Scottish Child Abuse Inquiry

Case Study no. 9: Volume 6

The provision of residential care in boarding schools for children at **Keil School**, Dumbarton, between 1959 and 2000

Evidential Hearings: 30 March 2021 to 5 November 2021

Contents

Keil School: former pupils and staff, and governance witnesses

In order to provide the reader with a clear understanding of the references to applicants and other witnesses whose names feature throughout these findings, I have included quick reference tables, Table 1 (former pupils) and Table 2 (former staff and a former trustee).

Table 1: Former pupils who provided evidence to SCAI

Name	Time at Keil
'John'	1959–62
Neil Lightbody	1960–4
'Martin'	1974–80
'Angus'	1975–80
'Jayden'	1985–6
'Verity'	1987–90
'Tony'	1988–90
'Callum'	1988–91
'Ferguson'	1988–95
'Dan'	1989–90
'Herbert'	1989–94
Craig Robertson	1991–8

Table 2: Former staff and a former trustee who provided evidence to SCAI

Name	Period of employment	Role(s)
Mary Duncan	1975–2000	Art teacher
Rodger Harvey-Jamieson	Late 1970s–present	Clerk to and trustee of the Mackinnon-Macneill Trust (2000–present)
John McMurtrie	1984–2000	Maths teacher (1984–2000), house tutor (1985–92), and housemaster (1992–2000)
William Bain	1987–2000	Head of physics (1987–2000), house tutor (1987–99), and housemaster (1999–2000)
David Gutteridge	1989–91	English teacher (1989–90) and house tutor (1990–1)
Adrienne Smith	1989–2000	French and German teacher (1989–2000), house mother (1995–8), assistant housemistress (1998–9), and joint housemistress (1999–2000)
Robert Evans	1989–95	Head of chemistry
Richard Allen	1991–2000	Primary teacher
Martin Coombs	1991–2000	Geography teacher and housemaster
Angus Dunn	1992–2000	Modern languages teacher (1992–2000) and housemaster (1996–2000)
John Cummings	1993–9	Headmaster
Tom Smith	1989–2000	Deputy headmaster (1989–99) and headmaster (1999–2000)
Ronald Boyd	1993–8	Chaplain
Sarah Guy	1995–2000	History teacher (1995–2000) and assistant housemistress (1996–2000)

Foreword

These are the fifteenth of my published case study findings and they relate to the provision of residential care for children at Keil School, Dumbarton. Publication had been due to take place earlier in 2025 but was held back at the request of the Crown to await the outcome of further trial proceedings against William Bain, raised after the conclusion of the Keil hearings. Those proceedings have now concluded; he was convicted on 30 June 2025 at the High Court in Glasgow.

During the public hearings in the overall boarding schools case study, I heard evidence about many aspects of the boarding provision for children at these schools that amounted to dreadful abuse. It showed that boarders and day pupils were subjected to abuse, that both the boarding and day school environments were ones where there were numerous abusive practices perpetrated by members of staff and other pupils, and that these went unchecked.

I am very grateful to all who have provided evidence to the Inquiry, whether former pupils and staff, or others. The cooperation and assistance of, and contributions from, all the witnesses about their experiences at the school, as well as their wider experiences, learning, and ideas in relation to the provision of education and residential care in Scottish boarding schools have been invaluable.

In reaching the stage of publication of these findings – from detailed analysis of all the evidence ingathered to the final document – I have once more had the benefit of being supported by the exceptional teamwork that has become the hallmark of this Inquiry. I am very grateful to the Inquiry counsel who led in the case study and the members of staff involved at each stage; their diligence and commitment has been remarkable.

Applicants and other witnesses continue to come forward to the Inquiry with relevant evidence about boarding schools and this will be considered as part of a continuing process.

I would encourage anyone who has relevant information on any aspect of our work to get in touch with our witness support team. We want to hear from you.

Lady Smith

Preface

The Scottish Child Abuse Inquiry (SCAI)

SCAI's Terms of Reference (ToR) require it to 'investigate the nature and extent of abuse of children in care in Scotland' during the period from within living memory to 17 December 2014 and to create a national public record and commentary on abuse of children in care in Scotland during that period.

The requirement is to investigate sexual, physical, psychological, and emotional abuse and, at my discretion, other types of abuse including unacceptable practices (such as deprivation of contact with siblings) and neglect. There is also a requirement to make findings about the impact of abuse.

SCAI is also to consider the extent to which any form of abuse arose from failures in duty by those with responsibility for the protection of children in care. In particular, SCAI is required to consider whether any abuse arose from systemic failures and the extent to which any such failures have been addressed. It is to make findings and recommendations for the effective protection of children in care now and in the future.

A copy of SCAI's ToR is at Appendix A.

'Applicant' is the term SCAI uses for any person who tells SCAI that they were abused in circumstances that fall within the ToR.

Public hearings

In common with other public inquiries, the work of SCAI includes public hearings. They take place after detailed investigations, research, analysis, and preparation have been completed by SCAI counsel and SCAI staff. That stage can take a long time. The public hearings of SCAI include – importantly – the taking of oral evidence from individuals about their experiences as children in care and the reading of a selection of evidence from some of their written statements. The evidence also includes accounts of the impact of their having been abused as children in care, including in boarding schools. During and following the evidential hearings into case studies, applicants and other witnesses may come forward with further relevant evidence and such evidence will be taken into account.

Children were abused in a substantial number of institutions in Scotland and were also the subjects of an inherently abusive child migration system that resulted in many of them being abused at their destinations. It is not, however, realistic to present every institution and instance of abuse at a public hearing; were SCAI to do so, an Inquiry that is, of necessity, a lengthy one would be unduly prolonged. Accordingly, with the assistance of SCAI counsel, I will continue to identify particular institutions and matters that are representative of the issues being explored by SCAI and thus appropriate for presentation at public hearings of evidence.

Section 21 responses

Under section 21 of the Inquiries Act 2005, as Chair of this Inquiry, I have the power to require persons to provide evidence to SCAI. Institutions targeted by SCAI as part of its investigations have been issued with various section 21 notices. These notices include a requirement for them to respond in writing to questions posed by the SCAI team. These questions are divided into parts: Part A – Organisation; Part B – Current Statement; Part C – Prevention; Part D – Abuse and Response. Hereafter these will be referred to as the 'Parts A–D section 21 notice'.

The governors of the Mackinnon-Macneill Trust responded to the Parts A–D section 21 notice in respect of the former Keil School. The responses to Parts A and B are dated 31 March 2017, and the responses to Parts C and D are dated 28 June 2017.[1] In the months leading up to the case study, SCAI requested further information in relation to Keil School. This was provided in October 2019.[2]

Written statements

Applicants and other witnesses can tell members of the SCAI team about their experiences as children in care and any other relevant evidence. Applicants may do so at a 'private session'.[3] Other witnesses may do so at an Inquiry interview. All witnesses are supported by SCAI's witness support team. Written statements are prepared covering those matters spoken about which are relevant to the ToR. Applicants, or other witnesses, are asked to check the statement carefully and to sign it as being the truth if satisfied that it is accurate, but only if and when they feel ready to do so.

