mecum for Members of Staff the purpose of which was to provide staff with details of the School's routine, its ethos, Common Room practice and expectations.

In 2012, an Academic Staff Handbook was issued to all academic staff in both the Senior School and Nippers. This contained policies and procedures from the Policies and Practice Handbook and the Vade Mecum for Academic Staff.

This Handbook was reviewed, amended and re-issued in 2013 to include the GIRFEC principles. The terms of the handbook are subject to regular consideration.

Copies of the above policies and procedures can be provided if required.

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

The aim of the policies and procedures was and remains to protect the safety of the pupils whilst in the care of Loretto and to provide pupils with guidance on how to deal with issues such as bullying. The policies also provided pupils with guidance on the behaviour expected of them whilst in School or whilst representing the School outwith the campus and thereafter on the sanctions, which could be imposed for breach of these rules.

A secondary aim of the policies and procedures was and remains to provide staff with guidance on the behaviour expected of them as employees of Loretto. The various policies and procedures also govern the employment relationship between staff and Loretto.

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

The School Calendar was introduced in the 1950s and this included timetables for the school day for each year group. The calendars of more recent decades include copies of relevant school policies including the Code of Conduct, CPP (although this is an abridged version to the one which appears in the Academic Staff Handbook and online), Alcohol and Drugs Policy, Pornography Policy and Anti-Bullying Policy. These school policies are also available to parents via Loretto's website, placed in a secure area to which parents and pupils have access.

In 2007, all HR policies and policies relating to the care of pupils at Loretto were gathered together and consolidated into a Policies and Practice Handbook. These included the specific policies detailed in the table above along with other policies. These policies had been held in different locations within Loretto.

Loretto also had in place a Vade Mecum for Members of Staff the purpose of which was to provide staff with details of the School's routine, its ethos, Common Room practice and expectations.

In 2012, an Academic Staff Handbook was issued to all academic staff in both the Senior School and Nippers. This contained policies and procedures from the Policies and Practice Handbook and the Vade Mecum for Academic Staff.

Loretto also has an intranet with areas for staff, pupils and a Virtual Learning Environment ("VLE"). All staff with an email account at Loretto have access to this intranet where there are online copies of the Academic Handbook and other relevant policies and procedures. For those employees who do not have access to the VLE

copies of the policies and procedures are available in their department and from their line manager.

Pupils at Loretto also have access to the intranet area for pupils and the VLE.

At the start of each academic year, Housemasters/mistresses meet with the pupils in their house to read through and discuss Loretto's Code of Conduct and the policies contained in the Loretto School Policies handbook.

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

- **Safeguarding**

Loretto provides for its pupils in the Senior School and in Nippers, a curriculum of academic lessons as well as lessons in sport, expressive arts and music. Loretto provides catering for all pupils and ensures that this provides a healthy diet.

Loretto provides weekly sessions to pupils throughout the year on Personal, Social, Health and Economic ("PSHE") Education/Health & Wellbeing topics, which are age appropriate.

Nippers delivers a Health and Wellbeing Programme throughout the academic year. Topics are age appropriate covering a wide range of subjects including friendships, healthy eating and exercise, and internet safety.

Specific policies also cover safeguarding issues as follows:

Anti-bullying policy – this sets out what is considered bullying, action which will be taken if bullying occurs, and sanctions available. This links with the complaints procedure, which can be used by parents to report an incident of bullying, and the "BRF" procedure (in the Senior School) as incidents of bullying will be recorded and meetings to discuss allegations will be minuted on a BRF.

Personal Relationships - this policy sets out guidelines for pupils (and staff) regarding personal relationships at school, the behaviour expected of pupils in respect of such relationships and the action, which will be taken if these guidelines are not followed. The policy promotes wide friendships rather than exclusive relationships where the concern is that the latter could be to the detriment of those involved.

Alcohol, Drugs & Smoking Policy – this sets out the school rules regarding smoking, drinking of alcohol and substance abuse and action which will be taken should these rules be broken. The policy also details advice and guidance provided by Loretto on the issues of substance abuse, which includes a programme of education, the PSHE Drugs Education Programme. These policies do provide that in certain circumstances pupils will require to undertake urine tests and/or be breathalysed. Parents and pupils do require to confirm they consent to these tests.

Pornography Policy - this sets out the school rules regarding pornography and the sanctions should these rules be broken.

Leaving the School Campus during the school day – Loretto has in place specific rules regarding pupils attendance on campus during the school day and when they can leave the school campus. Specific rules are also in place at the weekends for pupils who board. Signing in books are in operation in all Boarding Houses (and Schoolhouse) and have been since at least 2000. These rules are in place to ensure that the School knows of the whereabouts of each pupil whilst he/she is in the care of the School.

Procedures regarding missing pupils – these set out the procedures to be followed in the event that a pupil goes missing whilst in the care of Loretto.

Behaviour and Discipline – Loretto has in place a Behaviour and Discipline Policy for both the Senior School and Nippers. This sets out Loretto's expectations of its pupils, rewards for good work and behaviour (including academic and sporting achievement) in addition to sanctions for misconduct and specific breaches of the policies detailed above.

- Child Protection

Loretto has had in place a CPP since at least 1999. The Policies and Procedures Handbook 2008 contains the CPP in place then.

The CPP in the 2008 Handbook (this was reviewed in 2010 and 2013) identified what constitutes child abuse under five main headings although accepting that the behaviour listed under these headings as abuse is not exhaustive. The CPP detailed what action should be taken if a child protection issue was brought to the attention of the School (usually to a member of staff) along with the external agencies who also required to be notified. This policy included guidance to staff on interaction with pupils and

how confidential information should be shared in the context of a child protection issue. The policy also included the Complaint Procedure for pupils and the Confidentiality Statement for Pupils at Loretto. These provided guidance to pupils on whom they should speak to if, they were worried about something.

The CPP was reviewed and amended to include the GIRFEC principles and further guidance to staff about what they should do in the event that a child protection matter was brought to their attention. This updated Policy was put in place in January 2013 and sent to all teaching staff.

The 2013 CPP confirmed who was CPC for both the Senior School and Nippers as well as including details of third party organisations who would be involved in a child protection issue if necessary.

The 2013 CPP includes a Child Protection Referral Flowchart, details of the GIRFEC: National Practice Model, which sets out various ways information can be used by staff to help with identifying the needs of pupils at Loretto including any child protection concerns.

Included in the CPP are the following:

- i. The Wellbeing Indicators.
- ii. The Five Questions, which staff should ask themselves when dealing with wellbeing and child protection issues.
- iii. The My World Triangle, which can be used to discuss what is happening in a pupil's life, and what could have an effect on their wellbeing and development. This can be used when staff are discussing matters with pupils and parents.
- iv. The Resilience Matrix to be used by staff when considering what factors can affect a child's ability to deal with concerns and strategies to put in place to strengthen these factors.
- v. The Child's Plan - if the School and another agency is involved in concerns about a child's wellbeing a co-ordinated plan for the child may be necessary.

The CPP includes information to assist staff when dealing with specific concerns for example when pupils were experiencing or were affected by mental health problems.

A copy of the Cause for Concern Form is included in the policy and these are available around the School campus, for example, copies are available in the staff Common Room.

A procedure of annual review is in place in relation to the CPP.

- Medical care

The Policies and Practice Handbook contained procedures regulating the administration of prescribed medication by the School doctor /Nurse by House staff and the administration of non-prescribed medication. These policies are updated and provided to all Housemasters/mistresses.

Guidance regarding the use of the medical centre and referral of pupils are contained in the Academic Staff Handbook.

Loretto has a medical centre on campus, which employs a Nursing and Health Care co-ordinator as well as a full-time and a part-time nurse. The medical centre is linked with the Riverside Medical Centre, Inveresk Road, and Musselburgh. A doctor from this practice attends Loretto twice a week during term time with additional appointments being available to pupils if required. Both day and boarding pupils have access to the School counsellor as do pupils in Nippers. The School counsellor has a consulting room on campus.

- Children's physical wellbeing

Loretto offers a wide curriculum including opportunities for pupils to take part in a number of sports and outdoor activities and has done so since the 1930s.

Outdoor activities include the Combined Cadets Force, Duke of Edinburgh Scheme and in the Sixth Form, the opportunity to take part in expeditions arranged through Loretto's Borealis Society.

In the event that there was a concern about a child's physical wellbeing in the past, staff would have addressed this and if necessary medical advice would have been sought.

Guidance is provided in the CPP as detailed above if there is a wellbeing concern involving a pupil.

Further, Loretto has a medical centre on campus, which employs a Nursing and Health Care co-ordinator plus a full-time and a part-time nurse. The medical centre is linked with the Riverside Medical Centre, Inveresk Road Musselburgh. A doctor from this practice attends Loretto twice a week during term time with additional appointments being available to pupils if required. Both day and boarding pupils have access to the School's counsellor, who has a consulting room on campus.

- Children's emotional and mental wellbeing

The policies set out above in this question iv. detail what Loretto had and has in place in relation to pupils' emotional and mental wellbeing.

In addition to support from the school counsellor, pupils can be referred to the Child and Adolescent Mental Health Services.

v. Who compiled the policies and/or procedures?

Members of the Senior Management Team compiled the CPP which was put in place in 2013. This took into account guidance from SCIS. The records reviewed do not disclose who compiled the earlier policies and procedures.

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

Loretto has not retained full details of when the various policies were put in place. School rules have been in place since the 1930s although there is not a record of these policies and the dates when these were put into place.

The table and response at i. above detail the dates of the policies, which are in place at present so far as can be identified from the records reviewed.

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

Yes.

viii. Were such policies and/or practices reviewed?

Yes.

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

The amended CPP put in place in 2013 was reviewed, in light of the GIRFEC principles.

In anticipation of further changes to child protection contained in the Children and Young People (Scotland) Act 2014, SCIS provided updated guidance and changes to its CPP which included guidance regarding data sharing by the proposed “named – person” scheme. In light of the ongoing review of these provisions by the Scottish Government, Loretto has reviewed its CPP. However, this remains in draft pending clarification of Scottish Government’s review.

This draft CPP has been made available to staff on Loretto’s VLE under the proviso that it is in draft form and should staff wish to raise a child protection concern they should continue to follow the 2013 policy.

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

Review of the records as detailed in the methodology does not provide details of changes to policies for the period from 1930 to 17 December 2014.

Changes in legislation have brought about a review of policies. For example Loretto had in place a CPP in 2010 which required to be changed substantially to take account of the GIRFEC principles and to provide staff with further guidance. The amended CPP was put in place and sent to all staff in 2013.

xi. Why were changes made?

The reasons why changes were made are as detailed in ix. and x above.

xii. Were changes documented?

A review of records discloses that previous versions of some of the policies in place at present were retained. However, there is not a central record detailing the changes made and when these occurred.

xiii. Was there an audit trail?

There is not a central record of changes made and when, however previous versions of some of the policies in place at present have been retained.

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.**

- Safeguarding - In 2015, as part of its Guidance on Child Protection, SCIS provided guidance to its members on Female Genital Mutilation ("FGM"). A copy of this was placed in the staff area of Loretto's intranet. A hard copy of this guidance was placed in the staff Common Room.

FGM is covered as part of Loretto's PSHE programme and a copy of the SCIS guidance is available to pupils in each of the boarding houses including Schoolhouse.

- Child Protection - Since the start of the academic year in 2016 all staff have been asked to sign the Code of Conduct: Guidance on Interaction with Pupils Policy.

The current Employment Manual for Academic and Support Staff and the Academic Staff Handbook were reviewed by Law at Work, 19 Thistle Street, Edinburgh in July 2016 to ensure compliance with current employment law legislation.

Since September 2016, PSHE has been delivered to pupils in the Senior School every Saturday as part of the Life skills course.

The CPP was reviewed and amended in September 2017 to take into account changes in personnel and in particular the person who would undertake the role of CPC in Nippers.

In September 2017, policies relating to Bullying, Drugs and Alcohol abuse, Pornography and Child Protection (abridged version for pupils) were removed from the Calendar. These can now be found on the Loretto intranet in the area for pupils.

Copies of these policies are available to all parents in the secure area on Loretto's website.

(b) Practice**Past**

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

It is not possible given the passage of time and the records reviewed to confirm that Loretto adhered to all its policies/procedures in relation to the care of children at the School for the entire period from 1930 until 17 December 2014.

The review of Loretto's records as detailed in the methodology demonstrates that it did have policies/procedures in place relating to the care of children including those detailed in iv. above in response to the specific areas mentioned.

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

It is not possible, given the passage of time and records retained by Loretto, to provide a detailed response to this question for the period from 1930 to 17 December 2014.

A review of the records has disclosed details of policies relevant to the areas below. However it is not possible to confirm that these were all the policies in place in the past or that these were adhered to in all circumstances as the records retained by Loretto are not complete. These matters are addressed in the responses to Present ix. below.

In response to the areas referred to below Loretto can provide details of the steps taken in these areas.

- **Safeguarding**

Loretto has in place an Anti-bullying Policy and the records reviewed disclosed that from 2009 the BRF system was in place in the Senior School to monitor allegations of bullying. Prior to this allegations of bullying were investigated and some were considered under the CPP which included working with external organisations including Lothian and Borders Police.

Allegations of bullying were also referred to the CPC as a complaint, if appropriate, and a record of this retained.

The Chair of the Education Committee reviews these complaints, this practice commenced in 2013.

In Nippers, there are records of the action taken in relation to allegations of bullying and these date back to 2012.

Since 2013 Nippers has had in place a complaints book, which includes allegations of bullying. This book records complaints made about issues in Nippers and provides details of the complaint, action taken in response to this and the outcome along with relevant dates. The Chair of the Education Committee audits this complaints book termly. This practice commenced in 2013.

In relation to the other policies referred to under Safeguarding above, the records reviewed provide evidence that breaches of these policies were investigated and action taken if necessary. This action could include sanctions against pupils in accordance with Behaviour and Discipline policy/practice in place from time to time.

- Child Protection

The records reviewed disclose details of investigations undertaken in accordance with Loretto's CPP in place at the time.

- Medical care

The records reviewed detail that children have received care at the medical centre and from staff at Loretto.

- Children's physical wellbeing

The records reviewed show Loretto offers a wide curriculum including opportunities for pupils to take part in a number of sports and outdoor activities and has done so since the 1930s.

This curriculum follows the Loretto ethos of educating mind, body and spirit.

Concerns regarding pupils' physical wellbeing were raised and dealt with as follows:

1. Through the Complaints Procedure and there are records of these complaints, action taken and outcome.

2. Through the BRF procedure in place since 2009. The BRF details the complaint, action taken in response and outcome.
3. Through the CPP.

- Children's emotional and mental wellbeing

The records reviewed show Loretto offers a wide curriculum including opportunities for pupils to take part in a number of sports and outdoor activities and has done so since the 1930s.

This curriculum follows the Loretto ethos of educating mind, body and spirit.

Concerns regarding pupils' physical wellbeing were raised and dealt with as follows:

1. Through the Complaints Procedure and there are records of these complaints, action taken and outcome.
2. Through the BRF procedure in place since 2009. The BRF details the complaint, action taken in response and outcome.
3. Through the CPP.

iii. How was adherence demonstrated?

Adherence can be demonstrated by reference to the records held as follows:

1. Child Protection records.
2. Wellbeing records.
3. BRFs.
4. Complaints book in Nippers.

The records reviewed are not complete and thus adherence cannot be provided for the entire period from 1930 to 17 December 2014. This is a matter dealt with in the response to Present ix below.

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

Adherence can be demonstrated with reference to the records retained by Loretto. The records reviewed are not complete and thus adherence cannot be provided for the entire period from 1930 to 17 December 2014. This is a matter dealt with in the response to Present ix below.

v. Were relevant records kept demonstrating adherence?

Records have been retained although not for the entire period from 1930 to 17 December 2014. Further the records retained are not complete given the passage of time and that records have been destroyed.

vi. Have such records been retained?

Records have been retained although not for the entire period from 1930 to 17 December 2014. Further, the records retained are not complete given the passage of time and that records have been destroyed.