This case study

The scope and purpose of this case study was to consider evidence about:

- the nature and extent of any relevant abuse at Keil School
- any of Keil School's systems, policies, and procedures, their application, and their effectiveness
- any related matters.

Leave to appear

Leave to appear was granted to the following in relation to this case study, in whole or in part:

- the Mackinnon-Macneill Trust
- the Care Inspectorate
- the Scottish Social Services Council
- the General Teaching Council for Scotland
- Police Scotland
- the Lord Advocate
- the Scottish Ministers
- INCAS (In Care Abuse Survivors).

Numbers

The former pupils who have provided evidence to SCAI in relation to their time at Keil School do not represent every person who has made a complaint over the years relating to their experiences at the school. It must also be appreciated that many former

1 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001; Keil School, Parts C and D response to section 21 notice, at KSC.001.001.0010.

2 Keil School, Document transfer cover sheet, at KSC.001.001.0247.

3 www.childabuseinquiry.scot/giving-evidence-applicant

pupils have also described the treatment they witnessed being afforded to other children. Appendices D and E set out, in relation to Keil School, the numbers of:

- children who boarded at Keil School
- complaints of alleged abuse received by Keil School
- civil actions raised against Keil School
- relevant SCAI applicants to the dates specified in Appendix E.

Some witnesses, including former boarders at Keil School, have provided evidence to SCAI since the evidential hearings, and some of this evidence is referred to because of its relevance to other evidence I had already heard. Otherwise, such evidence has been taken into account in assessing the overall picture and will continue to be carefully considered by SCAI as part of a continuing process.

Witness representing Keil School

Rodger Harvey-Jamieson, former clerk to and current trustee of the Mackinnon-Macneill Trust.

Keil School

I find that children who boarded at Keil School were exposed to risks of sexual, physical, and emotional abuse. For many, those risks materialised, and children were abused whilst in Keil School's care.

This case study as compared to my findings in previous case studies

The abuse I find to have taken place at Keil School is, in many respects, similar to the abuse I found to have taken place at other boarding schools, including Loretto School, Morrison's Academy, Gordonstoun, Queen Victoria School, and Merchiston Castle School, and the boarding schools run by two male religious orders, the Benedictines and the Marist Brothers.[4] There were also similarities in relation to causative factors such as staff who lacked the appropriate skills and training; inappropriate recruitment policies; insufficient oversight of pupils and teachers; and unregulated, unsupervised power being given to older pupils. Accordingly, I will at times use language in these findings similar to the language used in the findings of previous case studies.

4 Scottish Child Abuse Inquiry, Case Study no. 5: The provision of residential care in boarding schools for children in Scotland by the Benedictine monks of Fort Augustus Abbey between 1948 and 1991 at Carlekemp Priory School, North Berwick, and Fort Augustus Abbey School, Inverness-shire (August 2021); Case Study no. 7: The provision of residential care in boarding schools for children in Scotland by the Marist Brothers between 1950 and 1983 at St Columba's College, Largs, and St Joseph's College, Dumfries (November 2021); Case Study no. 9: Volume 1: The provision of residential care in boarding schools for children at Loretto School, Musselburgh, between 1945 and 2021 (April 2023); Case Study no. 9: Volume 2: The provision of residential care in boarding schools for children at Morrison's Academy, Crieff, between 1945 and 2007; Case Study no. 9: Volume 3: The provision of residential care in boarding schools for children at Gordonstoun, Moray, between 1934 and 2021 (June 2024); Case Study no. 9: Volume 4: The provision of residential care in boarding schools for children at Queen Victoria School, Dunblane, between 1951 and 2021 (October 2024); Case Study no. 9: Volume 5: The provision of residential care in boarding schools for children at Merchiston Castle School, Edinburgh, between 1930 and 2021 (June 2025).

Terminology

Many children in care were, within the period covered by SCAI's Terms of Reference, abused sexually, physically, and/or emotionally through the conduct of other children. Details of such abuse are set out in case study findings. It may have involved coercion, threats, aggression, all forms of bullying, and, typically, an imbalance of power – with that imbalance arising from a difference in age, ability, status within the institution, physical size, and/or physical strength. It often occurred in an environment where the culture facilitated rather than prevented such conduct or behaviour.

Sometimes it will have involved children specifically targeting other children. The terms 'children abused by other children', 'children who suffered abuse meted out by other children', 'children who engaged in abusive behaviour', and/or 'children who engaged in abusive conduct', and similar expressions are used in this volume when referring to such conduct and/or behaviour.

I recognise that the abusive conduct may have taken place against a background of the child who abused another child having exhibited harmful behaviour which had not been recognised and/or addressed and which may also have been harmful to that child. I also accept that, in some cases, a child who abuses another child may have suffered prior trauma. But it does not mean that the child who was abused did not suffer or was not harmed.

Many applicants described abuse of a type that could have amounted to a criminal offence. Some of it plainly did amount to a criminal offence. The language in these findings reflects the words they used in evidence. The abuse of children in boarding schools prior to 2000 (when Keil School closed) may have amounted to the common law offence of lewd, indecent, and libidinous practices and behaviour, an offence which involved the abuse, including on occasions penetrative conduct, of children under the age of puberty, then taken as 14 for boys and 12 for girls. Today, sexual offences involving children would be prosecuted under the provisions of the Sexual Offences (Scotland) Act 2009, and any penetrative conduct involving a child, be it vaginal, anal, or oral, using a penis, is likely to be described as rape.

Part V of the 2009 Act introduced a new offence of 'sexual abuse of trust', an offence that may be committed in different ways, including where a person who is responsible for looking after children under 18 in a boarding school engages in sexual activity with them.

Other terminology used in these findings includes the word 'clipe'. A clipe, or clype, is someone who informs on another or, to put it colloquially, tells tales. Cliping, or clyping, is the act of doing so. Those who clipe are breaking an unwritten code of silence and may be isolated by their peers for doing so.

Summary

- Children were abused at Keil School.
- Children were physically abused, they were emotionally abused, and they were sexually abused.
- Originally set up by the Mackinnon-Macneill Trust with the philanthropic intention of educating a small number of boys from the rural west of Scotland, Keil grew in size once it moved to Dumbarton in the 1920s, and the school roll had reached almost 90 by the late 1930s.
- Inspection reports in that decade commented favourably on the 'novel' approach of having the pupils carry out many of the domestic duties under the supervision of senior pupils. While the school remained small, that system seems to have worked quite well.
- From 1950 onwards the school sought to grow; its survival was dependent on there being a sufficient number of fee-paying pupils. That goal was never met, and inadequate funding remained an ever-present issue, one that impacted negatively on life at the school. Conditions remained austere and outdated, staff numbers were low, and abuse was able to flourish unchecked.
- Self-sufficiency was highly regarded.
- As a cost-saving measure, as well as a tradition, responsibility for daily tasks fell to the pupils. Senior boys who had been appointed 'chiefs' and their deputies controlled squads of junior boys with limited, if any, supervision. The attitude of teachers was, largely, that they were there to teach and nothing more than that.
- The assumption that children could be relied upon to look after the welfare of other children, without adequate or proper oversight, was a serious mistake.
- Despite its well-intended beginnings, Keil became a tough school where boys were expected to develop the ability to endure violence and suffer in silence – doing so was admired. Prowess on the rugby pitches and achieving a high rank in the Keil hierarchy were prioritised, education came second, and those who did not fit the accepted mould suffered.
- Strong, successful rugby players usually had a happy existence, but it was tough for others such as, for example, the aesthete, the thinker, the actor, the musician, the quieter individual, or the child who liked individual sports.
- A strong code of silence prevailed at Keil and was even encouraged by some staff who shunned responsibility, ignored obvious injuries, and failed to take action when reports of abuse were made.
- Day-to-day responsibility for running the boarding houses was left to the senior boys, including roll calls and dealing with problems as they arose. Housemasters were distant figures – sometimes literally, with their accommodation often being separate from the boarding house for which they had responsibility.

- Some boarding staff actively resisted school oversight and considered themselves immune from management.

- There was no system in place to ensure consistency in the approach to child welfare across the boarding houses.

- More broadly, staff supervision at Keil was inadequate. Many teachers did not notice, or make adequate inquiry about, the welfare of their pupils. Some ignored abuse or even covered it up.

- Abusive practices became normalised in the late 1950s and remained so until the 1980s.

- The system of empowering older boys at Keil to discipline younger ones created a real risk of bullying and abuse which, in many cases, came to pass. Physical abuse inflicted on younger boys by older boys remained a constant at Keil throughout much of the second half of the twentieth century.

- Physical abuse by chiefs and deputies under the guise of official discipline was common. Beating, known as 'peeching', using a plimsoll, was at times carried out excessively and without any justification. Even after corporal punishment by pupils was outlawed in the late 1970s, it carried on.

- There was a culture of physical abuse used as a means of unofficial sanction by chiefs and deputies. Some withheld food from other boys, many simply beat them up, sometimes with implements such as books and wooden blackboard dusters, or attacked them with compasses. A few inflicted what can only be described as torture by putting boys' hands over flames or boiling kettles.

- Senior pupils were not trained either in their responsibilities for other boys or in the powers they had over them. The pool of senior boys available to be made a chief or deputy was small, resulting in boys who lacked aptitude for the role being appointed. The need for training was thus enhanced, but none took place, increasing the risk of such pupils breaching the trust placed in them and abusing younger children. Neither headmasters nor other staff supervised the system. Brutality became a norm that was passed, unchallenged, from one generation to the next.

- This was also true of the behaviour of other senior pupils towards juniors; bullying was endemic and normalised by tradition and the apparently accepted conduct of the chiefs. Pupils who were perceived as different, for whatever reason, were particularly vulnerable to being physically abused by individuals or groups. Daily emotional abuse by mocking was common, and personal property was not safe – it was likely to be damaged or destroyed. Some children lived in a permanent state of fear, made worse by the knowledge that staff were not interested or likely to intervene.

- Sexual abuse of male pupils by other male pupils was not common but it did happen.

- After Keil became co-educational, sexual abuse of girls by boys also happened. The risk was heightened by the school having failed to provide girls with secure accommodation or adequate oversight of their boarding house.

- Some members of staff at Keil abused children, in the boarding houses and in the school.

- The most significant examples of such abuse were sexual abuse by two members of staff in the late 1980s and throughout the 1990s.

- William Bain, a physics teacher, groomed and sexually abused many boys. He sexually abused some boys on hundreds of occasions and did so on an almost daily basis. The abuse he perpetrated persisted for years despite concerns about his behaviour arising early on after a parent complained. Inadequate investigation followed, and the problem was then covered up by headmaster Christopher Tongue and other senior staff. Despite parents being assured that reports of his behaviour would go on his record, this did not happen, and Tongue's successor as headmaster was never told about it.

- Protection of the reputation of the school was prioritised over the interests of children; that was a disgraceful abdication of responsibility. As a result, a predatory paedophile continued to abuse children, unafraid of being discovered, and able, with ease, to move on to teach children elsewhere.

- More widely, concerns about William Bain's behaviour were shared by both staff and pupils, yet nothing was done, such was Keil's culture of inaction and silence.

- Another predatory paedophile, David Gutteridge, an English teacher, abused at least one child he had groomed at Keil. His abuse took place away from the school after being carefully engineered.

- Some teachers engaged in physical and emotional abuse.

- Some members of staff physically abused pupils under the guise of it being officially sanctioned punishment. The housemaster Ian Graham stands out and is remembered for his sadistic brutality, within both his house and his classroom. He conducted mass beatings and used the belt excessively, in situations where corporal punishment was never merited. His behaviour was known throughout the school but was never addressed or controlled.

- Another teacher is remembered for his obvious excitement when beating an entire class.

- After corporal punishment was banned at the school in 1987, physical punishments continued unofficially; some teachers threw books at pupils or hit them with whistles.

- Housemaster Ian Graham also emotionally abused pupils, instilling fear by threatening to beat them as punishment.

- The appointment of John Cummings as headmaster in 1993 heralded a softening of the school and the introduction of child protection practices. However, neither of these initiatives fully succeeded because of resistance to change and a lack of funds. Child protection remained inadequate until Keil closed, with the focus instead being on the school's struggle to survive.

- Governance was, for too long, remote and disconnected from the day-to-day lives of boarders, and governors failed to challenge the situation. Also, they were never given adequate information about what was happening in the daily lives of Keil children.

- Keil's employment practices were deficient. Teachers known to have abused children were not disciplined. Unsuitable staff

were allowed to move on with supportive references. Prospective employers were not warned when they should have been.

- There was a lack of objectivity and candour in the way that Keil dealt with some internal complaints. Reputation was allowed to trump child protection.

- Since the school closed in 2000 the Mackinnon-Macneill Trust has remained focused on philanthropic funding of education. The Trust apologised for the abuse experienced by children entrusted to the care of the school. The trustees were appalled by what they learned from the evidence.

1 Introduction

At the close of the case study, I undertook to publish my case findings as soon as practicable. This, I now do. These findings would have been published much earlier but publication was delayed at the request of the Crown to await the outcome of the trial of William Bain.

The findings that I am able to make on the evidence presented in this part of the case study are set out in this document. I am doing so to make applicants, witnesses, and members of the public aware that I have concluded that children were abused at Keil School.

Anonymity and identification

Where applicants have not wished to be anonymous, I have normally used their real names. Otherwise, in accordance with my General Restriction Order, applicants are referred to by their chosen pseudonym.

I have decided, in the meantime, to preserve the anonymity of most living persons whom I find to have abused children. I have not done so where, for example, they have been convicted of abusing children or I am otherwise satisfied that disclosure of their identity is appropriate. Also, the norm will be that where persons against whom findings of abuse have been established are deceased, they will be named.

When a former teacher or other member of staff is mentioned, the likely dates they were at the school, based on the available evidence, are provided.

The dates for the periods during which applicants attended the school, again based on the available evidence, are provided.

While great care has been taken to compile the information in relation to the dates that former pupils and staff were at the school, it may be incomplete or inaccurate due to the limitations of the records currently available. Where there is conflicting information about such dates, the most contemporaneously recorded source has been relied on.