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

The records reviewed do not disclose a failure to adhere to policy/procedure in practice.

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

The records reviewed do not disclose an alternative practice.

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.

Response to iii. and iv.

Review of the records as detailed in the methodology and completion of this response has demonstrated that records are not complete and has led to a further analysis of the current recording of information.

In order to ensure pupil pastoral and welfare information is readily accessible, Loretto is introducing a Pastoral Management system, which will store this information securely on its own electronic operating system.

Further, it has been identified that an HR role should be put in place whose remit will include reviewing and putting in place a Records Management Policy. This is being implemented.

Since the start of the academic year in August 2016, the Assistant Head, Pastoral and Compliance (formerly DPC) has kept a centralised record of child protection, pastoral and wellbeing issues she has dealt with in her role. This record details the date of the complaint, nature of the complaint, the complainer and the outcome as far as it relates to a welfare issue. This provides a more accessible central record.

4.6 **Staffing**

(a) Policy

Past

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

It is not possible, given the passage of time and records retained by Loretto, to provide a detailed response to this question for the period from 1930 to 17 December 2014.

- **Employment Manual**

Loretto had in place three Employment Manuals for different groups of staff being Academic, Administration and Support, and Catering and Cleaning. The earliest editions of these manuals are dated 2007.

In 2013, these three manuals were consolidated into one Employment Manual for all Academic and Support Staff.

This Manual contains a number of human resource policies and procedures including for example the School Rules for pupils. The manual is available to all staff on the VLE.

- **Academic Staff Handbook**

In 2007 all HR policies and policies relating to the care of pupils at Loretto were gathered together and consolidated into a Policies and Practice Handbook. Records reviewed confirm that some of these policies had been in place since at least 2001 and had been held in different locations within Loretto.

Loretto also had in place a Vade Mecum for Members of Staff the purpose of which was to provide staff with details of the School's routine, its ethos, Common Room practice and expectations.

In 2012, an Academic Staff Handbook was issued containing policies and procedures from the Policies and Practice Handbook and the Vade Mecum for Academic Staff. This Handbook is reviewed on an annual basis to ensure it complies with relevant legislation.

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

The aim of the policies and procedures contained in the Handbook and Manual detailed in i above was, *inter alia*, 1) to ensure that all staff had access to a document which set out Loretto's policies and procedures 2) to provide a thorough recruitment and induction process to ensure the appointment of appropriate staff to both academic and support roles and 3) to provide a safe environment with the provision of pastoral care appropriate for the age and gender of pupils accommodated by Loretto in the boarding houses and day house.

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

It is not possible, given the passage of time and records retained by Loretto, to provide a detailed response to this question for the period from 1930 to 17 December 2014.

- Employment Manual
Policies relating to employment are in writing and provided to all staff in manuals as detailed in i. above. These are now available online.
- Academic Staff Handbook
The records reviewed detail that HR policies relating to academic staff, which included policies relevant to the care of children, were recorded in writing from at least 2001. These were consolidated originally in 2007 and then reviewed and put into an Academic Staff Handbook in 2012. This is available on line.
- School Calendar
Loretto issues a school calendar each term. Earliest copies of these date back to 2000 although it is understood that the calendar was issued to staff, pupils and parents prior to then. The calendar contains the Code of Conduct, CPP and other policies relating to pupil behaviour.

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

It is not possible, given the passage of time and records retained by Loretto, to provide a detailed response to this question for the period from 1930 to 17 December 2014.

The records reviewed do not detail all the policies and procedures relied upon at Loretto in the following situations. However, the review can provide the following information about the various steps in the recruitment process and employment of staff at Loretto:

- Pre-employment checks

Loretto has some staff records from the mid-1960s, which confirm that references were sought from previous employers before individuals were employed at Loretto.

Staff records reviewed as detailed in the methodology provide evidence that staff were advised of their duties both academic and pastoral and were provided with guidance on these from their colleagues and Headmaster in place at the time. Staff were provided with a contract of employment. It is not known when these were introduced however staff files reviewed refer to these being given to staff in the 1970s.

Two references are now obtained for applicants prior to employment at Loretto.

Since 2002, Loretto has carried out Enhanced Disclosure checks with Disclosure Scotland and since 2011 the Protection of Vulnerable Groups scheme. Loretto's policy is to gain Enhanced Disclosure or membership of PVG scheme for all staff prior to employment at the School. Prior to this Loretto relied on the L99 list which details individuals who were barred from teaching.

A medical assessment is only requested if a response within the questionnaire provided to potential employees as part of the recruitment process highlights the need to obtain this.

- Recruitment

Records reviewed demonstrate that in the past references have been sought for individuals applying to work at Loretto. These along with an interview, provided an assessment of the suitability of a candidate for a post within the School.

Loretto has had a comprehensive checklist of procedures in place since 2012. This requires to be completed for both academic and support staff appointments. The checklist includes confirmed membership of the PVG scheme, two references, completion of an application form and/or CV, personal

health questionnaire, confirmation of appropriate qualifications and interview(s) records and confirmation of identity.

If Loretto recruits a member of staff from outwith the United Kingdom pre-employment checks are carried out by an agency who provides information about that candidate's suitability for the job including references, criminal convictions check and confirmation of entitlement to work in the UK. Loretto also requires confirmation of membership of the PVG Scheme.

- Induction

The Academic Staff Handbook includes a section on the planned induction and training programme for all academic staff.

The Induction Programme provides a comprehensive list of meetings, which have to be attended by the new academic recruits, and documents, which he/she receives. Included in this Induction Programme is a tour of the campus and the opportunity to meet a number of key members of staff including the Headmaster, Bursar and DPC as well as new colleagues within the relevant department. The new member of staff has to attend a Child Protection brief presented by the DPC and receives a copy of the Employment Handbook either by email prior to their starting at the school or via Loretto's Intranet. A copy of the Employment Manual is available in each department both academic or support.

Academic staff receive a copy of the Academic Staff Handbook.

All new members of staff are specifically asked to confirm that they have read the CPP, Equality & Diversity Policy and the School Improvement Plan. Since 2016, staff are required to read and sign the Loretto Code of Conduct for Staff: Guidance on Interaction with Pupils.

A meeting is also arranged to discuss relevant health and safety procedures.

Support staff require to complete an Induction Programme although not all areas covered by teaching staff are relevant to support staff.

Support staff are briefed by Loretto's Health and Safety Officer on arrival as part of their induction process, are given Child Protection training and are required to read and sign the Loretto Code of Conduct for Staff: Guidance on Interaction with Pupils.

A nominated person working within their department mentors new members of staff to ensure knowledge of the campus and working environment.

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

Staff are not transferred to other establishments by Loretto. Staff leave Loretto usually through choice having resigned. Staff may be dismissed by Loretto for example following a restructure.

- References

Records reviewed demonstrate that in the past references have been sought for individuals applying to work at Loretto. It is envisaged that references were obtained and this, along with an interview, provided an assessment of the suitability of a candidate for a post at Loretto.

Since at least 2012, Loretto has had in place a Safer Recruitment Procedure, as agreed by the Headmasters' and Headmistresses' Conference, which requires the current Headmaster/mistress of a school to confirm whether or not an individual teacher is deemed to be a fit person to work in an unsupervised setting with children.

In addition to the Headmaster providing the above confirmation only he, and the Bursar can write references for members of staff. Other members of staff may be asked to provide references for their colleagues but this would be a personal reference and must state that this does not represent the views of Loretto.

As part of the recruitment process Loretto requires two references from applicants and in the case of an applicant to an academic post a reference from their current Headmaster/mistress as detailed above. Loretto has a standard reference request (implemented in 2012) which referees are asked to complete. This reference requests information about an applicant's suitability for the role applied to, details of the role presently undertaken, suitability to work with children and details of disciplinary record and child protection concerns. References require to be checked to ensure these are valid.

- Appraisal/supervision

Review of records noted that Loretto undertook staff appraisals for academic staff back to the 1990s, which suggests at that time there was a procedure in place to review the performance of staff.

The current appraisal procedure has been in place for academic staff since 2009. This provides that academic staff undertake a full appraisal every 2 years with an interim assessment in the intervening year.

Pastoral staff are reviewed biennially as part of their boarding house review.

An annual appraisal procedure for support staff was established in 2013.

Records of the appraisals are kept on personnel files with a copy being held by the person being appraised.

- Training

The records reviewed do make reference to staff attending training courses as part of their appraisal which indicates that staff were expected to undertake training and development whilst at Loretto.

The Induction and Training Programme as detailed above under "Induction" requires that all staff undertake training in the following:

- i. Loretto Appraisal Performance Reporting.
- ii. Health & Safety and Fire Training.
- iii. CPP (an annual update is provided to staff at the beginning of each academic year).
- iv. Equality & Diversity Training.

Line Managers require to undertake training in "Loretto Appraisal Performance Reporting" and "Health & Safety for Line Managers".

The appraisal procedure in place at present provides an opportunity for staff to identify training needs and then identify and attend appropriate courses.

- Personal/Professional development

In the records reviewed reference was made regarding the need for an individual to attend a training course in their appraisal of 1997, which suggests staff development and that Continual Professional Development ("CPD") was undertaken at that point.

Loretto's current appraisal procedure for academic staff has been in place since 2009 and is approved by the GTCS. This details the appraisal process, which has to be followed by both the member of staff who is being reviewed and the reviewer.

A Professional Review and Development Portfolio is completed detailing the agreed objectives, steps to be taken to achieve this and when each objective is achieved. Staff also have to detail the expected impact an objective will have not only on their teaching practice but also on the School and its pupils. Staff require to complete a self-evaluation prior to the review meeting and this consists of a number of pro-forma questions about the previous year being appraised, the next year's objectives and also future career aspirations.

An annual appraisal procedure for support staff was established in 2013.

- Disciplinary actions

Loretto is aware from personnel files going back to the late 1960s that various disciplinary sanctions were put in place for staff including oral warnings, written warnings and dismissal.

The Disciplinary and Dismissal Procedure ("DDP") is now consolidated into one procedure as set down in the Employment Manual for Academic and Support Staff.

The procedure details that an investigation into the allegations of misconduct should take place and then, if appropriate, a disciplinary hearing. The member of staff against whom the allegations are made is entitled to be accompanied to the disciplinary hearing by a colleague or trade union representative. The various sanctions are set down in the event that it is found that the behaviour alleged occurred and then the member of staff has a right to appeal against the sanction given by the School. For teachers this appeal is to the Board of Governors and for support staff the Headmaster.

- Dismissal

The records reviewed confirm that staff were dismissed for various reasons including misconduct. The procedure for dismissal following a disciplinary process is detailed above.

Records reviewed detail that academic staff did receive contracts of employment and these date back to at least the 1970s. The contracts provided that Loretto could dismiss academic staff within the probationary period (being one year) on one month's notice and thereafter a term's notice. Dismissal would be summary in the event of misconduct on the part of the member of staff.

Contracts of employment issued since at least 1996 provide that a member of staff could be summarily dismissed in the event of gross misconduct.

Support staff are (and have been since 2013) subject to a six month probationary period during which the notice period is one week. Thereafter they are entitled to receive between 4 weeks and 12 weeks' notice depending on the position held subject always to the statutory minimum notice period and to the contract being summarily terminated on the ground of gross misconduct.

v. Who compiled the policies and/or procedures?

The records reviewed do not disclose this.

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

The records reviewed confirm that some policies and procedures were in place from at least 1999, for example, the CPP was introduced in 1999. However, this has been reviewed and amended over time. The following documents provide an indication of when policies and practices were put in place:

- Employment Manuals

In 2012, Loretto had in place three Employment Manuals for different groups of staff being Academic, Administration and Support, and Catering and Cleaning. The earliest editions of these manuals are dated 2007. Some of the policies were in existence prior to that date, for example an Anti-Bullying and Harassment Policy was in place in 2001.

In 2013, these three manuals were consolidated into one Employment Manual for all Academic and Support Staff.

This manual contains a number of human resource policies and procedures including School Rules.

The Employment Manual is reviewed from time to time with the last review being carried out in 2016 to ensure it complied with relevant legislation.

- Academic Staff Handbook

The records reviewed detail that HR policies relating to academic staff, which included policies relevant to the care of children, were recorded in writing from at least 2001. These were consolidated originally in 2007 along with the Vade Mecum for Academic Staff referred to in i. above and then reviewed and put into an Academic Staff Handbook in 2012.

In relation to the specific headings under iv. the following policies and procedures have been put in place:

Since 2002, Loretto has carried out Enhanced Disclosure checks with Disclosure Scotland and since 2011 the PVG scheme for all staff prior to their employment.

The present appraisal process for academic staff has been in place since 2009.

Since 2013, there has been a formal appraisal process in place for support staff.

Since 2012, Loretto has had a checklist, which requires to be completed for both academic and support staff appointments.

Since 2012, Loretto has a standard reference request which referees are asked to complete.

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

The policies and procedures referred to above do remain in place and are contained in the Academic and Support Staff Employment Manual and the Academic Staff Handbook. The relevant policies and procedures which relate to pupils are available to pupils either prior to or after their starting at Loretto. The Manual and Handbook are available to all staff either on Loretto's intranet or in hard copy.

viii. Were such policies and/or practices reviewed?

Yes

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

The Academic Staff was put in place in 2012 following a review and consolidation of policies and procedures contained in the Vade Mecum and the Policies and Practice Handbook.

The Employment manuals were reviewed in 2013, when all three were consolidated into one Employment Manual for all Academic and Support Staff.

The policies are also reviewed to ensure compliance with employment law and to reflect any changes to school policy.

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

The Employment Manual(s) were originally issued in 2007 and have been regularly updated (and consolidated in 2013 as detailed in i. above) since that time to ensure compliance with relevant employment legislation and changes to school practice. Substantive changes include putting in place policies and procedures relating to Whistleblowing, Maternity, Adoption, Paternity and Shared Parental Leave, Equal Opportunities, Anti-corruption and Bribery, References, Safer Recruitment (including Enhanced Disclosure checks) and Professional Practices.

xi. Why were changes made?

Changes were made to comply with changes to Employment Law legislation and changes in school policy.

xii. Were changes documented?

Loretto has retained some previous versions of the Academic and Support Staff Employment Manual and Academic Staff Handbook back to 2007 and copies of previous versions of some documents to 1999, for example the CPP.

xiii. Was there an audit trail?

Loretto has retained some previous versions of its policies and practices as detailed in xii. above.

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

The current Employment Manual for Academic and Support Staff and the Academic Staff Handbook were reviewed by Law at Work, 19 Thistle Street, Edinburgh in July 2016 to ensure compliance with current employment law legislation.

Since August 2016, staff are required to read and sign the Loretto Code of Conduct for Staff: Guidance on Interaction with Pupils.

(b) Practice

Past

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

It is not possible given the passage of time and the records reviewed to confirm that Loretto adhered to all its policies/procedures in relation to staffing at school for the entire period from 1930 until 17 December 2014.

The review of Loretto's records as detailed in the methodology demonstrates that it did have policies/procedures in place relating to staff, both academic and support, and their employment at Loretto.

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

It is not possible, given the passage of time and records retained by Loretto, to provide a detailed response to this question for the period from 1930 to 17 December 2014.

The records reviewed do not detail all the policies/procedures relied upon at Loretto in the following situations, nor do these provide details of compliance with policies/procedures in place at any given time.

Since 2012, the policies/procedures relating to staff at Loretto have been consolidated and procedures put in place to record on an applicant's file the requirements of the recruitment process and the employment relationship including training, development and appraisal of all staff. The following information about the various steps in the recruitment process and employment of staff demonstrate adherence in practice to Loretto's policies/procedures:

- Pre-employment checks

Loretto has incomplete staff records going back to the mid-1960s and know that references were sought from previous employers before individuals were employed.

Since 2002, Loretto has carried out Enhanced Disclosure checks with Disclosure Scotland and since 2011, the PVG scheme. Loretto's policy is to gain Enhanced Disclosure or membership of PVG scheme membership for all staff prior to employment at Loretto School. Prior to this Loretto relied on the L99 list, which details individuals who were barred from teaching. Loretto has a central record of PVGs which demonstrates adherence.