Children were abused

Children were exposed to risks of sexual, physical, and emotional abuse. For many those risks materialised, and children were abused whilst in the care of Keil. The nature of that abuse is detailed in these findings.

The range of pupils' experiences

The evidence about their experiences provided by most of the former pupils who contacted the Inquiry was distinctly negative. Some, however, were not abused, and some provided evidence of having had positive experiences. One witness spoke

enthusiastically about Keil and improvements in management in the 1990s, but, as a day boy, his experience was different from those of children who boarded.[5]

As explained in the Foreword, SCAI's Terms of Reference (ToR) require me to investigate not only the nature of the abuse of children who were in residential care in Scotland, including those who were at boarding schools, but also its extent. This includes addressing questions such as whether or not abuse was the universal experience, how prevalent it was, and whether a child who was abused also experienced positive aspects and outcomes. The fact that children also had positive experiences and that there were children who were not abused at all in no way compensates for or diminishes the dreadful reality of the abuse that occurred. Investigations have been carried out in relation to Keil in furtherance of what, in terms of SCAI's ToR, I am directed to do, and, as a result of what has been uncovered, I have no difficulty in finding that children were abused at Keil in a variety of ways. Children were also abused by teachers whose abusive practices were such that they must, or at least ought to, have been obvious to those in positions of responsibility. Further, they were abused by senior and other pupils, some of whose practices must or ought to have been obvious to those in such positions.

I have made some findings about the positive experiences of applicants and other witnesses. Some of them spoke of positive aspects notwithstanding that they also spoke of having been abused at the school and/or having suffered from having witnessed others being abused. The willingness of such applicants to do so supported the credibility of their evidence about being abused. The fact that they had some positive experiences also shows that it was possible to provide non-abusive care, thereby begging the question of why the school did not ensure that that was the standard of care consistently afforded to all children.

Evidence

In these findings, reference is made to some parts of the evidence of individual witnesses where I have found them to be particularly illustrative of the main aspects of what was happening. They are, however, of necessity, a limited selection. The fact that a particular piece of evidence is not referred to or discussed does not mean that it has not been accepted or that it has not helped to build the overall picture.

Standard of proof

In making these findings, I have applied the standard of proof explained in my decision of 30 January 2018, namely that:

> when determining what facts have been established in the course of this Inquiry, it is appropriate that I do so by reference to the civil standard of proof, namely balance of probabilities. I will not, however, consider myself constrained from making findings about, for example, what may possibly have happened or about the strength of particular evidence, where I consider it would be helpful to do so.[6]

For the avoidance of doubt, I have not applied the criminal standard of proof in

5 Written statement of Craig Robertson (former pupil, 1991–8), at WIT-1-000001222.

6 Standard of Proof – Decision by the Rt Hon. Lady Smith, Chair of SCAI, 25 January 2018.

making these findings. The criminal standard of proof is a higher standard of proof, namely proof beyond reasonable doubt.

The period covered in evidence ranged from about 1959 to 2000.[7] All oral evidence was given on oath or under affirmation. Where the evidence relied on is drawn from a written statement prepared by the Inquiry, the statement was signed after having been reviewed by the witness and confirmed as being a true account.

In describing what happened at Keil, I have quoted from some of the evidence of former pupils that I have accepted as establishing what happened to them and the nature of their experiences there. I do this so as, amongst other things, to ensure that their voices are now heard.

7 Both written and oral evidence ranges from 1959 to 2000, although there are also records of minutes and inspections from earlier periods. See Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, and Minutes of meeting of Governors of the Mackinnon-Macneill Trust, 3 April 2000, at KSC-000000056.

2 History and background of Keil School

Keil School was founded in 1915 as the Kintyre Technical School, a boarding school, at Southend, Kintyre, near Campbeltown. Its establishment, at Keil House, was made possible by the bequest provided by the estates of Sir William Mackinnon, 1st Baronet of Loup and Balinakill, and his nephew, Duncan Macneill, who both died in 1893. The Mackinnon-Macneill Trust (the Trust) was then set up by their joint executors for the purposes of 'assisting the education of deserving Highland lads'.[8] The intention was to specialise in technical subjects, reflecting Sir William's background as a highly successful shipowner.

Keil House, Southend

When it opened in 1915 the school had 18 pupils and two masters, but within two years it was full, with 53 pupils. It remained at Southend until December 1924, when Keil House was destroyed by fire.

The following month, January 1925, the school reopened as Keil School in Helenslee House, Dumbarton, with a roll of 51 pupils, all boarders. Apart from a short period during the Second World War when it moved away from Dumbarton because of the risk of air raids, Keil School remained at Helenslee until its closure in 2000.

Keil admitted day boys from September 1969, and its first female pupil enrolled in 1978.[9] In 1989 the school began admitting girls from first year.[10]

The Mackinnon-Macneill Trust, governance, and leadership

Sir William's original bequest provided for education bursaries for certain categories of children who were from the Highlands or of Highland descent,[11] and initially those bursaries were administered under the terms of his will.

In 1928 the Trustees came to consider that:

> so much is now done for promising pupils … that it is doubtful whether these bursaries, except possibly those for University students, are serving as useful a purpose now as they

8 KWH 82 1 Part 2, Keil School: Profile and History, at SGV-000007215, p.80.

9 Keil School, Minute Book 12, Minutes of meeting of House Committee, 28 August 1978, at KSC-000000145, p.23.

10 Keil School, Minute Book 14, Minutes of meeting of Governors, 8 December 1988, at KSC-000000047, p.102.

11 NRS, ED13 504, Memorandum for the Trustees of the late Sir William Mackinnon and for the Trustees of Keil Technical School, at SGV-000007266, pp.23–5.

were when Sir William Mackinnon made his Will. The Educational Endowments (Scotland) Act 1928 gives … Trustees an opportunity of reconsidering the whole position, and indeed may force them to reconsider it.[12]

Aerial view of the school, 1927

The Trustees therefore proposed to combine the trusteeships of Sir William's Trust Bursaries and the Keil Technical School: 'Endowment should be administered by one body of Governors, including nominees by Universities and other public bodies in addition to representatives of the Mackinnon family … the school should benefit directly from some of the funds; and that others should be used to help boys go on to Scottish Universities.'[13] The Scottish Education Department saw no 'reason for objecting to [this] … If, in addition to free scholars, fee-paying pupils could be accepted on a self-supporting basis at so low a fee as £70 it might be found to meet a real want.'[14]

By 1929 the Trust had evolved into a body corporate which became known as the 'Governors of the Mackinnon-Macneill Trust' (the Trust Governors). It comprised seven people: three drawn from the family of the founder, Sir William Mackinnon Bt; one elected by the courts of each of Glasgow and Edinburgh universities; one elected by the Royal College of Science and Technology in Glasgow; and one elected by what was then known as Heriot-Watt College. It continued as an educational endowment in terms of various Education (Scotland) Acts, under the schemes designed for the Trust's purposes of 1936, 1960 (amended in 1966), 1984, and, finally, 2000, when the Trust Governors ceased operating the school.

Under the 1936 Scheme the Trust Governors were required to provide board and lodging, and free education for the school's 'foundationers' and to help defray the expenses of parents or guardians who were in need.