A medical assessment is requested if a response within the questionnaire provided to potential employees as part of the recruitment process, highlights the need to obtain this.

- Recruitment

The Employment Manual contains policies on references, safer recruitment and professional practices for academic staff and a reference policy for support staff.

Loretto follows relevant guidelines for safer recruitment as directed by the Care Inspectorate, Headmasters' and Headmistresses' Conference, SCIS, ES, the Independent Association of Preparatory Schools and the Association of Governing Bodies of Independent Schools.

Since 2012, Loretto has had in place a comprehensive checklist of procedures, which requires to be completed prior to the employment of a member of staff. The checklist includes confirmed membership of the PVG scheme, two references, completion of an application form and/or CV, personal health

questionnaire, confirmation of appropriate qualifications and interview(s) records and confirmation of identity.

- Inductions

The induction process detailed in the Academic Staff Handbook has been in place since 2012.

- Transfers to and from other establishments within or outwith the organisation

Staff at Loretto are not transferred to other establishments by Loretto. Staff leave Loretto usually through choice, having resigned. Staff may be dismissed by Loretto, for example following a restructure.

- References

Loretto has some staff files going back to the mid-1960s which demonstrate that references were sought from previous employers before individuals were employed at Loretto.

Since 2012, Loretto has had in place a checklist of procedures, which require to be completed prior to the employment of a member of staff. The checklist requires two references, verified, usually by telephone. Prior to 2012, whilst references were obtained Loretto cannot confirm that this occurred for every appointment, as records have not been retained.

- Appraisals/Supervision

Since 2009 Loretto has had in place a comprehensive appraisal process with teaching staff the subject of a full review biennially followed by a lighter touch review in the intervening years. Pastoral staff are reviewed biennially as part of their boarding house review. An annual appraisal process for support staff was established in 2013. Records of the appraisals are kept on personnel files with a copy being held by the person being appraised.

- Training

Reference was made regarding the need for an individual to attend a training course in their appraisal of 1997, which suggests staff were developed and attended CPD courses.

All staff at Loretto are expected to attend relevant CPD courses throughout their careers.

Internal training is identified and provided at Loretto during INSET days and this includes Child Protection training for all staff. The appraisal process is an opportunity for staff and the reviewer to identify relevant training and then identify a relevant course to attend. Academic staff retain evidence of this as part of their CPD record, which is now online as required by the GTCS.

- Personal/Professional development
Reference was made regarding the need for an individual to attend a training course in their appraisal of 1997, which suggests staff were developed and attended CPD courses. The appraisal process identifies training needs and appropriate courses are identified and individuals encouraged to attend. Loretto funds or part-funds CPD courses.
- Disciplinary actions
Loretto is aware from personnel files going back to the late 1960s that various disciplinary actions were taken against staff, which included oral warnings, written warnings and dismissal.

Loretto has in place a disciplinary procedure, which is followed in the event that there is an allegation of misconduct against a member of staff.
- Dismissal

The staff files reviewed refer to employees leaving their employment at Loretto. Loretto has in place a disciplinary procedure which includes provisions relating to dismissal of staff.

iii. How was adherence demonstrated?

Adherence can be demonstrated with reference to staff files retained although Loretto has not retained all such files for the period from 1930 until 17 December 2014.

Current staff files are retained and contain information detailing the recruitment process, induction process and other issues relevant to the employment relationship between the member of staff and Loretto, for example, appraisal, training, disciplinary and grievances procedures.

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

Adherence can be demonstrated with reference to personnel files and the policies and procedures in place as detailed above.

v. Were relevant records kept demonstrating adherence?

Yes, although Loretto would accept that these records are not complete. This is something, which Loretto has been taking steps to address as follows:

Since 2009, a detailed appraisal process for academic staff has been in place and completed appraisals are retained on staff files.

Since 2012, a checklist has been put in place which details the various checks and documents, which are required as, part of the recruitment process.

Since 2012, a pro-forma reference request is sent to the referees provided by potential employees.

Since 2013, a detailed appraisal process for support staff has been in place and completed appraisals are retained on staff files.

vi. Have such records been retained?

Loretto has staff files for all current employees and some former employees.

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

Reasons why the policies detailed above were not adhered to are not known.

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.

Equality, Diversity and Recruitment training for all Establishment staff was held in April 2017 and delivered by Law at Work. Employees are required to sign as having read and understood Loretto's Equality and Diversity booklet.

Since 2016, all staff are required to sign Loretto's Code of Conduct: Guidance on Interaction with Pupils, which is taken from a template document provided by SCIS.

The current Employment Manual for Academic and Support Staff and the Academic Staff Handbook were reviewed by Law at Work, 19 Thistle Street, Edinburgh in July 2016 to ensure compliance with current employment law legislation.

The School Calendar no longer contains the CPP or other policies relating to pupil behaviour other than the Code of Conduct. These policies can be found on Loretto's intranet in the pupil area.

4.7 Visitors

(a) Policy

Past

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

- Signing in to Nippers and Senior School

The records reviewed as detailed in the methodology do not disclose that there was in place a written policy/procedure regarding the attendance of visitors to Loretto (either Nippers or Senior School).

Visitor books are now present in both Nippers (since at least 2010 although complete books have been in place since 2013) and the Senior School (since 2014). Visitors (including Governors) have to sign in when they arrive at the reception area in either Nippers or the Senior School. Visitors are also given a visitors badge in a lanyard, which they require to wear whilst on campus. Prospective parents do not sign in however specific arrangements are made to ensure that prospective parents are met either at the reception at Schoolhouse or the reception at Nippers. Admissions publish a weekly sheet detailing prospective parents who are visiting the School in the coming week and this is provided to staff at the reception at Schoolhouse and Nippers.

- Signing in to Boarding Houses

Signing in to Nippers or the Senior School does not necessarily give that individual access to the boarding houses on campus.

Each boarding house has a signing-in book which requires to be signed by those entering a boarding house on campus. This includes all pupils and visitors to the boarding house.

Access to a boarding house can only be obtained through a locked front door, which is opened by either a member of staff or a pupil. Details of when a pupil should sign in and out of his/her boarding house are detailed in the boarding house handbook for the relevant boarding house. These are provided to the pupil prior to the start of the summer term (or if the pupil starts midway through a term prior to their start date).

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

The intention in requiring all visitors to sign in to Loretto is to ensure 1) that there is a record of who attended either Nippers or the Senior School and for what purpose and 2) in the event that there is a fire to provide a record of who is in the School in addition to staff and pupils.

The intention in requiring all pupils/staff and visitors to sign in to a boarding house is to ensure 1) that there is a record of who attended the boarding house and 2) in the event that there is a fire to provide a record of who is in the boarding house.

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

The visitor book for the Senior School is at reception in Schoolhouse being the main reception.

The visitor book for Nippers is in the reception area at the main entrance to Nippers.

Signing-in books are kept at the reception area of each boarding house.

iv. Who compiled the policies and/or procedures?

It is not known who introduced the visitor books and sign-in procedure.

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

Visitor books were introduced at the Senior School reception in 2014. Visitor books were introduced in Nippers in 2010 although complete records were in place from 2013.

Signing-in books in boarding houses have been in place since at least 2000.

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

The visitor book and signing-in procedures remain in place.

vii. Were such policies and/or practices reviewed?

It is now known if these were reviewed during the period from 1930 to the date of submission of this response.

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

Not applicable.

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

There have been no substantial changes to the visitor book and sign-in procedures.

x. Why were changes made?

Not applicable.

xi. Were changes documented?

Not applicable.

xii. Was there an audit trail?

Loretto has retained copies of visitor books in the Senior School since the introduction of these in 2014. Visitor books in Nippers have been retained since 2010.

Signing-in books in boarding houses are generally destroyed at the end of the relevant academic year.

Present

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

No.

xiv. If so, please give details.

(b) Practice

Past

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

The records reviewed as detailed in the methodology do not disclose incidents which detail that the practice of signing visitor books or signing-in books was not followed although the visitor book in Nippers was introduced in 2010 with complete records being in place from 2013.

ii. How was adherence demonstrated?

Adherence was demonstrated by completion of the visitor books in either Nippers or the Senior School or completion of the signing-in book at the reception of the relevant boarding house.

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

Disclosure of the visitor books/signing-in books.

iv. Were relevant records kept demonstrating adherence?

Loretto has retained copies of visitor books in the Senior School since the introduction of these in 2014 and in Nippers since 2010.

Signing-in books in boarding houses are generally destroyed at the end of the relevant academic year.

v. Have such records been retained?

Yes as detailed iv. above.

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

The reasons why a visitor book or signing-in book may not have been completed are not known.

Present

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

No.

viii. If so, please give details.

4.8 Volunteers

(a) Policy

Past

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

The records reviewed as detailed in the methodology do not disclose that there was in place a written policy/procedure in relation to volunteers attending Loretto.

Loretto does not engage volunteers to assist with the provision of either academic learning or extra-curricular activities offered to the children who attend the Senior School. Further, the records reviewed do not disclose that this was a practice during the period of time relevant to this response. Nippers on occasion does ask parents to assist with activities within Nippers including school trips where parent helpers are required. Parent helpers who do volunteer to come in to assist at Nippers and who would be on their own with children are checked under the PVG scheme.

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

Loretto does not have a policy in relation to asking for assistance from parent helpers however, this practice is to provide additional resource to Nippers on an ad hoc basis from the parent community.

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

PVG certificates are retained by Loretto.

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

The requirement to obtain a PVG certificate is in accordance with a similar provision in Loretto's recruitment procedure which covers the recruitment of staff both academic and support.

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

The requirement to PVG check parent helpers has been in place since 2002 under the Disclosure Scotland Scheme and then from 2011 under the PVG scheme.

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

The requirement to PVG check parents as detailed in i. above remains in place.

vii. Were such policies and/or practices reviewed?

The requirement to PVG check parents has not been reviewed.

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

Not applicable.

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

Not applicable.

x. Why were changes made?

Not applicable.

xi. Were changes documented?

Not applicable.

xii. Was there an audit trail?

Not applicable.

Present

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

No.

xiv. If so, please give details.

(b) Practice

Past

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

The records reviewed as detailed in the methodology do not disclose that there was in place a written policy/procedure in relation to volunteers attending Loretto. Loretto does not engage volunteers to assist with the provision of either academic learning or extra-curricular activities offered to the children who attend either Nippers or the Senior School.

Nippers on occasion does ask parents to assist with activities within Nippers including school trips where parent helpers are required.

Parent helpers who do volunteer to come in to assist at Nippers and who would be on their own with children are checked under the PVG scheme.

- ii. **How was adherence demonstrated?**

Adherence can be demonstrated by Loretto exhibiting the relevant PVG certificates.

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

Adherence can be demonstrated by Loretto exhibiting the relevant PVG certificates.

- iv. **Were relevant records kept demonstrating adherence?**

A record of the PVG certificates obtained by Loretto can be exhibited.

- v. **Have such records been retained?**

Yes.

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

Not applicable.

Present

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

No.

viii. **If so, please give details.**

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?**

It is not known what policies and procedures were in place at Loretto in relation to complaints and reporting at the School for the entire period from 1930 to 17 December 2014 given the passage of time and records retained.

There is reference in the records reviewed to parents and pupils raising concerns with staff.

The following policies/procedures have been in place:

- CPP has been in place since 1999 and has been amended to reflect the GIRFEC principles.
- Parental Complaints procedure, which can be accessed by parents. This has been in place in the Senior School since at least 2001 and in Nippers since at least 2002.
- Pupil Complaints procedure is contained in each Boarding House handbook. This procedure has been in place since at least 2007.
- Grievance Procedure for staff, which has been in place since at least 2007.
- Whistleblowing Policy was put in place in 2012 and is included in the Employment Manual for all staff.
- House review system – this biennial review has taken place in each Boarding House since at least 2007. The DPC leads the review by visiting the Boarding

House (or Schoolhouse), speaking with the pupils and asking them to complete a questionnaire about the care they receive and the facilities in the Boarding House. The DPC speaks to each Housemaster/mistress about issues raised and asks that the Housemaster/mistress set house priorities. The Housemaster/mistress does appraise housekeeping staff although input is also provided by the Senior Housekeeper who line manages the housekeeping teams. Parents are asked their views on the running of the House and the care given to their children. House Governors are asked to provide feedback following their visits.

- BRF procedure has been in place since 2009. This allows staff to report incidents of poor behaviour which breach Loretto's policies and procedures and in particular policies regarding bullying, abuse of alcohol and drugs and damage or theft to property and potential child protection issues.
- The DPC has lived on campus since June 2015 and is available to both staff and pupils should they wish to seek advice or raise concerns.
- The Headmaster of Loretto has always lived on campus and is available should someone wish to raise a concern with him.

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

The aim of these policies was to provide parents, pupils and staff with a procedure for raising concerns and a process for dealing with these concerns. The procedures also provided for an outcome and a method by which the outcome could be communicated to those involved.

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

- Pupil and Parent policies/procedures

The School Calendar was introduced in the 1950s and this included timetables for the school day for each year group. The calendars of more recent decades include copies of relevant school policies including the Code of Conduct, Complaints/Grievance Procedure for pupils supported by copies of the Confidentiality Policy for Loretto and the Confidentiality Statement for Pupils at Loretto.

The CPP (although this is an abridged version to the one, which appears in the Academic Staff Handbook and online) also appears in the Calendar along with Alcohol and Drugs Policy, Pornography Policy and Anti-Bullying Policy.

These school policies are also available to parents via Loretto's website, placed in a secure area to which parents and pupils have access.

The Complaints Procedure for parents was available in hard copy from Loretto.

The BRFs were completed by the Vicegerent. Copies were retained by him and a copy was placed on the relevant pupil file.

- Employee policies/procedures

The Grievance Procedure for staff has been in place since at least 2007 and at that time was contained in the Employment Manual for the relevant staff group.

In 2007, Loretto the three employment manuals were consolidated and the Grievance Procedure was recorded in this consolidated Employment Manual for Academic and Support Staff.

This Manual contains a number of human resource policies and procedures including for example the School Rules for pupils.

In 2012, an Academic Staff Handbook was issued to all academic staff in both the Senior School and Nippers. This contained policies and procedures from the Policies and Practice Handbook and the Vade Mecum for Academic Staff.

Loretto also has an intranet with areas for staff, pupils and the VLE. All staff with an email account at Loretto have access to this intranet where there are online copies of the Academic Handbook and the Employment Manual for Academic and Support Staff. For those employees who do not have access to the VLE, copies of the policies and procedures are available in their department and from their line manager.

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

- Complaints by children

The Complaints/Grievance Procedures for pupils is to be used by pupils if they wish to make a complaint about the way they have been treated at Loretto.

The procedure sets out to whom a complaint should be made and confirms that any member of staff will listen to a personal problem and will help to solve this.

This confirmation helps to instil a relationship of trust between pupils and staff, which allows pupils to raise concerns with whom they feel most comfortable.

The Anti-bullying Policy also provides a process for dealing with pupil concerns with incidents being reported to a member of staff. In the Senior School, incidents are recorded on a BRF and in Nippers in the Complaints Book.

The CPP provides that children should raise concerns with staff and that staff can raise concerns too.

- Complaints by staff

Grievance Procedure for staff sets out how a member of staff should raise a concern, with whom, and the process which is to be followed when dealing with the complaint.

All steps in the procedure should be taken without reasonable delay. A meeting will be arranged to discuss the grievance and the member of staff will be advised in writing of the decision in relation to the grievance.

If the member of staff is not satisfied with the outcome of the grievance, he/she can appeal in writing. Academic staff have a right of appeal to the Chair of the Board of Governors who will appoint a Governor or Governors to consider this. Support staff have a right of appeal to the Headmaster.

The outcome of the appeal will be communicated in writing to the member of staff.

The member of staff has the right to be accompanied to the Grievance meeting and Appeal by a colleague or trade union official.

The grievance procedure also allows a former employee to raise a grievance in certain circumstances following termination of their employment.

Whistleblowing Policy is the procedure by which members of staff can bring to the attention of the appropriate person any wrongdoing at Loretto. The policy details to whom the wrongdoing should be disclosed, the process for dealing with this complaint and how the outcome of any investigations into these concerns will be communicated to the member of staff.

In the event that the member of staff does not receive a response from the school within these timescales, the policy notes the third party organisations the member of staff can contact to notify of the concerns they have raised with Loretto.

- Complaints by third persons/family of children

Loretto's Complaints Procedure sets out that parents can submit a complaint in writing and in the Senior School are asked to complete a Notification and Action Form. It is accepted that complaints have been made verbally or in a different written format as records reviewed disclosed complaints in email or letter form.

The Complaints Procedure states that a record will be kept of all complaints and that a log will be kept of the following information:

1. Date when the issue was raised.
2. Name of the parent.
3. Name of the pupil.
4. Brief statement of the issue.
5. Location of the detailed file.
6. Staff member handling the issue.
7. Brief statement about the outcome.

- Whistleblowing

Whistleblowing Policy is the procedure by which members of staff can bring to the attention of the appropriate person any wrongdoing at Loretto. The policy details to whom the wrongdoing should be disclosed, the process for dealing with this complaint and how the outcome of any investigations into these concerns will be communicated to the member of staff.

In the event that the member of staff does not receive a response from the School within these timescales, the Policy notes the third party organisations the member of staff can contact to notify of the concerns they have raised with Loretto.

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

Complaints by Pupils – pupils who make complaints are offered support from the member of staff to whom the complaint is made.

A variety of further support options are available. The member of staff with responsibility for Pastoral Care has a welfare remit which covers both staff and pupils. This has been the case since at least 2007. The School Counsellor has provided a confidential listening ear to both staff and pupils since 2009. All boarders are registered with the School GP and may also speak in confidence to one of the nurses in our Medical Centre. Referral to The Child and Adolescent Mental Health Services can also be considered. Details of external support groups such as ChildLine are publicised in boarding houses.

Pupils in Nippers also have access to the School counsellor and can discuss concerns they have with a member of staff.

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

Complaints by pupils – This procedure for pupils details to whom the complaint should be made, and if the complaint is one of bullying then this will be dealt with using a BRF. Pupils are usually advised of the outcome of the complaint verbally and a written confirmation sent to the parents of those involved if appropriate.

Complaints by Parents – This policy provides that a parent will receive a report covering:

- i. The issues raised.
- ii. How the issues were considered.
- iii. The people consulted.
- iv. The action that is to be taken.
- v. An apology, if appropriate.

In practice, whilst parents do provide details of their complaint this is often in the form of an email or letter rather than completion of the Notification and Action Form.

Grievance Procedure for Staff – On completion of the grievance the outcome is communicated to the member of staff in writing. In the event that a member of staff appeals this decision, the outcome of the appeal is also communicated in writing to the member of staff.

- External reporting of complaints

CPP – The CPP in place prior to 2013 detailed that the first point of referral outwith the school would be the local Social Work Department office. The CPC would contact the duty Senior Social Worker who would then inform the Police and if necessary the Reporter to the Children's Hearing.

The CPP issued in 2013 included contact details for East Lothian Children and Families Centre and the Public Protection Unit. Either of these units would be the first point of referral outwith Loretto.

If the abuse is alleged to have taken place at Loretto then the Policy confirms that the parents should be advised as soon as possible. If, however, the allegations are made against the pupil's parents (or family members or friends) then parents should not be informed and the advice of the Public Protection Unit/Social Worker should be sought first.

Significant complaints under the CPP would be reported to the Care Inspectorate. In the event that the complaints involved members of staff, external regulatory bodies would also require to be advised. For example if the complaint involved a teacher registered with the GTCS then this body would have to be advised if the complaint was that the teacher was failing to maintain professional standards or was not fit to teach. Significant complaints would also be reported by Loretto to other agencies and regulatory bodies such as PVG Scheme, SSSC, Nursing and Midwifery Council and the Care Inspectorate.

v. Who compiled the policies and/or procedures?

It is envisaged the policies and procedures were compiled by members of the Senior Management Team in place from time to time.

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

Loretto has not retained full details of when the various policies were put in place. Since at least 1999, there have been in place a number of policies and procedures as follows:

CPP 1999 – this has been in place since CPP. This was reviewed in 2008, 2010 and 2013.

Complaints Procedure (Parents) – in place in the Senior School since at least 2001 and Nippers since at least 2002.

Complaint/Grievance Procedure for pupils – in place since at least 2008.

Grievance Procedure – in place since at least 2008.

Anti-bullying Policy - in place since at least 2008.

Whistleblowing Policy - in place since 2012.

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

Yes.

viii. Were such policies and/or practices reviewed?

Yes.

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

In 2007 Loretto had in place three Employment Manuals for different staff groups being Academic, Administrative and Support, and Catering and Cleaning. In 2013, these manuals were consolidated into one Employment Manual for all Academic Staff and Support Staff.

The Academic Handbook was issued to staff in 2012 following a review and consolidation of the policies and procedures contained in the Vade Mecum and the Policies and Procedures Handbook.

The Academic Handbook is reviewed from time to time with the last review being carried out in 2016 to ensure it complied with relevant legislation.

External factors may also have required a review of the policies for example the advent of social media and the need to provide guidance to pupils on the use of the internet, how to stay safe when using the internet and cyber bullying.

Changes in legislation may also have preceded a review of a policy or procedure for example in 2013 the CPP was reviewed, amended and reissued in light of the GIRFEC principles

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

It is understood that at one time Loretto did not have specific policies and procedures in place for Child Protection, monitoring of behaviour, for example substance abuse, bullying or in relation to the employment relationship between Loretto and its staff.

Since the 1930s, legislation has come into effect to regulate employment law and with this the introduction of specific policies, for example grievance and disciplinary processes as well as more, recently the Whistleblowing Policy.

There have been changes to the CPP and, in particular, changes to take account of the GIRFEC principles and to provide staff with further guidance.

Another change was the introduction of BRFs, which kept a record of wellbeing issues (including Child Protection matters), and the outcome of the action taken in response to the complaints raised in this way. BRFs were introduced in 2009.

xi. Why were changes made?

The reasons why changes were made are as detailed in ix. and x above.

xii. Were changes documented?

Review of records disclose that previous versions of some of the policies in place at present were retained however there is not a central record detailing the changes made and when these occurred.

xiii. Was there an audit trail?

There is not a central record of changes made and when, however previous versions of some of the policies in place at present have been retained.

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.

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

The CPP in its abridged form along with the anti-bullying policy and other policies relating to pupil behaviour were removed from the Calendar referred to in iii. above in September 2017.

Pupils are able to access these policies through Loretto's intranet and hard copies of the policies are kept in each boarding house (including Schoolhouse).

iv. Complaints by Children – previously complaints by children about the behaviour of fellow pupils and staff were initially dealt with by the Vicegerent. Complaints would be referred to the DPC if this related to a pastoral matter (including child protection issues). The DPC (now Assistant Head Pastoral and Compliance) has maintained a central record of all non-academic complaints since August 2016.

Academic complaints were usually submitted to the Headmaster's office and then delegated to the appropriate member of the Senior Management Team or Head of Department for consideration. A response would be sent to the parent either from the Headmaster if necessary or from another member of the SMT or Head of Department.

The most recent Vicegerent retired in August 2017 and following his departure the Senior Academic Leadership Team has put in place a procedure for dealing with complaints as follows:

Initial academic complaints from parents are dealt with at the departmental level by Heads of Department. If the Head of Department is unable to provide resolution, then the complaint will be escalated to a member of the leadership team. The Assistant Head Academic has overall responsibility for academic complaints.

viii. Were such policies and/or practices reviewed?

The CPP was reviewed and re-issued in 2013. Changes were made to the 2013 CPP in September 2017 to reflect changes in personnel at Loretto.

The GIRFEC principles formed a model which was adopted by Scottish schools including Loretto from August 2016. The language of GIRFEC and the Wellbeing Wheel has been included in the CPP since 2013.

In anticipation of further changes to child protection requirements contained in the Children and Young People (Scotland) Act 2014, SCIS provided updated guidance and changes to its CPP which included guidance regarding data sharing by the proposed "Named-Person" scheme. In light of the ongoing review of these provisions by the Scottish Government, Loretto has reviewed its CPP. However, this remains in draft pending clarification of the Scottish Government's review.

This draft CPP has been made available to staff on Loretto's VLE under the proviso that it is in draft form and should staff wish to raise a child protection concern they should continue to follow the 2013 Policy.

(b) Practice

Past

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

It is not possible given the passage of time and the records reviewed to confirm that Loretto adhered to all its policies/procedures in relation to complaints and reporting at the School for all instances during the entire period from 1930 until 17 December 2014.

The review of Loretto's records as detailed in the methodology demonstrates that it did have policies/procedures in place relating to complaints received from various sources and the reporting of these.

Loretto Senior School has retained copies of complaints both academic and non-academic which date back to 2003. They include paper and electronic files as well as BRFs.

These records demonstrate that Loretto dealt with complaints raised by parents and pupils in accordance with the complaints process in place at the time and also referred matters to external agencies including the Police and East Lothian Family Unit when appropriate.

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

It is not possible, given the passage of time and records retained by Loretto, to provide a detailed response to this question for the period from 1930 to 17 December 2014.

Review of the records has disclosed details of policies relevant to the areas below however it is not possible to confirm that these were all the policies in place in the past or that these were adhered to as the records retained by Loretto are not complete. These matters are addressed in the responses to Present ix. below.

- Complaints by children

The Pupil Grievance/Complaints Procedure has been in place since at least 2007 and there are records of complaints from pupils, action taken and outcome. The records also confirm that the complaint and outcome were reported to parents and external agencies as well as, when appropriate, to the Board of Governors.

The CPP has been in place since 1999 and the records reviewed demonstrate that this has been adhered to with complaints being referred to the CPC who considered these and involved external agencies where appropriate. The records also confirm that complaints and outcome were reported to parents. The Board of Governors were also advised when appropriate.

Further, the records reviewed detail that the Care Inspectorate has been advised of complaints where appropriate.

Records reviewed do not detail that another practice to the one detailed in the CPP or the Grievance/Complaints Procedure was in place as an alternative.

- Complaints by staff

Records reviewed demonstrate that complaints from staff have been dealt with through the Grievance Procedure and the outcome intimated to the member of staff in writing and that thereafter the appeal procedure was followed.

Records reviewed also detail that the Board of Governors was advised of complaints from staff where appropriate.

- Complaints by third persons/family of children

Records reviewed disclose details of complaints from parents about Loretto, either academic or pastoral, along with the investigation carried out and the outcome. Complaints could be informal or in writing.

In Nippers the records reviewed demonstrated that concerns were noted, investigated and parents advised of the outcome either in writing or during a meeting.

Since 2013, a Complaints Book has been in place at Nippers and complaints are kept in one central folder. This folder demonstrates that complaints have been recorded in this book and the outcome noted. The Governor who is the Chair of the Education Committee has reviewed this folder annually.

In the Senior School, records have been retained of complaints and the Governor who is the chair of the Education Committee reviews this annually.

Since 2009, the Vicegerent managed complaints from parents and children. Some complaints were dealt with through the BRF procedure in place since 2009. Loretto has retained copies of BRF from 2009 to date.

- Whistleblowing

The Whistleblowing Policy has been in place since 2012 although Loretto has not to date dealt with a complaint under this policy.

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

There is evidence of a variety of support options being available. The member of staff with responsibility for Pastoral Care has a welfare remit, which covers both staff and pupils. This has been the case since at least 2007. The School counsellor has provided a confidential listening ear to both staff and pupils since 2009. All boarders are registered with the school GP and may speak in confidence to one of the nurses in our Medical Centre. Details of external support groups such as ChildLine are publicised in boarding houses.

Pupils in Nippers also have access to the School counsellor and details of external support groups such as ChildLine are available in Nippers.

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

Records reviewed demonstrate that responses were provided as follows:

Complaints by Children - letters were sent to parents confirming the outcome following an investigation into a complaint and further that the Headmaster did contact parents by telephone to discuss complaints if necessary.

BRF existed from 2009 and these recorded complaints by children relating to wellbeing issues, usually allegations of unacceptable behaviour on the part of fellow pupils. BRFs retained detail the nature of the complaint, action taken in response and the outcome.

Complaints by Parents – the records reviewed demonstrate that complaints from parents were acted on and a response sent to the parent confirming the outcome of the investigation into the complaint. If the complaint was investigated under the BRF procedure then a record of the response sent was confirmed on the BRF. As noted above since 2009 copies of BRF have been retained by Loretto.

Grievance Procedure – review of staff files demonstrates that teachers did raise concerns about issues at Loretto, often in the past directly with the Headmaster and he responded to these. There are also records on file of grievances being raised under the Grievance Procedure and the outcome being communicated to the member of staff.

- External reporting of complaints

Review of the records demonstrate that Loretto did contact external organisations regarding Child Protection matters and that Loretto did follow the procedure for doing so in accordance with the CPP in place at the time.

iii. **How was adherence demonstrated?**

Adherence can be demonstrated by reference to the records held as follows:

1. Child Protection records.
2. Wellbeing records.
3. BRFs.
4. Complaints book in Nippers.
5. Files retained detailing complaints from children and parents and outcome.
6. Staff files.

The records reviewed are not complete and thus adherence cannot be provided for the entire period from 1930 to 17 December 2014 however, this is a matter dealt with in the response to Present viii and ix below.

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

Adherence can be demonstrated with reference to the records retained by Loretto. The records reviewed are not complete and thus adherence cannot be provided for the entire period from 1930 to 17 December 2014. However this is a matter dealt with in the response to Present viii and ix below.

v. Were relevant records kept demonstrating adherence?

Records have been retained although not for the entire period from 1930 to 17 December 2014. Further, the records retained are not complete given the passage of time and that records have been destroyed.

Loretto Senior School has retained files relating to Child Protection and wellbeing issues and these date back to 2003. These are in electronic and paper form.

The Senior School has retained BRFs dating back to 2009 when this procedure was introduced.

In Nippers, records of Child Protection matters date back to 2012. Nippers has also retained details of some parental complaints relating to wellbeing issues – these date back to 2012.

Nippers has retained a central record of complaints in paper form since 2013.

The Senior School has retained BRFs dating back to 2009 when this procedure was introduced.

Loretto has staff records for all current staff and some files for former members of staff, which date back to the 1960s.

vi. Have such records been retained?

Records have been retained although not for the entire period from 1930 to 17 December 2014. These records are not complete given the passage of time.

Loretto Senior School has retained files relating to Child Protection and wellbeing issues and these date back to 2003. These are in electronic and paper form.

The Senior School has retained BRFs dating back to 2009 when this procedure was introduced.

In Nippers, records of Child Protection matters date back to 2012. Nippers has also retained details of some parental complaints relating to wellbeing issues – these date back to 2012.

Nippers has retained a central record of complaints in paper form since 2013.

Loretto has staff records for all current staff and some files for former members of staff, which date back to the 1960s.

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

The policies detailed above are believed to be the policies in place at the times detailed. Reasons why these may not have been adhered to are not known given the length of time and the records retained.

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

Response to iii. and iv.

Review of the records as detailed in the methodology and completion of this response has demonstrated that records are not complete and has led to a further analysis of the current recording of information.

In order to ensure pupil pastoral and welfare information is readily accessible, Loretto has introduced a Pastoral Management system, which will store this information securely on its own electronic operating system. At present only Housemasters/mistresses and Heads of Year can add entries but all staff can read

entries. Some are 'open' and visible to everyone and some are restricted to certain members of staff depending on the nature of the matter.

Further, it has been identified that an HR role should be put in place whose remit will include reviewing and putting in place a Records Management Policy. This is now being implemented.

Since the start of the academic year in August 2016, the Assistant Head, Pastoral and Welfare) (formerly the DPC) has kept a centralised record of child protection, pastoral and wellbeing issues she has dealt with in her role. This record details the date of the complaint, nature of the complaint, the complainer and the outcome as far as it relates to a welfare issue. This provides a more accessible central record.