Under the 1960 Scheme there were 12 Trust Governors. Three were drawn from the family of Sir William Mackinnon Bt; one was elected by each of Glasgow University, Edinburgh University, the Royal College of Science and Technology in Glasgow, Heriot-Watt College, the Institute of Engineers and Shipbuilders in Scotland, and the Glasgow Chamber of Commerce; and three – two of whom were past pupils of the school – were co-opted.

The purpose of the 1966 amendment was to increase the total number of governors to 13, two of whom were to be elected by the Old Boys' Association. Henceforth there would be three life governors, eight elected governors, and two co-opted governors.[15]

12 ED13/504, Memorandum for the Trustees of the late Sir William Mackinnon and for the Trustees of Keil Technical School, at SGV-000007266, p.25.

13 ED13/504, Memorandum for the Trustees of the late Sir William Mackinnon and for the Trustees of Keil Technical School, at SGV-000007266, p.32.

14 ED13/504, Memo to the Secretary re. Keil School and the Sir William Mackinnon Trust, 23 February 1929, at SGV-000007266, p.51.

15 Keil School, Minute Book 7, Minutes of meeting of Governors, 16 December 1965, at KSC-000000389, p.36.

In 1984 the Scheme was again updated to provide for the future governance and management of Keil and for the continued administration of the bursaries under the Mackinnon-Macneill Trust Scheme (1960), with some minor amendments which[16]

- altered the constitution of the governing body of the Mackinnon-Macneill Trust
- formed a body known as the 'Governors of Keil School' which had powers to administer and oversee the running of the school (this duty had previously been carried out by the House Committee)
- reduced the number of governors to seven: two life governors; two nominated governors with financial or other professional expertise; and three co-opted governors from the new body to replace the House Committee.[17]

Under the 1984 Scheme the number of Trust Governors was reduced to seven. The Governors of Keil School comprised 17 people, including four of the Trust Governors; representatives of Glasgow and Strathclyde universities, the Keil School Old Boys Club, and the Friends of Keil; and co-opted members of the local business and professional community. Their role was to assist the Trust Governors to perform their duties. Regarding those duties, the Trust Governors have stated they accept that while the 'body corporate was not subject to any express or specific requirements in respect of care … [it] did have a general responsibility amounting to a legal duty of care towards each student enrolled at the school'.[18]

That may be so but, on the evidence, they had little or no engagement with pupils, being seldom seen and there being no system under which they were required to engage with them.[19]

> **On the evidence, [the Trust Governors] had little or no engagement with pupils.**

From 1985 the Trust Governors operated a scheme in which authority was delegated to the Governors of Keil School.[20] The two sets of governors were jointly responsible for oversight of the school as a whole.[21] This seems to have been a complex system and it is not entirely clear why it was considered to be necessary. Governors were not, at any time, remunerated.[22]

Headmasters

The school was led by a headmaster appointed by the Trust Governors. Other staff were appointed by the headmaster.[23] He was supported by housemasters and housemistresses, and a deputy head. The headmaster 'had overall responsibility within the school'.[24]

16 Petition of the Governors of the Mackinnon-Macneill Trust for An Order under Section 105 (4a) of the Education (Scotland) Act 1980 (as amended), at KSC-000000104, pp.5–9.
17 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.5.
18 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.2.
19 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.20.
20 Keil School, Written Opening Submissions, at KSC-000000147, p.3, paragraph 17.
21 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.8.
22 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.6.
23 Keil School, Written Opening Submissions, at KSC-000000147, p.4, paragraph 24.
24 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.8.

Clause 5 of a formal agreement dated 26 October 1976[25] entered into between the Trust Governors and John Widdowson, headmaster from 1976 to 1984, provided that:

> The Headmaster shall be responsible for the overall conduct and the moral and religious welfare of the School, and for the direction of the teaching and curriculum of the School subject to any regulations from time to time prescribed by or under the authority of the Governors. He shall, however, first consult the Governors before making any important or major change in the conduct of the School.

It seems likely that the same or similar terms applied in relation to each of the Keil headmasters. However, the reality was that, for a number of decades, Keil was in many respects a 'school run by the boys'.[26]

Keil had seven headmasters, as shown in Table 3.

When James Mason left after 35 years as headmaster, the school had a roll of 100 boarders, comprising a mixture of bursary pupils and fee-paying pupils. His successor, Alex Robertson, sought to increase the school roll to 300. That was never realised, but he recognised that Keil was 'in a position where [it] must attract boys rather than have boys come to us because we are awarding bursaries'.[27]

Historically Keil was a school that offered subsidised or bursary education in technical subjects for 'deserving' local children, but it required to compete for pupils in an increasingly academic educational environment in order to survive financially. Its lack of funds and/or pupils was a persistent and unresolved problem thereafter.

By 1962, when Edwin Jeffs was appointed, the school roll comprised 129 boys and there were six teaching staff. It was agreed that future planning 'should be based on an

Table 3: Keil School headmasters, 1915–2000

Name	Period of employment
James Mason, MA (Hons), BSc, FRAS	1915–50
Alex Robertson, MA, BSc	1950–61
Edwin Jeffs, MA	1962–76
John Widdowson, MA	1976–84
Christopher Tongue, MA	1984–93
John Cummings, BA, MA	1993–9
Tom Smith, BSc, MEd	1999–2000

25 Agreement between the Governors of the Mackinnon-Macneill Trust and John Bartholomew Widdowson, at KSC-000000415.

26 Keil School, Report of a Working Party established in February 1974, at KSC-000000083, p.2.

27 Keil School, Minute Book 5, Memo by Mr Sanders on future expansion, January 1959, at KSC-000000394, p.47.

Economic problems caused by inflation and increases in costs meant the school roll dropped steadily.

eventual capacity of 230 to 250 boys', once the academic standard and accommodation had been sufficiently upgraded.[28] That ambition was not achieved; instead, in 1969 day pupils were introduced due to the decline in boarders. Economic problems caused by inflation and increases in costs meant the school roll dropped steadily from a high of 200 in 1974 to 118 in 1982, and Keil became increasingly reliant on the government-backed Assisted Places Scheme which ran from 1980 until its closure in 1997. Eligible pupils were awarded grants by the government to assist with the cost of school fees.

When Christopher Tongue took over from John Widdowson in 1984 the school roll was 126, including two girls. By June 1986 the school roll was registered by the Scottish Education Department at 224, to include no more than 150 boarders,[29] and over the next decade efforts were made to grow numbers by introducing younger year groups. In 1991 Christopher Tongue introduced a 'Transitus' (P7) class to allow pupils to be admitted at the age of 11, and by August 1992 the school had achieved its highest-ever roll of 224, the maximum then permitted by the Scottish Education Department under Keil's registration.[30]

In September 1995 Christopher Tongue's successor, John Cummings, introduced a P6 class to enable more younger pupils to be admitted, this time from the age of 10.[31] The Assisted Places Scheme came to an end in 1997, which was a blow to Keil. Efforts were made to counter the impact, including recruitment tours first to Hong Kong and then to Russia. In 1999 Tom Smith, deputy head since 1987, became headmaster. However, notwithstanding his dynamism and the efforts of his predecessor and the Trust Governors, Keil closed at the end of the summer term 2000, as a result of 'increasing pressures and a declining pupil roll over many years, apart from a period of revival when an Assisted Places Scheme was in operation'.[32]

Keil closed at the end of the summer term 2000, as a result of 'increasing pressures and a declining pupil roll'.