4.10 Internal Investigations

(a) Policy

Past

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

It is not known what policies and procedures were in place at Loretto in respect of internal investigations relating to the School for entire period from 1930 to 17 December 2014 given the passage of time and records retained.

The following policies/procedures have been in place as follows and these policies detail within their terms the internal investigations which will be carried out into complaints and/or concerns, raised with Loretto in accordance with the said procedure:

- CPP has been in place since 1999 and has been amended to reflect changes in legislation.
- Loretto Complaints procedure, which can be accessed by parents. This has been in place in the Senior School since at least 2001 and in Nippers since at least 2002.

- Complaints/Grievance Procedure is contained in each Boarding House handbook and is available to pupils in School Policies and Rules contained on Loretto's intranet. This procedure has been in place since at least 2007.
- Anti - Bullying Policy this sets out what is considered bullying, action that will be taken if bullying occurs, and sanctions available.
- Behaviour and Discipline (for pupils) this policy sets out the standards of behaviour expected of pupils at Loretto and the awarding of rewards and sanctions in both the Senior School and Nippers. **The BRF** procedure is detailed in the Behaviour and Discipline policy.
- Grievance Procedure for staff, which has been in place since at least 2007.
- Disciplinary Procedure for staff, which has been in place since at least 2007
- Whistleblowing Policy was put in place in 2012 and is included in the Employment Manual for all staff.

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

The policy and/or procedural aim/intention was to provide a route for raising complaints, investigating these and then communicating the outcome to those involved. The policies and/or procedures were in place to ensure compliance with relevant statutory obligations in place from time to time.

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

Hard copies of the policies and procedures were held by Loretto and were available to staff, parent and pupils although it is not known exactly when this practice started and for how long during the period from 1930 to 17 December 2014.

- Pupil and Parent policies/procedures

The School Calendar was introduced in the 1950s and this included timetables for the school day for each year group. The calendars of more recent decades include copies of relevant school policies including the Code of Conduct, Complaints/Grievance Procedure for pupils supported by copies of the Confidentiality Policy for Loretto and the Confidentiality Statement for Pupils at Loretto.

The CPP (although this is an abridged version of the one which appears in the Academic Staff Handbook and online) appears in the Calendar along with Alcohol and Drugs Policy, Pornography Policy and Anti-Bullying Policy.

These school policies are also available to pupils and parents via Loretto's website.

The Complaints Procedure for parents is available in hard copy from Loretto.

The BRFs were completed by the Vicegerent. He retained a copy and a copy was placed on the relevant pupil file.

- Employee policies/procedures

The Grievance and the Discipline and Dismissal Procedure for staff has been in place since at least 2007 and at that time was contained in the Employment Manual for the relevant staff group.

In 2007, Loretto had in place three Employment Manuals for different groups of staff being Academic, Administration and Support, and Catering and Cleaning. The earliest editions of these manuals are dated 2007.

In 2013, these three manuals were consolidated into one Employment Manual for all Academic and Support Staff.

This Manual contains a number of human resource policies and procedures. The manual is available in a secure area for staff on the Loretto Intranet.

This Manual is reviewed from time to time with the last review being carried out in 2016 to ensure it complied with relevant legislation.

In 2012, an Academic Staff Handbook was issued to all academic staff in both the Senior School and Nippers. This contained policies and procedures from the Policies and Practice Handbook and the Vade Mecum for Academic Staff. This is reviewed on an annual basis to ensure it complies with relevant legislation, for example, the CPP was reviewed, amended and re-issued in 2013 to include the GIRFEC principles.

Loretto also has an intranet with areas for staff, pupils and a VLE. All staff with an email account at Loretto have access to this intranet where there are online copies of the Academic Handbook and the Employment Manual for Academic and Support Staff. For those employees who do not have access to the VLE

copies of the policies and procedures are available in their department and from their line manager.

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

- Approach to/process of internal investigations

CPP – The CPP in 2008 is believed to be a later version of the CPP introduced in 1999. The CPP envisages that a pupil will make a disclosure of abuse to a member of staff who should observe, record and report. The matter should be referred to the CPC as well as the Headmaster or Deputy Head. In Nippers, the CPC was also the Head of Nippers. In the Senior School, the relevant Housemaster/mistress should also be advised.

The CPC together with the Headmaster and Housemaster will then decide what steps should be taken with the first point of contact outwith Loretto being East Lothian Children and Families Unit and the duty social worker.

If abuse of a child has allegedly taken place at home then school staff should not advise parents and the advice of the social worker sought. It is anticipated that a social worker or police officer would wish to take a statement.

If the abuse is alleged to have happened at School then the parents should be informed as soon as possible.

The approach of the Policy is very much to listen to the pupil, support him/her and ensure that the matter is referred to the CPC and Headmaster and then to external organisations.

The Policy provides guidance to staff about how they should react when a pupil raises a concern with them, how they should discuss this with the pupil and where and the process for reporting this to the CPC.

The Policy also provides details of support available to pupils whose behaviour is a cause for concern, for example self-harm.

In relation to reporting what is happening during an investigation into allegations, it is the CPC's role to provide this information to the child and his/her parents. This is always in conjunction with advice from any external organisation who may be involved in the matter.

The CPP was reviewed in 2009 and 2010 with no substantial changes. The CPP was reviewed, amended and re-issued in 2013 to all staff.

The 2013 CPP directed staff to complete a "Cause for Concern" form and, as before, to contact the CPC and in her absence the Vicegerent, the Housemaster/mistress or Head of Nippers.

The lines of reporting remain as in the earlier CPP with the CPC remaining the person who should keep the pupil and family up to date with progress on the investigation.

Loretto Complaints Procedure in the Senior School provides a mechanism for parents to raise concerns they may have about the School, staff or their child's academic progress and/or wellbeing.

The approach taken is that Loretto encourages parents to feel that it is open to their concerns and will handle all complaints seriously.

The policy in place in 2001 (and reviewed in 2012) confirmed that Loretto welcomed suggestions and comments from parents and that complaints would be taken seriously. The policy provided parents with a mechanism for raising concerns and detailed the process which would be followed which included consideration of the complaint by the relevant member of staff and referral to a senior member of staff or the Headmaster if necessary.

This policy confirmed that the Chair of Governors would be advised of the complaint if necessary.

Once the School had investigated the complaint and provided a response, the matter could be referred to the Chair for consideration. The Chair would then call for a full report, examine matters and then respond to the parent.

There is reference to further recourse in the event that the parent is not satisfied with the Chair's response.

The policy amended in or around 2012 to form the Loretto Complaints Procedure. This procedure again encouraged an open dialogue with parents to resolve complaints and provided a more detailed mechanism for doing so than the previous policy.

This procedure detailed that initial complaints maybe resolved at a particular level depending on the nature of the complaint however if the resolution is not to the satisfaction of the parent or the concern requires to be dealt with by the Headmaster then the matter will be referred to him.

The procedure provides that the matter will be investigated with the relevant members of staff and sets out timescales for acknowledging receipt of a complaint whilst confirming that the matter should be dealt with as quickly as possible.

Once the matter has been investigated, the parent will receive a report and outcome. If this is not to their satisfaction, the matter can be referred to the Chair of Governors for further consideration.

The Chair will then call for a report and can speak to members of staff involved; a meeting may be arranged with the parents to resolve the matter. If this is not possible, the parents can ask that the matter be referred to the School's Conciliation Committee, which is specifically convened to hear a complaint and comprises a Convenor (a Governor other than the Chair), and four other members (of whom at least two are Governors).

Having heard the complaint the Convenor will report on the resolution reached for the Chair to ratify, as appropriate. If the parent is not satisfied with the outcome then the procedure refers to further action which they may wish to take.

The approach throughout is to listen to the parent, consider the complaint and reach a resolution which is satisfactory to those parties involved.

The Complaints Policy in Nippers was introduced in 2002 in similar terms to the Policy in the Senior School. This was amended in or around 2012 to form the Complaints Procedure which is in place at present.

This procedure adopts the process followed by the Senior School although the Head of Nippers normally deals with complaints.

As with the Senior School, Nippers encourages an open dialogue with parents where all concerns are taken seriously. Records of complaints are held and parents provided with a report on the issues raised, action taken and outcome.

If a parent is not satisfied with the outcome then the procedure allows for a referral to the Headmaster of the Senior School and the Chair of Governors.

The approach of both the policies previously in place and the procedure now in place is to listen to the parent, consider the complaint, tell the parent what has been done by the School to investigate the complaint and then reach a resolution, which is satisfactory to all involved.

Complaints/Grievance Procedure (for pupils) – this policy details the steps which a pupil should take if they wish to make a complaint about the way they have been treated by adults or by fellow pupils. The approach is that pupils should feel able to raise concerns with the appropriate person and further guidance is provided to them on confidentiality when raising a concern.

This policy very much leads into other policies for example the Parental Complaints Procedure detailed above and also the Anti Bullying Policy which has been in place since at least 2001. The approach with this policy as with the policies detailed above is that pupils should feel confident that they can make a complaint to a member of staff and that this will be acted on.

The Policy details the way in which bullying incidents will be dealt with in the School regardless of whether or not a specific complaint is made by a pupil for example if bullying is witnessed by a member of staff.

The Policy was amended in 2009 to state that a BRF should be completed and returned to the Vicegerent if bullying is witnessed. This would be retained as a record of the behaviour action taken and outcome. Again, this process could run in conjunction with parental complaints where the complaint was of bullying.

The Policy emphasises that Loretto seeks to create a non-bullying climate in the School and the approach of the Policy is to ensure that complaints are dealt with appropriately but also that the issue of bullying is covered in the School's curriculum as part of its PSHE Course.

Nippers also has an Anti-Bullying Policy in place, which is aimed at the younger pupils. The approach is one of creating an environment where bullying is not tolerated along with a process for investigating allegations involving bullying.

A record of such incidents has been retained at Nippers since 2013 where a central folder has been kept which detail all complaints received, and these include allegations of bullying.

Grievance Procedure – In 2007 there were three grievance procedures in place: i) Administration and Support staff ii) Academic Staff and iii) Cleaning and Catering Staff.

Each procedure provided a process which enabled staff to raise concerns about their employment at Loretto and for these to be investigated and resolved if possible. There was also a right of appeal and the right to be accompanied to the initial meeting to discuss the grievance and any subsequent appeal meeting by a work colleague or trade union representative.

In 2012 these policies were consolidated to provide one procedure for all members of staff.

The Procedure was similar to that detailed in the earlier procedures. However, the new procedure allows for an appeal to the Headmaster for Support Staff and the Board of Governors for Academic Staff.

The approach of all these procedures is to offer staff an opportunity to have their concerns considered with the assistance of a work colleague or trade union representative. The investigation is carried out internally with a right of appeal and the requirement to record the outcome.

Disciplinary and Dismissal Procedure ("DDP") - In 2007 there were three DDPs in place: i) Administration and Support staff ii) Academic Staff and iii) Cleaning and Catering Staff.

The approach of the procedure was to investigate the allegations, keep the member of staff advised of what was happening at all stages and communicate any decisions in writing to him/her.

Each procedure detailed a process where an allegation of misconduct would be investigated by an Investigating Officer who would then provide a report and if necessary a disciplinary hearing before a Disciplinary Panel would be arranged. The Disciplinary Panel would communicate its decision to the member of staff who had the right to appeal this to an Appeal Panel. The

composition of the Disciplinary Panel and Appeal Panel was dependant on the employee's staff group.

In 2012, these policies were consolidated to provide one procedure for all staff groups.

The approach of this DDP is the same as the previous procedure – being to investigate the allegations, keep the member of staff advised of what was happening at all stages and to communicate any decisions in writing to him/her.

The DDP process is the same although the right of appeal for academic staff is to the Chair of the Board of Governors who would nominate a Governor or Governors to consider the appeal. Support staff have a right of appeal to the Headmaster who will then nominate an Appeal Panel.

In all the DDPs above the member of staff have the right to be accompanied by a work colleague or a trade union representative.

Whistleblowing Policy – this policy allows members of staff to bring to the attention of Loretto (or in certain circumstances external organisations) any wrongdoing at Loretto.

This Policy is in line with legislative requirements and provides staff with an opportunity to raise concerns without detriment in certain circumstances.

- Identifying lessons/changes following internal investigations
Inherent in the Complaints Procedures for Parents and Pupils is that changes may need to be made depending on the outcome of the investigation into the complaint, for example a change in teaching methods.

The position is the same for the policies in place which allow staff to raise concerns and to deal with disciplinary matters. This provides an opportunity to identify if any changes are required and this would be dealt with as part of the resolution to a grievance or whistleblowing concern.

- Implementation of lessons/changes following internal investigations
Inherent in the Complaints Procedures for Parents and Pupils is that changes identified as being required are put in place. Whilst the procedures do not detail this specifically, the approach taken by Loretto

encourages a climate where pupils feel confident in discussing matters with staff, a solution is found to any concerns and that solution is put in place.

The position is the same for the policies in place, which allow staff to raise concerns and deal with disciplinary matters. This provides an opportunity to identify if any changes are required and this would be dealt with as part of the resolution to a grievance or whistleblowing concern.

- Compliance

The policies and procedures put in place seek to comply with statutory obligation in place from time to time. Whilst the policies and procedures do not specifically set out terms relating to compliance the policies/procedures are reviewed in order to comply with relevant statutory provisions.

The CPP in 2008 makes specific reference to the Children (Scotland) Act 1995. Whilst this Policy was reviewed in 2009 and 2010 with no substantial changes, the Policy issue in 2013 (after a review and amendment to the Policy) includes substantial changes to ensure that the principles detailed in the national guidance under "*Getting it right for every child (GIRFEC)*" were included.

The CPP has been reviewed annually to ensure compliance and a draft Child Protection Policy is available in anticipation of the changes detailed in the Children and Young People (Scotland) Act 2014.

The Employment Handbook is reviewed to ensure compliance with relevant employment legislation – the last review having taken place in July 2016.

- Response (to child and abuser)

CPP - The CPP (being the CPP in place in 2008 as reviewed in 2009 and 2010 and the CPP re-issued in 2013 and subsequently reviewed) provides guidance to staff about how they should react when a pupil raises a concern with them, how they should discuss this with the pupil, and where, and then the process for reporting this to the CPC.

The approach of the CPP in responding to an allegation is very much to listen to the pupil, support him/her and ensure that the matter is referred to the CPC and Headmaster and then to external organisations.

In relation to reporting, what is happening during an investigation into allegations it is the CPC's role to provide this information to the child and his/her parents and this is always in conjunction with advice from any external organisation who may be involved in the matter.

Once an allegation has been made and the CPC believes that this is a child protection matter to be referred to external organisations, guidance would be sought on the next steps including action to be taken in relation to any abuser. An allegation of bullying may come through either the complaints procedure for pupils or parents.

Once the matter is dealt with under the Anti-bullying Policy then feedback is provided to the pupil who made the allegation and this can include a letter to parents in accordance with the Loretto Complaints Procedure as outlined in iii. above.

The Anti-Bullying policy details that all interested parties, and that includes pupils involved in bullying, would be invited to a meeting. The abuser would be advised of the outcome of any investigation and a copy of the BRF detailing the complaint and actions taken would be placed on the pupil's file.

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

Complaints Procedure (parents) - The policy in place in 2001 in the Senior School provided parents with a mechanism for raising concerns and detailed the process which would be followed which included consideration of the complaint by the relevant member of staff and referral to a senior member of staff or the Headmaster if necessary.

The procedure confirmed that a response would be sent both to the initial complaint and any subsequent referral to the Chair to the Governors.

The 2012 procedure detailed that complaints should be acknowledged within 5 working days and thereafter the issue dealt with as quickly as possible. Parents will receive a report letter if time is needed to consider

matters and this would very much depend on the nature of the complaint and issue(s) to be resolved.

The procedure does allow for a referral to the Chairman of Governors and a Conciliation Panel where written reports are required along with written confirmation being sent to the parent(s) of the agreed resolution to the matter.

The Nippers complaints procedure adopts the process followed by the Senior School although the Head of Nippers normally deals with complaints.