The Trust 'now solely provides scholarships and bursaries based on merit to assist students from the original area of benefit, comprising the Highlands and west of Scotland, at Further Education establishments of their choice'.[33] Rodger Harvey-Jamieson, a current trustee and former clerk to the Mackinnon-Macneill Trust, said that the Trust has 'approximately

28 Keil School, Minute Book 5, Minutes of meeting of House Committee, 16 March 1962, at KSC-000000394, p.277.
29 Keil School, Minute Book 13, Minutes of meeting of Governors, 29 May 1986, at KSC-000000037, p.201.
30 Keil School Magazine, no. 63 (1991–2), at KSC-000000108, p.3.
31 Keil School Magazine, no. 67 (1995–6), at WDC-000000027, p.6.
32 Keil School, Written Opening Submissions, at KSC-000000147, p.6.
33 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.2.

100 scholarships currently running'[34] and that the original 'philosophy has continued'.[35]

The buildings

Helenslee House 'was a grandiose kind of manor house, which was situated on the outskirts of Dumbarton. It was on a hillside on the edge of the River Clyde.'[36]

Although once a fine building, after Keil closed the school was repeatedly vandalised and became a burnt-out shell. Vandalism in the locality was a problem when the school was in operation because of the proximity of the Brucehill housing estate. Some of the young people living there caused damage to the school building and, at times, perpetrated attacks on staff and pupils.

Helenslee House

From 1924 the boarding accommodation comprised, at various times, School House, also referred to as 'Main Building', which had

Keil School after closure

classroom accommodation on the lower floor; New House; Mason House; Islay Kerr House; and Mackinnon House.

In 1927 the coach house, stables, and other buildings at Helenslee were 'reconditioned to form the New House containing the Junior Dormitories, Workshops and Laboratories. This permitted the raising of [pupil] numbers.'[37]

A property called Dunstane was purchased in the early 1960s, with the support of a donation from the sister of the late Islay Kerr, a governor of the original Kintyre Technical School and Keil, and converted to boarding accommodation.[38] Renamed Islay Kerr House, it thereafter became the boarding house for fourth- to sixth-year pupils.

In the late 1970s, and against the background of a reduction in the school roll, 'New House was removed from the list of boarding houses'.[39]

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34 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, p.116.

35 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, p.116.

36 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, p.99.

37 Keil School Magazine, no. 9 (1937–8), at WDC-000000041, p.3.

38 Keil School, Minute Book 6, Minutes of meeting of Governors, 6 December 1963, at KSC-000000392, p.139; Keil School, Minute Book 3, Minutes of meeting of Governors, 16 April 1947, at KSC-000000397, p.262; Keil School, Minute Book 6, Minutes of meeting of House Committee, 12 March 1964, at KSC-000000392, p.170.

39 Keil School, Minute Book 12, Headmaster's report, June 1978, at KSC-000000145, p.10.

School House

In the 1980s Mackinnon House was added to accommodate senior boys, with the result that by the mid- to late 1980s Mason House accommodated junior boys; Islay Kerr House and Mackinnon House accommodated senior boys; and female boarders were accommodated in School House.[40]

Mason House ceased to be a boarding house in 1994.[41]

In 1999 Keil School took over Park Lodge School, Helensburgh, which, for a short time, became Keil's new Junior School.

The house system

Keil operated the vertical (pupils from different year groups) and horizontal (same year groups) house systems at different times, principally to accommodate a shifting pupil roll and demographics. There were several boarding houses: one for junior boys, two for senior boys, and one for girls. As boarding numbers declined, the number of boys' houses was reduced to two, each accommodating all ages.

Individual boarding house numbers peaked at around 40 but had fallen to around 20 per house by the time the school closed. Dormitory numbers depended on the number and ages of pupils. In the school's earlier days, there were up to 20 pupils in a junior dormitory, with four to six in each senior dormitory. Latterly there were four to six in each dormitory for the youngest pupils and four in a dormitory for older ones, while seniors had single or double rooms.[42]

Islay Kerr House

Numbers

Boarding numbers varied over the years in response to market conditions and demand:

> The minimum number was 18 boarders in 1915, rising in the period from 1928 to 1946 to around 100, before reaching a maximum of 179 in 1965. Demand for boarding diminished thereafter, numbers reducing to 135 in 1971 (out of a total school roll of 170). By 1990 numbers had fallen to 83 (out of a total school roll of 187), and in 1999 to 57 (out of a total school roll of 159). It is estimated that somewhere in the region of 8,000 boarders

40 Keil School, Draft advertisement for headteacher, 1992, at KSC-000000403, p.2; Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.4, paragraph 17.

41 Keil School Magazine, no. 66 (1994–5), at WDC-000000039, p.6.

42 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.4.

have been accommodated over approximately 80 years, an average of roughly 100 per year.[43]

Committee structure

Rodger Harvey-Jamieson said: 'There was a split level of management within the Mackinnon-Macneill Trust. The main board, the core element, was focused entirely on finance, with the subsidiary element delegated as a House Committee or Governors of Keil School.'[44]

Section 11 of the 1929 Scheme provided that the Trust Governors 'may from time to time appoint a Committee or Committees of their own number for executing any purposes of this Scheme', which had to consist of at least three members.[45] Under section 13(9) of the 1936 Scheme, the provision was repeated, with the addition that the governing body would also 'appoint the convenor of each committee [and] commit to each committee all such powers and give all such instructions as may appear expedient'.[46] The House Committee and other committees 'were responsible to the Chairman' of the governing body.[47]

In May 1937 three committees were appointed by the governing body: the House Committee, the Finance Committee, and the Selection Committee. The extant minute books do not cover the period prior to 1937, so it is not possible to confirm whether a House Committee or its equivalent existed before that.

The House Committee of May 1937 consisted of one life governor and three nominated governors from universities and colleges.[48] In practical terms, the Trust delegated authority for school matters to the House Committee, which 'provided a direct link with the Head Teacher'.[49]

The Finance Committee and Selection Committee were drawn from the governing body, and their meetings were usually attended by a representative of Murray, Beith & Murray, solicitors to the school who also provided its clerk. The Finance Committee regularly considered the investments made by the Trust. The Selection Committee, from at least 1937, selected those who would receive grants under the Scheme. Later in the school's history, other temporary and ad hoc committees, including various iterations of a campaign committee, were established.

In 1984 the House Committee was replaced by the Governors of Keil School, which had a specified membership of 17 people. Membership comprised:

- the life governors and nominated governors of the Mackinnon-Macneill Trust
- two governors representing the universities of Glasgow and Strathclyde

43 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.4.

44 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, p.115.

45 Educational Endowments (Scotland) Commission, Scheme under the Educational Endowments (Scotland) Act 1928, at KSC-000000104, p.42.

46 Educational Endowments (Scotland) Commission, Scheme under the Educational Endowment (Scotland) Acts, 1928 to 1935, at KSC-000000104, p.61.

47 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.8.