Further, there is not a right of recourse to the School's Conciliation Panel but rather to the Headmaster, the Chairman of the Nipper Committee (now dealt with under the Education Committee) or the Chair of Governors.

As with the Senior School, Nippers encourages an open dialogue with parents where all concerns are taken seriously. Records of complaints are held and parents provided with a report on the issues raised, action taken and outcome. If a parent is not satisfied with the outcome then the procedure allows for a referral to the Headmaster of the Senior School and the Chair of Governors.

- External reporting following internal investigations

The CPP provides that Child Protection issues are referred to external agencies. Thereafter the CPC liaises with the external organisation and provides feedback to the pupil/parents where appropriate.

Whilst the procedures detailed above do not refer specifically to external reporting, significant complaints under the CPP would be reported to the Care Inspectorate. In the event that the complaints involved members of staff, external regulatory bodies would also require to be advised. For example if the complaint involved a teacher registered with the GTCS then this body would have to be advised if the complaint was that the teacher was failing to maintain professional standards or was not fit to teach. Significant complaints would also be reported by Loretto to external agencies and regulatory bodies such as PVG Scheme, SSSC, Nursing and Midwifery Council and the Care Inspectorate.

v. Who compiled the policies and/or procedures?

It is understood that the policies and procedures were compiled by members of the Senior Management Team, in place from time to time.

It is also understood that guidance was sought from relevant organisations for example SCIS provide guidance on Child Protection issues and provide guidance on what information should be detailed in the CPP.

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

Loretto has not retained full details of when the various policies were put in place. School Rules have been in place since the 1930s although there is not a record of these policies and the dates when these were put into place.

Since at least 1999, there have been in place a number of policies and procedures as follows:

CPP – in place since at least 1999.

Complaints Procedure (Parents) – in place in the Senior School since at least 2001 and Nippers since at least 2002.

Complaint/Grievance Procedure for pupils – in place since at least 2008

Grievance Procedure – in place since at least 2008.

Anti-bullying Policy - in place since at least 2008

Whistleblowing Policy - in place since 2012

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

Yes

viii. Were such policies and/or practices reviewed?

Yes

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

CPP – this was reviewed in 2009 and 2010 although no substantive changes were made. The CPP was reviewed in 2013 to take account of legislative changes.

The CPP has been reviewed in 2014, 2015 and 2016 as part of the Director of Pastoral's annual review of this Policy.

Complaints Procedure was reviewed in or around 2012 although the reason for this is not known.

Grievance and the DDP procedures were reviewed in 2012 as there were three policies in place and the intention of the review was to consolidate these.

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

CPP – substantive changes were made in 2013 in line with the GIRFEC principles.

Complaints Procedure – changes were made to clarify the process and detail what records should be kept about the complaint, actions taken and resolution.

The changes also allowed a parent in Nippers to seek redress to the Headmaster, Chair of the Education Committee or Chair of Governors.

Grievance – no substantive changes were made to the process. However, changes were made to whom should hear the grievance and then any appeal.

DDP no substantive changes were made to the process. However, changes were made to the appeal process and who should hear any appeals.

xi. Why were changes made?

The changes were made to comply with legislation and to provide clarity on the process to be followed as detailed in x. above.

xii. Were changes documented?

The changes to these policies are documented as previous versions of the policies have been retained.

xiii. Was there an audit trail?

Whilst there is no formal audit trail, copies of previous policies/procedures as detailed above have been retained.

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**

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

Law at Work, 19 Thistle Street, Edinburgh reviewed the current employment policies and procedures contained in the Employment Handbook for Academic and Support Staff, in July 2016 to ensure compliance with current employment legislation.

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

In anticipation of further changes to child protection requirements contained in the Children and Young People (Scotland) Act 2014, SCIS provided updated guidance and changes to its CPP which included guidance regarding data sharing by the proposed "named-person" scheme. In light of the ongoing review of these provisions by the Scottish Government, Loretto has reviewed its CPP. However this remains in draft pending clarification of Scottish Government's review.

This draft CPP has been made available to staff on Loretto's VLE under the proviso that it is in draft form and should staff wish to raise a child protection concern they should continue to follow the 2013 Policy.

(b) Practice

Past

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

It is not possible given the passage of time and the records reviewed to confirm that Loretto adhered in practice to its policies/procedures in respect of internal investigations for the entire period from 1930 until 17 December 2014.

The review of the records as detailed in the methodology demonstrates that Loretto did have in place policies and procedures including those above which dealt with internal investigations and the specific areas mentioned in Policy, Past iii. above.

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

It is not possible, given the passage of time and records retained by Loretto, to provide a detailed response to this question for the period from 1930 to 17 December 2014.

Review of the records has disclosed details of policies relevant to the areas below. However it is not possible to confirm that these were the policies in place in the past or that these were adhered to as the records retained by Loretto are not complete. These matters are addressed in the responses to Present ix. below.

In response to the areas below Loretto can provide details of the steps taken in these areas:

- Approach to/process of internal investigations
CPP – the records reviewed disclose that child protection issues were considered in accordance with the CPP and that the approach of listening to the pupil, supporting him/her and ensuring that the matter is referred to the CPC and Headmaster and then to external organisations was followed.

Complaints by parents and pupils – the records reviewed demonstrate that complaints were taken seriously, meetings were held with pupils/parents and resolutions recorded.

Grievance/Disciplinary & Dismissal – the records reviewed demonstrate that grievances and disciplinary matters were dealt with in accordance with the procedures in place.
- Identifying lessons/changes following internal investigations

Review of the records demonstrate that following one disciplinary investigation arising out of a school trip overseas, further guidance was provided to staff about the supervision of pupils whilst on such trips.

This demonstrates that lessons were identified and lead to changes following an internal investigation.

- Implementation of lessons/changes following internal investigations
Reference is made to the response above.
- Compliance
Review of records demonstrate that changes were made in light of changes in regulatory/legislative requirements however a central record detailing when policies and procedures were reviewed was not in place.
- Response (to child and abuser)
Records reviewed demonstrate that Loretto did respond to complaints made by children and that the CPC and Headmaster engaged with parents and pupils. Records reviewed demonstrate that the Headmaster and CPC spoke to parents and pupils during child protection investigations and investigations as well as providing written responses.

In the context of a complaint against a teacher, if this was dealt with internally (not requiring notification to external organisations) then the member of staff would be advised of the complaint and the resolution following discussions with all parties.

- Response to complaints (including response by organisation and/or establishment)
Records reviewed demonstrate that complaints reviewed were responded to and acted upon.
- External reporting following internal investigations
Records reviewed demonstrate that Loretto did report matters to the Care Inspectorate as required and that Loretto engaged with external organisations during investigations at the School which required the involvement of such external organisations.

iii. **How was adherence demonstrated?**

Adherence can be demonstrated by the records held as follows:

1. Child Protection records.
2. Wellbeing records.
3. BRFs.
4. Pupil files.
5. Outcome letters from parental complaints.
6. Complaints book in Nippers and other records retained relating to wellbeing issues.
7. Staff files with relevant grievance/disciplinary records.

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

Adherence can be demonstrated with reference to the records retained by Loretto. The records reviewed are not complete and thus adherence cannot be demonstrated for the entire period from 1930 to 17 December 2014. This is a matter dealt with in response to ix below.

v. Were relevant records kept demonstrating adherence?

Records have been retained although not for the entire period from 1930 to 17 December 2014. Further, the records retained are not complete given the passage of time and that records have been destroyed.

vi. Have such records been retained?

Records have been retained although not for the entire period from the 1930 to 17 December 2014. Further the records retained are not complete given the passage of time and that records have been destroyed.

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

If the policies/procedures were not adhered to in practice the reasons why are not known given the length of time and the records retained.

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.

Response to ii. and iv.

Review of the records as detailed in the methodology and completion of this response has demonstrated that records are not complete and has led to a further analysis of the current recording of information.

In order to ensure pupil pastoral and welfare information is readily accessible, Loretto is introducing a Pastoral Management system, which will store this information securely on its own electronic operating system.

Further, it has been identified that an HR role should be put in place whose remit will include reviewing and putting in place a Records Management Policy. This is now being implemented.

Since the start of the academic year in August 2016, the Assistant Head, Pastoral and Compliance (formerly the DPC) has kept a centralised record of child protection, pastoral and wellbeing issues she has dealt with in her role. This record details the date of the complaint, nature of the complaint, the complainer and the outcome as far as it relates to a welfare issue.

Whilst records held do detail complaints and action taken the above will provide an accessible central record.

4.11 Child Migration

(a) Policy

Past

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

Loretto has at no time during the applicable period been involved in the re-settlement of child migrants either in this country or abroad.

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

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

- iv. **What did the policies and/or procedures set out in terms of the following?**
- Identification and checking the suitability of the places where children were sent
 - Selection of children to migrate including age, gender and background
 - Provision of information to the child and/or his/her parents before migration
 - Provision of information and records to children and/or their parents once child had been migrated
 - Obtaining consent of child
 - Obtaining consent of parents of child
 - Obtaining of consent of others e.g. Secretary of State
 - Responding to requests for information from former child migrants
 - Other issues
- v. **Who compiled the policies and/or procedures?**
- vi. **When were the policies and/or procedures put in place?**
- vii. **Were such policies and/or practices reviewed?**
- viii. **If so, what was the reason for review?**
- ix. **What substantive changes, if any, were made to the policies and/or procedures over time?**
- x. **Why were changes made?**
- xi. **Were changes documented?**
- xii. **Was there an audit trail?**

Present

- xiii. **With reference to the present position, are the answers to any of the above questions different?**
- No
- xiv. **If so, please give details.**

(b) Practice

Past

- i. **Did the organisation/establishment adhere in practice to its policy/procedures in relation to child migration?**
- ii. **Did the organisation/establishment adhere in practice to its policy/procedures in terms of child migrants relating to the following?**

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

Present

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

4.12 Records

(a) Policy

Past

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

Loretto does not have in place a record keeping policy or a centralised data management policy and the records reviewed as detailed in the methodology do not disclose that any were in place during the period from 1930 to 17 December 2014. Some policies/procedures do, however, contain record management requirements. From 1999, it is believed that the recording systems are more complete.

The following record management requirements are contained in policies and procedures.

- Staff files

Loretto does hold staff files and some of these from former employer employees date back to the 1960s. It is envisaged that in the past Loretto did keep staff files for all members of staff although these were destroyed following the departure of the member of staff.

The files reviewed as detailed in the methodology show that these contained relevant information about recruitment of a member of staff and the ongoing employment relationship between the member of staff and Loretto.

Each current member of staff has a personnel file, which contains information about their recruitment and relevant information about the ongoing employment relationship with Loretto.

Staff files are destroyed once the member of staff leaves. However, there is no prescribed date for this at present.

- Pupil Files

The current practice of keeping a file is that these are destroyed five years after the pupil leaves Loretto although public examination results are retained at

present. Loretto has been asked for this information from former pupils many years after the event.

- Financial Information

Loretto's Finance Department retains financial records for 7 years in accordance with HM Revenue and Custom requirements.

Records reviewed disclose that Loretto held records regarding the School's finances, including, *inter alia*, investments, income and expenditure and that this information was available to the Board of Governors.

- Minutes from Governing Board Committee Meetings

Loretto holds copies of Minutes from Full Board meetings of the Board of Governors and the various sub-committees of the Board in place from time to time, for the period from 1930 to 17 December 2014. These minutes provide a history of what was happening at Loretto including how Loretto functioned, the academic/extra-curricular education offered at the School (and changes to this), pupil achievements along with issues involving pupils for example behaviour and also financial information about the School.

- Child Protection & Wellbeing Issues

Loretto Senior School has retained files relating to Child Protection issues and these date back to 2003.

Loretto continues to retain a record of Child Protection issues.

A record of wellbeing issues and child protection issues has been retained at Nippers since 2012 with a formal complaints file being introduced in 2013.

- BRFs

Since 2009, Loretto has maintained BRFs being a written record of behaviour on the part of pupils, which was/is unacceptable. These BRFs were kept to provide a record of the behaviour, who made the complaint, a record of the action taken to investigate the behaviour, the outcome of the investigation and actions taken which included sanctions against pupils. A copy of the BRF is placed on the relevant pupil's file.

- Parental Complaints

A review of records disclosed that Loretto did keep a record of parental complaints and the action taken in response to these although there was not a central record kept of these complaints nor is it possible to confirm that all complaints were recorded for the period from 1930 until 17 December 2014.

Loretto has had a formal written Complaint's Procedure in place since at least 2001 which required that a record be kept of all complaints and that a log was kept of the following information:

1. Date when the issues was raised.
2. Name of the parent.
3. Name of the pupil.
4. Brief statement of the issue.
5. Location of the detailed file.
6. Staff member handling the issue.
7. Brief statement about the outcome.

Anonymous Complaints – These are dealt with as part of the Complaints Procedure and a log of these should be kept.

- Cause for Concern Form

Loretto put in place a Cause for Concern Form to be completed by members of staff should they have a wellbeing concern about a pupil. These forms are passed to the DPC to record and consider what action should be taken.

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

The aim of the practices in place as detailed above was to ensure that relevant records were maintained and that statutory obligations were met.

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

Loretto does not have in place a record keeping policy or a centralised data management policy and the records reviewed do not disclose that any were previously in place. Some policies/procedures, however, include record keeping provisions which require Loretto to keep a record of information for example the Parental Complaints Procedure as detailed in i. above.

Certain practices relating to records were and remain in place as follows:

- Children in its care

Each pupil in the Senior School and Nippers has a Pupil File which contains the following information:

1. Personal information regarding the pupil and contact details for the pupil's family.
2. Information obtained as part of the Admission Process.
3. If a pupil attended Nippers and then the Senior School his/her pupil profile would be retained on the file.
4. BRFs.

Loretto retains pupil files for five years following their departure from the School.

Loretto's CPP requires that the Cause for Concern form should be completed, either in writing or electronically, by any member of staff should they have a wellbeing concern about a pupil. These forms require to be passed to the DPC to record and consider what action should be taken. These form a record of child protection concerns.

- Staff

Loretto does have incomplete files for former members of staff dating back to the 1960s. These files contain relevant information about recruitment of a member of staff and the ongoing employment relationship between the member of staff and Loretto.

All current members of staff have a personnel file containing information about recruitment and pre-employment checks, references, contract(s) of employment, salary information, documents relating to disciplinary and grievance issues and miscellaneous correspondence relating to that member of staff's employment at Loretto.

Since 2002, Loretto has carried out Enhanced Disclosure checks with Disclosure Scotland and since 2011 the PVG scheme. Loretto's policy is to gain Enhanced Disclosure or membership of PVG scheme for all staff prior to employment at Loretto School. Prior to this, Loretto relied on the L99 list, which details individuals who were barred from teaching. Loretto maintains a central record of all PVG membership checks.

The DDP, which has been in place since at least 2001, provides that an oral warning will be recorded on the member of staff's file for a period of 12 months from the date when the warning was given. A written warning will be recorded on file for a period of 24 months from the date the warning was given.

- Complaints

Loretto has had in place a written complaints procedure for parents in the Senior School since at least 2001 and in Nippers since 2002. Parents can submit a complaint in writing and are asked to complete a Notification and Action Form. It is accepted that some complaints may have been made verbally or in a different written format as records reviewed disclose complaints in email or letter form.

The Complaints Procedure states that a record will be kept of all complaints and that a log will be kept of the following information:

1. Date when the issue was raised.
2. Name of the parent.
3. Name of the pupil.
4. Brief statement of the issue.
5. Location of the detailed file.
6. Staff member handling the issue.
7. Brief statement about the outcome.

- Investigations

Staff Disciplinary/Grievance

Review of staff files disclose that these contain copies of investigations carried out under the disciplinary and grievance procedures although retention of these would depend on the nature of the investigation for example child protection matters are not destroyed. The grievance and disciplinary process require that letters are sent to the member of staff involved, inviting them to meetings and confirming the outcome of the investigation.

Spent and unspent convictions and internal investigations are held on the individual's personal file until it is destroyed.