48 Keil School, Minute Book 1, Minutes of meeting of Governors of the Mackinnon-Macneill Trust, 28 May 1937, at KSC-000000143, p.3.

49 Keil School, Written Opening Submissions, at KSC-000000147, p.3.

House Committee members lost some of their direct connection with the school and did not see the day-to-day conditions at Keil.

- two governors representing the Keil School Old Boys Club
- three governors representing the Friends of Keil organisation (formed to save the school from closure)
- four co-opted governors drawn from the local business and professional community after consulting with the Institute of Engineers and Shipbuilders in Scotland and the Glasgow Chamber of Commerce
- two further co-opted governors, with experience which in the opinion of the other governors would be of value in the exercise of their functions.[50]

Prior to 1985 'the Governors met in plenary session at Keil School at the end of each term with the Head Teacher and Bursar in attendance, when both written and oral reports on aspects of school life were received'.[51]

The House Committee 'met on a further five or six occasions throughout the year'.[52] Until the 1960s the House Committee would also hold its meetings at the school, allowing members to assess the school's needs more directly. However, in the 1970s these meetings began to be held in Glasgow, with the result that House Committee members lost some of their direct connection with the school and did not see the day-to-day conditions at Keil.[53]

Neither the committee structure nor any other aspect of the governance and administration of the school included training any of the governors in the provision of residential care to children, though training in child protection and welfare was provided, first in 1996 by the Scottish Council of Independent Schools (SCIS), of which Keil was a member.[54]

Finances

Initially the Kintyre Technical School and later Keil School were fully funded by the Mackinnon-Macneill Trust, and the endowment income was sufficient to meet the cost of maintenance at that time.[55] From 1929 a sizeable proportion of fee-paying pupils began to enter the school and so Keil became increasingly reliant on fees as it expanded. In 1930, for example, 20 of the 80 boys on the roll were fee-payers,[56] whereas by 1962 out of 126 boys, 116 paid fees to some extent.[57]

No account of Keil's history can avoid consideration of its finances. They were

50 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.6.

51 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.6.

52 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.6. As noted below, the first House Committee comprised four governors, not seven. The constitution of the House Committee is likely to have changed over time.

53 Keil School, Report by Edwin Jeffs, The Future of Keil School, 17 February 1983, at KSC-000000323, p.4.

54 Keil School, Minutes of meeting of Governors, 21 November 1996, at KSC-000000038, p.75.

55 NRS, ED13 504, Memo to the Secretary re. Keil School and the Sir William Mackinnon Trust, 23 February 1929, at SGV-000007266, p.50.

56 NRS, ED13 504, Visit to Keil School, 16 July 1930, at SGV-000007266, p.66.

57 Keil School, Report by Edwin Jeffs, The Future of Keil School, 17 February 1983, at KSC-000000323, p.2.

precarious for a substantial part of its history. Rodger Harvey-Jamieson said: 'It became an increasing problem for the trustees to grapple with. The main focus of the main Trust was to try and keep the school afloat and to raise funds for improvements to the infrastructure. It was obvious that improvements were required.'[58]

By 1981 the finances were a real worry. The bursar drew attention to a continuing problem of damp and dry rot in the Main Building 'which was likely to cost in excess of £2,500 in the current year' and also to the school's overdraft in relation to which the 'interest charges were likely to be in the region of £5,000'. He opined that the school was 'seriously undercapitalised and this could not be tolerated indefinitely'.[59]

Further, the forecast budget for the year July 1980 to August 1981 predicted that income would barely exceed expenditure. The bursar warned:

> To exist for the 1981–82 session we shall need either a capital injection, leaving precious little capital, or a massive loan with the use of capital to pay off the loan and its interest; the worrying point being that I can see no way of the School repaying these monies. After all, they still owe some £14,000 to the trust (1967/69), £15,000 to the Brown Shipley and the mortgage on the Headmaster's house of £15,000, as well as the present overdraft.[60]

A committee was formed to report on the future of the school at the next full governors' meeting.

The continued existence of the school relied on funds raised through appeals. In 1967 a target of £150,000, later reduced to £80,000, was proposed,[61] and by 1970 the school had raised over £68,000.[62] A further appeal in 1987, following the school's near closure due to its economic position, raised £175,000 for new school buildings.[63]

It seems clear that, certainly during the 1980s and possibly before, the attentions of all the governors must principally have been focused on matters financial and not child protection.

The school also relied significantly on the Assisted Places Scheme introduced in 1980. Angus Dunn, a teacher at the school from 1992 to 2000, said that 'the school took full advantage of the Assisted Places Scheme which made up 21% of its income'.[64] Rodger Harvey-Jamieson acknowledged that Keil 'would have closed without it'.[65] In 1997 the government's decision to phase out the scheme meant that 'Keil [had] to face up to ways of coping with the loss of this revenue'[66]

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58 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, p.114.

59 Keil School, Minute Book 12, Minutes of meeting of Governors, 5 March 1981, at KSC-000000145, p.120.

60 Keil School, Memo from Bursar, 5 June 1981, at KSC-000000145, p.139.

61 Keil School, Minute Book 8, Minutes of meeting of Governors, 20 November 1967, at KSC-000000395, pp.21–2.

62 Keil School, Minute Book 9, Minutes of meeting of House Committee, 1 July 1970, at KSC-000000385, p.64.

63 KWH 82 1 Part 2, Keil School: Profile and History, at SGV-000007215, p.82.

64 Written statement of Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at WIT-1-000000515, p.4, paragraph 17.

65 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, p.114.

66 Keil School, Papers for meetings, Action Plan, undated, at KSC-000000065, p.115.

but was simply unable to do so. 'Every effort was made to increase the school's income, including bringing overseas students in … but they failed.'[67] Keil closed because of 'increasing pressures and a declining pupil roll over many years', apart from a period of revival when the Assisted Places Scheme was in operation.[68]

Staffing

The section 21 response submitted by the Trust Governors focused on the last decades of operation and stated that 'staff numbers varied considerably but on average there were somewhere between 15 and 20 teachers, supported typically by three office staff, a matron, a chef, a lab technician, and a caretaker … The school also had a live-in matron, and a minister and a doctor who both visited weekly.'[69] Boarding houses each 'had two members of the teaching staff directly involved with the running of the house, commonly living in the premises, or at least very close by'.[70]

Education, training, and qualifications

Teaching staff were appointed by the headmaster, usually in conjunction with the House Committee and the Governors of Keil School: 'There was no specific childcare training for teachers undertaking boarding house duties, but all were qualified and registered with the General Teaching Council. References were taken up prior to appointment.'[71]

However, other evidence suggests that not all teachers were qualified or registered with

Table 4: Staff and pupil numbers, 1915–2000

Year	Staff numbers	Pupil numbers
1915	2	18
1929	4	80
1935	8	90
1961	7	130
1972	17	190
1992	23 (20 full-time, 3 part-time)	222
1996	24	224
2000	33	174 senior + 45 junior

67 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, p.114.

68 Keil School, Written Opening Submissions, at KSC-000000147, p.6.

69 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.5.

70 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.6.

71 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.6.