Child Protection

Loretto has retained records of child protection, wellbeing issues and these include records of investigations carried out by Loretto.

Pupil Behaviour

BRFs have been in place since 2009 as detailed under Past i. Child Protection and Wellbeing Issues" above. Again, retention of records would depend on the nature of the investigation. If the investigation related to a child protection matter then this would not be destroyed. A copy of a BRF is placed on the relevant pupil's file.

Parental Complaints

Loretto has in place a complaints procedure as detailed under Complaints above. This procedure requires that the details of the complaint and the outcome are recorded and it is envisaged that this could include details of the investigation into the complaint. Retention of these complaints would depend on the nature of the investigation for example if this related to a child protection issue then details of the complaint would be kept indefinitely.

- Discipline

Staff Discipline

The DDP, which has been in place since at least 2001, provides that an oral warning will be recorded on the member of staff's file for a period of 12 months from the date when the warning was given. A written warning will be recorded on file for a period of 24 months from the date the warning was given.

Pupil Discipline

The Academic Handbook sets out the behaviour and discipline procedure in both the Senior School and Nippers.

In Nippers, the policy is based on positive discipline and a system of rewards for good behaviour, which are recorded at the time.

Sanctions are recorded in years 4-7 in homework diaries so that parents can see these. A record of repeated bad behaviour is retained at the time to monitor a pupil's behaviour.

The Senior School operates a reward system where good work is recorded and rewarded as appropriate.

Senior School sanctions, which commence with warnings and detention but can attract suspension and expulsion if the behaviour is serious and/or persistent, are recorded on a BRF. A copy of the form is retained on the pupil's file.

- Child migrants
Not applicable.
- Responding to requests from former residents for information/records
Since the implementation of the Data Protection Act 1998, Loretto has not received Subject Access Requests from former pupils.
- Other issues
None.

iv. Who compiled the policies and/or procedures?

It is not known who put in place the practices followed at present in relation to record keeping and retention of records.

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

It is not known when all the practices detailed in iii. above were put in place. It is envisaged, however, that compliance with retaining financial records was put in place when relevant legislation came into force and that the position was the same in relation to Subject Access Requests under the Data Protection Act 1998.

The following policies/procedures were put in place as follows:

- | | | |
|----|--------------------------|--|
| 1. | Staff files | - in place since at least 1960s. |
| 2. | Disciplinary | - present procedure since at least 2001. |
| 3. | Grievance | - present procedure since at least 2001. |
| 4. | Complaints Procedure | - present procedure since at least 2001. |
| 4. | Pupil files | - in place since at least 2000. |
| 5. | Disclosure/PVG check | - in place since 2002/2011. |
| 6. | BRF procedure | - in place since 2009. |
| 5. | Checklist on staff files | - in place since 2012. |

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

The practices and procedures detailed in iii. and v. above remain in place.

vii. Were such policies and/or practices reviewed?

Loretto does not have a record of the policies and practices being reviewed in the past. Loretto is to put in place an HR role to review and implement a records management policy.

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

Not applicable.

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

Not applicable.

x. Why were changes made?

Not applicable.

xi. Were changes documented?

Not applicable.

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.

Response to vii.

Loretto is preparing for the General Data Protection Regulations 2018 ("GDPR") that come into effect in May 2018. In advance of this Loretto has provided training to its Data Protection Officer who is in the process of reviewing and collating all the data Loretto holds, both hard copy and electronic, and determining ownership through a data audit. Following this exercise Loretto plans to develop a centralised Data Management Policy to cover all forms of data held by the School. It is also intended that an HR role will be put in place to review and implement a records management policy which will also comply with the requirements of the GDPR.

Loretto's current Employment Manual for Academic and Support Staff and the Academic Staff Handbook (as detailed in response to section 4.6 above) were reviewed by Law at Work, 19 Thistle Street, Edinburgh in July 2016 to ensure compliance with current employment law legislation.

(b) Practice

Past

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

In response to (a) above Loretto has detailed, as best it can given the records reviewed and retained, the areas in which records were kept and for how long these were retained. Loretto has also detailed in i. and iii. above the record management requirements contained in some of its policies/procedures.

It is not possible, however, to confirm that for the period being considered by the Inquiry, whether Loretto did or did not adhere in practice to its policy/procedures in relation to record keeping.

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

It is not possible to ascertain adherence over the period of time in question. The following was demonstrated following a review of the records as detailed in the methodology.

- Children

Since at least 2000, Loretto has had in place a practice of holding a file for each pupil. Details of the information held on these files are as detailed in (a) iii.

above. Further, Loretto has a practice of destroying pupil files five years after the pupil left the School subject to the retention of public examination results. Records relating to child protection issues are not destroyed.

- Staff

Loretto has had in place a practice of holding a file for each member of staff containing the information detailed in (a) iii. above although some files dating back to the 1960s are incomplete. Whilst Loretto has retained some files for former members of staff, in general Loretto does adhere to destroying staff files once a member of staff leaves the School subject to retention of information relating to child protection issues.

Since 2002, Loretto has carried out Enhanced Disclosure checks with Disclosure Scotland and since 2011 the Protection of Vulnerable Groups scheme. Loretto's policy is to gain Enhanced Disclosure or membership of PVG scheme for all staff prior to employment at Loretto School. Prior to this, Loretto relied on the L99 list, which details individuals who were barred from teaching. Loretto maintains a central record of all PVG membership checks.

Since 2012, Loretto has had a comprehensive pre-employment checklist of procedures which requires to be completed for both academic and support staff appointments. The checklist includes, *inter alia*, confirmed membership of the PVG scheme, two references, completion of an application form and/or CV, personal health questionnaire, confirmation of appropriate qualifications and interview(s) records and confirmation of identity. This checklist is kept on the relevant staff file.

- Complaints

Loretto has had in place a Complaints Procedure since at least 2001 in the Senior School and 2002 in Nippers. Records reviewed disclose that details of complaints were recorded. Since 2013 Nippers has had in place a Complaints Book which details, *inter alia*, when a complaint was received, parties involved and the outcome.

- Investigations

Staff Disciplinary/Grievance

Review of staff files disclose that some of these contain copies of investigations carried out under the disciplinary and grievance procedures although retention of these would depend on the nature of the investigation; for example child

protection matters are not destroyed. The grievance and disciplinary process require letters be sent to the member of staff involved, inviting them to meetings and confirming the outcome of the investigation.

Spent and unspent convictions and internal investigations are held on the individual's personal file until it is destroyed.

Pupil Behaviour

BRFs have been in place since 2009 as detailed under Past i. Child Protection and Wellbeing Issues above. Again, retention of records would depend on the nature of the investigation. If the investigation related to a child protection matter then this would not be destroyed.

Parental Complaints

Loretto has in place a complaints procedure as detailed under Complaints above. This procedure requires that the details of the complaint and the outcome are recorded and it is envisaged that this could include details of the investigation into the complaint. Retention of these complaints would depend on the nature of the investigation, for example, if this related to a child protection issue then details of the complaint would not be destroyed.

- Discipline

The DDP, which has been in place since at least 2001, provides that an oral warning will be recorded on the member of staff's file for a period of 12 months from the date when the warning was given. A written warning will be recorded on file for a period of 24 months from the date the warning was given.

Review of files demonstrates that details of disciplinary sanctions were placed on files along with confirmation that these had been removed when appropriate.

- Child migrants

Not applicable

- Responding to requests from former residents for information/records

Loretto will comply with requirements under the Data Protection Act 1998 to provide information to individuals should it receive a Subject Access Request.

- Other issues

None

iii. How was adherence demonstrated?

Adherence can be demonstrated with reference to:

1. Staff files.
2. Pupil files.
3. Complaints file and copies of records held relating to complaints.
4. Proof of destruction certificates can be obtained from the third party organisation engaged to destroy records.

iv. Were relevant records kept demonstrating adherence?

Records have been retained which demonstrate adherence. However, given the passage of time and the period of time in question it is not possible for Loretto to confirm that all records were kept as required for the entire period. Further records have been destroyed, for example staff files which would have demonstrated that for example a disciplinary process was followed.

v. Have such records been retained?

Records have been retained which demonstrate adherence. However, given the passage of time and the period of time in question it is not possible for Loretto to confirm that all records were kept as required for the entire period. Further records have been destroyed for example staff files which would have demonstrated that, for example, a disciplinary process was followed.

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

Given the passage of time and the records retained by Loretto at present it is not possible for Loretto to confirm whether or not policy/procedure was adhered to in practice. However the matters referred to in Practice (b) ii. above demonstrate adherence as far as is possible.

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?

No such review was carried out between 1930 and 17 December 2014.

- viii. **If so, when did the reviews take place, what documentation is available, and what were the findings?**

Not applicable.

- ix. **How have the outcomes of investigations been used to improve systems, learn lessons?**

Not applicable.

- x. **What changes have been made?**

Not applicable.

- xi. **How are these monitored?**

Not applicable.

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

Loretto is able to comply with the requirements of the Data Protection Act 1998 and respond to any Subject Access Requests (SAR) received in accordance with this Act. However, none have been received.

- xiii. **If so, how was that facilitated?**

In the event any SARs are received, the Data Protection Officer and the Executive Assistant to the Headmaster will consider them and thereafter release the relevant information in accordance with the provisions of the Data Protection Act 1998.

- xiv. **If not, why not?**

Not applicable.

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.

Response to vii.

Loretto reviewed its records as detailed in the methodology submitted with its response to Parts A and B to the section 21(2) (a) Notice (the "Notice") received in January 2017.

The review commenced following receipt by Loretto of the Notice.

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

- Children in its care
Pupil files.
Copies of complaints and related paperwork.
BRFs.
Child Protection/ wellbeing issue correspondence.
- Staff
Staff files for all current files and some former members of staff.
PVG checks.
- Complaints
Copies of complaints, investigations and outcomes.
- Investigations
Copies of investigations carried out by Loretto into allegations of misconduct on the part of members of staff.
Copies of BRFs detailing investigations into allegations of unacceptable behaviour on the part of pupils.
- Discipline
Staff files for current members of staff and some former members of staff.
- Child Migrants
Not applicable.
- Responding to requests from former residents for information/records

Copy of request and response.

Part D – Abuse and Response

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

5. Abuse

5.1 Nature

- i. What was the nature of abuse and/or alleged abuse of children cared for at the establishment, for example, sexual abuse, physical abuse, emotional abuse?**

The definition of "Abuse" in terms of the "Guidance for Completion" and "Terms of Reference" is:

"to be taken to mean primarily physical abuse and sexual abuse, with associated psychological and emotional abuse. The Inquiry will be entitled to consider other forms of abuse at its discretion, including medical experimentation, spiritual abuse, unacceptable practices (such as deprivation of contact with siblings) and neglect, but these matters do not require to be examined individually or in isolation."

In the absence of precise guidance as to what constitutes physical and sexual abuse, a practical and common sense approach has been applied in responding. In so doing it is taken from the form of the questions in section D that the information sought is in relation to abuse or alleged abuse by members of staff at Loretto. On that basis no information has been included in relation to any allegations of abuse as defined where it could be said to be between pupils at the school.

The abuse alleged to have taken place at Loretto during the time frame in question is sexual and physical abuse.

The response does not include conduct which occurred when the conduct in question was lawful i.e. caning and other forms of corporal punishment.

5.2 Extent

- i. What is the organisation/establishment's assessment of the scale and extent of abuse of children cared for at the establishment?**

In the 84 year period under consideration, our best estimate of the number of pupils who have attended Loretto is around 5500. There have been hundreds of teachers and ancillary staff employed during that period. From the documentation now available and having applied the methodology previously referred to, Loretto have identified some instances of abuse throughout that period. As far as Loretto is concerned, even one incident of abuse is one too many.

On or after 2001, a number of former male pupils of the school made allegations that Mr Guy Ray-Hills (now deceased), subjected them to serious sexual abuse. Mr Guy Ray-Hills was a French teacher employed at Nippers between 1951 & 1967. In August 2001, when the allegations were first made by a former pupil, Loretto wrote to former pupils who attended the school between 1951 and 1967 inviting any who wished to make a complaint to do so. In addition, Loretto cooperated with the police at that time and passed on the allegations to the police where requested to do so. Criminal proceedings were later initiated against Mr Ray-Hills.

In the response to question 3 in Part B reference is made to an allegation that an unnamed teacher at Nippers abused a male pupil and also of a number of alleged incidents of non-sexual physical abuse by staff. Having given these matters further consideration it is not considered that they either constitute a "complaint" or fall within the definition of abuse albeit they are matters of concern. They are mentioned as such in the response to 5.9 below.

ii. What is the basis of that assessment?

The review of records held in the form of:

- i. Minutes from Full Board and other Governor Committees from 1930 to date.
- ii. Incomplete files for former staff dating back to 1960s.
- iii. Current staff files.
- iv. BRFs for the Senior School – 2009 to date.
- v. Files held electronically by Madeline Bonner, Assistant Head, Pastoral and Compliance (formerly DPC) and CPC (including Pastoral & Welfare records from previous Vicegerent and DPC, Elaine Logan) relating to the Senior School.
- vi. Paper files held by Madeline Bonner, including Pastoral & Welfare records from Elaine Logan, relating to the Senior School.
- vii. Nippers Complaints files from January 2013 to date.
- viii. Nippers files relating to staff issues and pupil issues retained at Nippers.
- ix. Staff records held by Nippers.

- x. Records held electronically by Philip Meadows relating to child protection and behaviour issues involving pupils in Nippers.
- xi. Paper files relating to the 2001 Observer Magazine article by Don Boyd.
- xii. Files from solicitors instructed by Loretto's insurers to represent the School in the civil litigation claims at the instance of 1) [REDACTED] and 2) [REDACTED].
- xiii. File from solicitors instructed by Loretto's insurers to represent the school in a potential litigation at the instance of [REDACTED] (father of [REDACTED]).
- xiv. Paper file held by Loretto relating to a ski-trip in 2003.
- xv. Archive file – Loretto School Trustees, Correspondence and papers from 25 July 1961 to November 1968.
- xvi. Archive file containing Loretto School Headmaster's reports (1939 -1976).
- xvii. Archive file of Headmaster's papers (1967-1970).
- xviii. Archive File – Loretto School Policy - correspondence from 1938-1961.
- xix. Archive file – Loretto School Limited - correspondence from 1975-1980.

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

2

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

0

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

0

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

(i) Teacher at Nippers and (ii) SNR [REDACTED] Nippers.

vii. **To what extent did abuse and/or alleged abuse of children cared for at the establishment take place during off-site activities, trips and holidays?**

There is no evidence of abuse and/or alleged abuse of children cared for at the establishment having taken place during off-site activities, trips and holidays.

viii. To what extent was abuse and/or alleged abuse of children cared for at the establishment carried out by visitors and/or volunteers to the establishment?

There is no evidence of abuse or alleged abuse by visitors and/or volunteers.

ix. Have there been allegations of peer abuse?

Yes. As indicated in 5.1 Loretto is proceeding on the basis that the detailed information sought in this part D is in relation to abuse or alleged abuse by members of staff at Loretto. On that basis no information has been included in relation to any allegations of abuse as defined where it could be said to be peer abuse. Such information will be provided if there is a formal requirement to do so.

5.3 Timing of Disclosure/Complaint

i. When were disclosures and complaints of abuse and/or alleged abuse of children cared for at the establishment made to the organisation or establishment?

From our records the disclosures and complaints of which Loretto has knowledge referred to in response 5.9 were made in 2001 (in relation to the teacher at Nippers) and 1984 (in relation to the SNR [REDACTED] at Nippers).

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

An examination of Loretto's records discloses that one incident was disclosed to Loretto at around the time of the alleged abuse.

With regard to the second incident when Loretto wrote to former pupils following the publication of an article relating to Mr Guy Ray-Hills, a number of former pupils indicated that these matters had been brought to the attention of the school at an earlier date. Such disclosures have not been found in any of the contemporaneous records considered for the purpose of preparation of this response.

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

Loretto only became aware of allegations against Mr Guy Ray-Hills when made in 2001/2002. He is said to have abused a number of boys at Loretto when he taught at Nippers between 1951 and 1967.

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

From the records available we are unable to express a view on this matter.

5.4. External Inspections

- i. **What external inspections have been conducted relating to children cared for at establishment which considered issues relating to abuse and/or alleged abuse of children?**

Loretto was subject to the regulatory regime as described in the response to 2.6 of Part A of this questionnaire. This regime has encompassed consideration of pastoral and welfare matters. At no point has such a regulatory regime triggered further inspection or remedial action.

No external inspections were conducted in relation to allegations of abuse by employees of Loretto on pupils.

For each such external inspection please answer the following:

- ii. **Who conducted the inspection?**
- iii. **Why was the inspection conducted?**
- iv. **When was the inspection conducted?**
- v. **What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children?**
- vi. **What was the organisation/establishment's response to the inspection and its outcome?**
- vii. **Were recommendations made following the inspection?**
- viii. **If so, what were the recommendations and were they implemented?**
- ix. **If recommendations were not implemented, why not?**

5.5 External Investigations

- i. **What external investigations have been conducted relating to children cared for at the establishment which have considered issues relating to abuse and/or alleged abuse of children?**

The only investigations of which Loretto are aware are those in relation to Mr Guy Ray-Hills as more fully described in 5.12 of this response.

For each such external investigation please answer the following:

- ii. **Who conducted the investigation?**
- iii. **Why was the investigation conducted?**
- iv. **When was the investigation conducted?**
- v. **What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children?**
- vi. **What was the organisation/establishment's response to the investigation and its outcome?**
- vii. **Were recommendations made following the investigation?**
- viii. **If so, what were the recommendations and were they implemented?**
- ix. **If recommendations were not implemented, why not?**

5.6 Response to External Inspections/Investigations

- i. **What was the organisation's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse, of children cared for at the establishment?**
- ii. **What was the organisation's procedure/process for responding to the outcomes of such external inspections and/or investigations?**
- iii. **What was the organisation's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?**

Where there has been cause to draw matters to the attention of the Care Inspectorate it became apparent from their positive response that there was no requirement for any follow up.

5.7 Impact

- i. **What is known about the impact of abuse on those children cared for at the establishment who were abused, or alleged to have been abused?**

Loretto is not in a position to assess the impact of abuse or alleged abuse on children.

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

Loretto has no knowledge of this.

- iii. **What is known about the impact of abuse on the families of those children cared for at the establishment who were abused, or alleged to have been abused?**

Loretto has no knowledge of this.

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

Loretto has no knowledge of this.

5.8 Known Abusers at Establishment

- i. **Does the organisation/establishment know of specific abusers, or alleged abusers, of children cared for at the establishment?**

Yes.

- ii. **If so, what are the names of the abusers, and/or alleged abusers?**

Guy Ray-Hills and CRX

- iii. **For each of these persons, please provide as much as possible of the following information:**

- **the period (dates) during which they are known or alleged to have abused children cared for at the establishment**
- **the role they had in the organisation/establishment during the period of abuse and/or alleged abuse**
- **where they worked prior to, and following, their time at the organisation/establishment**

- the knowledge sought or received about them by the organisation/establishment at the point of recruitment, and while they were at the establishment
- any information sought by, or provided to, future employers or third parties after they left the establishment, including regarding abuse or alleged abuse

Guy Ray-Hills

It is understood that Mr Ray-Hills (now deceased) worked as a French teacher between 1951 and 1967. Prior to coming to Loretto it is understood that Mr Ray-Hills worked at a preparatory school called Wells House. On leaving Loretto, it is understood that Mr Ray-Hills applied for a position at the BBC although it is not known whether or not he worked there. The records reviewed disclose that Mr Ray-Hills received a reference from Loretto's then Headmaster dated 19 May 1967 for this role. That reference does not mention abuse/alleged abuse.

It is further understood that he worked at Rose Hill, Summer Fields and Holmewood House schools. There are no other references in the records reviewed although the latter do refer to the then Head at Nippers giving a separate reference to Educational Consultants Gabbitas-Thring Services which recommended Mr Ray-Hills as a day school teacher. It is also understood that this second reference led to him securing the job at Summer Fields school in 1968.

CRX

Information is not available in relation to Mr CRX (now deceased) prior to his working at Loretto. It is understood that he retired from Loretto although subsequently became a

- iv. **Were known abusers, or alleged abusers, of children cared for at the establishment moved from one establishment run by the organisation, to another establishment run by the organisation?**

No.

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

Not applicable.

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

Not applicable.

5.9 Specific Complaints

- i. How many specific complaints of abuse of children cared for at the establishment have been made to the establishment/organisation?**

For each specific complaint, please answer the following:

- ii. Who made the complaint?**
- iii. When was the complaint made?**
- iv. Against whom was the complaint made?**
- v. What was the nature of the complaint?**
- vi. When/over what period was the abuse alleged to have taken place?**
- vii. What was the organisation/establishment's process and approach in dealing with the complaint?**
- viii. What was the organisation/establishment's process and approach for investigating the complaint?**
- ix. What was the outcome of the complaint following that investigation?**
- x. Did the organisation/establishment provide a specific response to the complaint?**
- xi. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
- xii. If there was no response, why not?**
- xiii. Was the information/content of the complaint passed to police?**
- xiv. If not, why not?**

The complaints below related to sexual and physical abuse by Mr Ray-Hills and were made to Loretto on a confidential basis. Loretto discloses the identity of each complainant on the basis of General Restriction Order (No.3) made by the Chair prohibiting disclosure and/or publication of any details identifying them other than disclosures, on a confidential basis, by members of the Inquiry team to persons or organisations (or their legal representatives) in order to protect a legitimate interest.

Guy Ray-Hills

Complaints were received in 2001/2002 after Loretto wrote to its former pupils in the immediate aftermath of the publication of an article by another former pupil Don Boyd in the Observer on 19 August 2001 about Mr Ray-Hills. Complaints were received

from [REDACTED] (8 September 2001), [REDACTED] (18 September 2001), CCF [REDACTED] (29 August 2001), [REDACTED], [REDACTED] (9 January 2002), [REDACTED] (30 September 2001), [REDACTED] (24 September 2001), CBX [REDACTED] (23 August 2001) and [REDACTED] (14 September 2001). [REDACTED] is now deceased.

Some complainants stated that they reported the abuse to Loretto at the time it occurred. It has not been possible to verify this with reference to the records in existence.

In relation to those complaints received following the publication of the Observer article and the School having written to former pupils, Loretto's available records indicate that the Police were made aware of the complaint provided the particular complainant gave consent.

Mr Ray-Hills was investigated by the Police following publication of the Observer article. Loretto cooperated fully in this investigation. Loretto understands that Mr Ray-Hills faced a criminal trial at Haddington Sheriff Court on 7 August 2003 but that the prosecution was deserted on account of Mr Ray-Hill's medical condition. The approach taken by Loretto in responding to complaints was that of acknowledging the complaints, passing the complaints to the Police and thereafter allowing the Police to investigate without interference by the School in line with policy.

CRX [REDACTED]

A complaint was received in 1984 from CRW [REDACTED] the [REDACTED] that CRX [REDACTED] the SNR [REDACTED] at Nippers, excessively beat a pupil and struck another over the head with his hand. It is understood that this took place in 1984. There is no record available of the process and approach taken in dealing with the complaint. The only available record mentioning these allegations related to the termination of Mr CRX [REDACTED] employment in 1986. From available records it is understood that, on the Chairman's instructions, the Headmaster of Loretto informed Mr CRX [REDACTED] that if any boy was physically punished other than in controlled circumstances the outcome would be instant dismissal.

These are considered to be the only matters where there has been a complaint which can be said to constitute sexual or physical abuse by staff of pupils. Having given serious consideration to all circumstances which require to be mentioned Loretto nonetheless felt it appropriate to draw the following matters to the attention of the Inquiry:

- 1 Information came to the attention of Loretto this year relating to a possible historic allegation of sexual abuse occurring approximately 70 years ago. This was done in the form of a passing comment made to the Headmaster at a school reception by the widow of the alleged victim, a former pupil. No further details were made available to the school. Whilst not in the nature of a complaint and whilst lacking detail Loretto did make the Police aware of such limited information as was available.
- 2 An allegation was made this year in response to the current Headmaster writing to appraise those associated with the school of the Inquiry. That allegation related to peer on peer sexual abuse in 1991. It was alleged that the complainant (who was a teacher at the school) had been required to enter into an agreement to the effect that he would leave the school and say nothing of the matter. As stated in 5.1 Loretto has not included the detail of such matters in this response. Loretto has encouraged the complainant to make direct contact with the Inquiry. The current Governors had no knowledge of the agreement signed in 1991 and, once made aware, promptly released him from any obligation which might be said to preclude him from discussing matters with the Inquiry. It is understood that the complainant has followed up on Loretto's suggestion of making contact with the Inquiry. In addition, Loretto brought these matters to the attention of the Police.
- 3 Complaints were made in 2005 & 2006 relating to personal comments made by and conduct of a teacher during lessons. This was considered internally and the teacher counselled and trained with a view to avoiding conduct where there might be a perception of inappropriate behaviour
- 4 A complaint was made in 2007 by pupils that a teacher was making comments with inappropriate innuendos and making physical contact which was considered by the complainants to be inappropriate in the context of a PE lesson. This resulted in matters being referred to the CPC and a disciplinary process being followed which resulted in the giving of a final written warning. It is understood that the Care Commission had been made aware of this matter.
- 5 A court action was raised against Loretto in 2009 by a former pupil, [REDACTED]. Whilst no specific claim of abuse was made, he alleged he was attacked in the shower room when he attended Nippers and was subjected to scenes of pornography when he was around 9 years of age. Loretto's records disclose that all the alleged perpetrators were other pupils. This matter is discussed further in the response to 5.10.
- 6 A complaint was made by a teacher in 2014 relating to the conduct of another teacher at [REDACTED]. It was alleged that the teacher concerned had been drunk and that his behaviour towards 6th Form female pupils could be construed as inappropriate.

This matter was dealt with in accordance with Loretto's disciplinary process with involvement from the schools CPO.

- 7 When this response was being considered by the Governors earlier in October 2017, a Governor reported that he was aware of an incident of physical abuse which had occurred when he was a pupil at Loretto in around 1982/83 and involved a teacher striking a male pupil's head against a desk during a lesson. This was not evident from the analysis of the records and no record of a complaint in relation to such a matter has been found.
- 8 When the Headmaster wrote in February 2017 to the OL community advising them of the Inquiry, a former pupil responded by reporting a matter which arose when he attended Loretto in the 1970s. This concerned a teacher who is alleged to have made pupils swim naked in the School pool. No information regarding this has been found in the records reviewed but Loretto notified the Police of these allegations in February 2017.

5.10 Civil Actions

- i. **How many civil actions have been brought against the organisation and/or establishment relating to abuse, or alleged abuse, of children cared for at the establishment?**

Loretto is aware of 2 civil actions relating to allegations of abuse by staff at the school.

For each such civil action, please answer the following:

- ii. **Who brought the action?**
- iii. **When was the action brought?**
- iv. **Against whom was the action brought?**
- v. **What was the nature of the abuse, or alleged abuse, to which the action related?**
- vi. **What were the names of the persons said to have, or alleged to have, committed abuse?**
- vii. **When/over what period was the abuse said, or alleged, to have taken place?**
- viii. **How did the action progress?**
- ix. **What was the outcome?**
- x. **Was the action settled on a conditional basis of confidentiality?**
- xi. **Who was/were the organisation/establishment's legal representative(s) in relation to the civil action?**

- xii. **Did the organisation/establishment carry insurance for meeting civil claims at the time the action was live?**
- xiii. **How/where can copies of the court papers relating to the civil action be made available to the Inquiry?**

Court action by [REDACTED]

In 2004 Mr [REDACTED] raised legal proceedings at the Court of Session against Loretto and Guy Ray-Hills seeking compensation for the latter's abuse of the pursuer whilst the pursuer was a pupil. The pursuer alleged he was abused twice by the defender. A letter from the solicitor who represented Loretto in this court action confirms this and that the abuse took place in 1959/60 when Mr [REDACTED] was 12 or 13. This letter also refers to the pursuer's position being that his memory of the abuse was suppressed.

The action was appointed to proceed as an ordinary action on [REDACTED] 2004 and sisted. In [REDACTED] 2006, the pursuer's solicitor indicated their client would agree to the court action being dismissed on a no expenses due to or by basis. All 3 parties subsequently agreed that the defenders would be assoilzied from the conclusions of the summons with no finding of expenses due to or by any of the parties to the action. On [REDACTED] 2007, the Court issued an interlocutor in accordance with this agreement. The action was not settled on a conditional basis of confidentiality.

Simpson & Marwick acted for Loretto in the action. The latter was insured, although the solicitor's files indicate that when they were instructed the exact nature of the insurance coverage was unknown and this would be investigated. Loretto is not aware of the extent this question was investigated.

Clyde & Co. whom Simpson & Marwick merged with after the action was concluded provided Loretto with a copy of the solicitor's file pertaining to this case in 2017 for the purpose of responding to this part of the Questionnaire.

Court action by [REDACTED]

In 2009 [REDACTED] (date of birth [REDACTED] 1990) raised legal proceedings at Edinburgh Sheriff Court against Loretto seeking compensation in relation to bullying by both teachers and pupils when he was a pupil at the school. He alleged he was attacked in the shower room when he attended Nippers and was subjected to scenes of pornography when he was around 9 years of age. The relevant averments contained no further specification. On the face of it these averments mention abuse by staff at Loretto. Loretto's records disclose that all physical attacks alleged to have been made on [REDACTED] were made by other pupils and the pornographic material

was in the form of a "girlie calendar" which male pupils brought into the school's changing rooms and showed to other boys there.

In 2010 the pursuer indicated that he did not want to proceed with the action. This resulted in Loretto being assoilzied from the craves of the writ with no finding of expenses due to or by either party to the action on [REDACTED] 2010. The action was not settled on a conditional basis of confidentiality. Simpson & Marwick acted for Loretto in the action. The latter was insured. Clyde & Co. with whom Simpson & Marwick merged after the action was concluded provided Loretto with a copy of the solicitor's file pertaining to this case in 2017 for the purpose of responding to this part of the Questionnaire.

5.11 Criminal Injuries Compensation Awards

- i. **Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for at the establishment?**

Loretto is not aware of any such awards.

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

Not applicable.

5.12 Police

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

In relation to complaints against staff, Loretto is aware of only the complaints related to Guy Ray-Hills having been made by third parties to the Police. As previously noted (see response 5.9, 1 and 2), Loretto has reported other matters to the Police

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

- ii. **Who was the alleged abuser?**
iii. **Did the police conduct an investigation in relation to the complaint?**
iv. **If so, who conducted the investigation and when?**

- v. **What was the outcome of the police investigation?**
- vi. **What was the organisation/establishment's response?**

Guy Ray-Hills

Loretto understands that complaints of abuse by Guy Ray-Hills in the 1950s and 1960s were made by a number of former pupils to the Police after the publication of the article in the Observer in 2001. Loretto passed to the Police letters received from at least 4 of those former pupils alleging abuse in 2001/2002. This led to the prosecution of Mr Ray-Hills as noted below.

5.13 Crown

- i. **To what extent has the Crown raised proceedings in respect of allegations of abuse of children cared for at the establishment?**

Loretto is aware of 1 prosecution relating to staff following on from the Police investigations referred to in 5.12.

In relation to each time the Crown has raised proceedings, please answer the following questions:

- ii. **What is the name of the person(s) against whom the proceedings were raised?**
- iii. **What was the nature of the charges?**
- iv. **What was the outcome of the proceedings, including disposal/sentence if there was a conviction?**
- v. **What was the organisation/establishment's response to the proceedings and outcome?**

Guy Ray-Hills

Loretto understands Mr Ray-Hills was due to go to trial at Haddington Sheriff Court on 7 August 2003 when the prosecution was deserted following production of a soul and conscience letter sworn by his GP which stated the former was medically unfit to stand trial.