Evidence suggests that not all teachers were qualified or registered with the General Teaching Council for Scotland.

the General Teaching Council for Scotland (GTCS). For example, an inspection in 1972 disclosed that there were 'too many unqualified teachers' at Keil,[72] and the 1997 annual return, although it may not record all the qualifications of each employee, listed only eight of the 23 staff as holding a teaching qualification.[73]

72 Keil School, Minute Book 10, Headmaster's report, summer term 1972, at KSC-000000391, p.219.

73 KWH 82 1 Part 2, Annual teacher return, 1997, at SGV-000007215, pp.127–8. Teaching qualifications listed are: Master of Education; Bachelor of Education; PGCE; Certificate of Education; and Diploma of Technical Education.

3 The Keil School regime

Introduction

Keil School stands out from the other schools in the case study because it did not just allow, but actively relied on, pupils to control and supervise other pupils while a small and hard-pressed staff taught and provided occasional oversight, often from a distance. The attention of headmasters was frequently diverted to focus on the need for growth, the need to address the problem of inadequate resources, and the pressures of running a school hand to mouth, rather than the needs of children to be protected from abuse.

Keil School crest

In the 1920s and 1930s inspections were entirely positive, but the evidence is clear that in the post-war period the school grew and an abusive culture developed unchecked. Only in the late 1980s were efforts made to introduce change, although at the same time the school was grappling with inadequate funding and there was still inadequate supervision. In the 1990s, its last decade, Keil undoubtedly became softer and kinder and is remembered fondly by some, but abuse continued until the very end. The school's motto – 'Persevere in Hope' – was entirely apt. Keil persevered against difficult odds but its leaders were over-optimistic and naive, and assumed that all was well with the children in their care when, manifestly, it was anything but.

> In the post-war period the school grew and an abusive culture developed unchecked.

Post-First World War to the 1990s – a school run by the boys

Keil's founders were philanthropists and, given that the catchment area was the west of Scotland and island communities, boarding was the only realistic option. However well intentioned, the original trustees were professional men who, whilst not trained or skilled in the provision of residential childcare, considered themselves capable of overseeing a boarding establishment. They assumed it would work well and, as Rodger Harvey-Jamieson said, 'They had great faith'.[74] The regime does seem to have worked well in the early years

74 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, p.111.

at Southend, when the school was small, and, as one former pupil recalled, 'we were a very self-contained community, ministering to our own needs. All the minor repairs were carried out by the boys themselves. We ran a ten-acre croft, grew our own oats … and our own potatoes which kept us going all the year round.'[75]

The Trust also met the whole cost of the boys' education. An inspection report from 1923 described Kintyre Technical School as 'under kindly and competent management' and stated that the 'general tone of the school is admirable, the boys being bright, frank and evidently happy. In respect of material equipment the premises leave nothing to be desired.'[76]

The move to Dumbarton allowed the school to grow, but inspection reports from 1927, 1930, and 1937 remained positive. For example, an inspector in 1930 described a sound general organisation under the 'capable and kindly direction of the Headmaster'.[77] The inspection report from 1938, when the school had 87 boarders, was very positive in a number of respects. It found that, regarding residential arrangements, the 'general tone is good', that 'social, moral and physical welfare' was provided for, and that the 'physical condition of boys was outstandingly good'.[78] It stated:

> The domestic arrangements are under the supervision of the headmaster's wife, assisted by the cook-housekeeper and staff. The boys are encouraged not to be dependent on the work of others, but to do as much as possible for themselves. They make their beds, clean their shoes, help with the service of the meals and take their part in the school orderly duties (cleaning of premises, etc.). There is a system of boy government by means of which the chiefs and deputy chiefs, appointed by the headmaster, share in the responsibility of running the school.[79]
>
> …
>
> The residential conditions generally are satisfactory. The dormitories are comfortable, the day rooms congenial, and the means for indoor pastimes adequate … The general tone of the school is maintained at a high level. For this happy state of affairs the headmaster and his staff deserve special commendation, and also for the successful manner in which they promote the social, moral and physical welfare of the boys. The underlying method of obtaining the co-operation of the boys in the discipline of the school is both novel and effective. A chief and deputy are appointed among every ten boys and they act as supervisors of their groups in ordinary daily activities, including orderly duties. An important factor in the cultivation of the social and physical wellbeing of the boys lies in the attention given to organised games and athletics in competition with other schools … Expert service is engaged in the preparation of meals and the food is wholesome, well balanced and generous in quantity.[80]

It is striking that, at that time, the inspectors were complimentary about the 'novel' system of obtaining co-operation from the boys. This system began to run into difficulty, however, and even when problems were

75 Keil School Magazine, no. 22 (1949–50), at WDC-000000024, p.4.

76 Scottish Education Department, Report, Keil School, June 1923, at SGV-000067151, p.2.

77 Scottish Education Department, Report, Keil School, January 1930, at SGV-000067151, p.12.

78 See Appendix C, Table 5.

79 Scottish Education Department, Report, Keil School, November 1938, at SGV-000067151, p.26.

80 Scottish Education Department, Report, Keil School, November 1938, at SGV-000067151, pp.32–3.

highlighted, the school maintained a regime that became outdated and lacked the appropriate supervision which, according to the inspectors, appears to have been present in the 1930s.

In 1974 a report by a working party considering the academic future of Keil described it as a 'school run by the boys', but observed that:

> Boys need a feminine influence but at Keil, where this is not available, the atmosphere is rather institutional … much of the supervision and upbringings of the youngest boys is left to the Chiefs. While many do their jobs conscientiously and to the best of their abilities, their ideas are immature and sometimes detrimental to the well-being of their charges.[81]

Despite this recognition of an inherently weak regime, nothing changed.

Pupils recognised the problems too. Neil Lightbody, who joined the school in 1960, said:

> It was a situation similar to that described by William Golding in his famous novel *Lord of the Flies*. It was a world of boys, and teachers and members of staff had nothing whatever to do with the community of boys. And consequently it was almost like the boys set up their own regime. I think that the teachers and other staff members were told – certainly they behaved as if they had been told – that their duties were confined to the classroom or the rugby field or the cricket field.[82]

'John', who became a pupil in 1959, said:

> Everything was boy-driven. There was a gardener who looked after the grounds but he could be assisted by boys working off NH [Natural History][83] … And there was a matron who would look after the boys' health, you know, in certain situations … [but otherwise] it's all run by boys, yes.[84]

He went on to say that 'the masters had very little input to that system. They were remote from the management of the school. They would intervene in certain cases, you know, which came to their attention, but generally it was left entirely to the boys.'[85]

'Ferguson' became a pupil almost three decades later, in 1988, and said that the school 'was run by the kids … not the staff'.[86] He went on: 'I think [in] certain aspects of the school it was expected the boys would manage that. So setting the squads, sorting out the orderlies, looking after the boarding houses, that was definitely left to the kids to do.'[87]

William Bain began teaching at Keil in 1987 and described it as old-fashioned in outlook, commenting that 'they left most of the management, the day-to-day management to the senior pupils'.[88]

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81 Keil School, Report of a Working Party established in February 1974, at KSC-000000083, p.2.

82 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.16.

83 See Natural History section.

84 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.68.

85 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.55.

86 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.13.

87 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, pp.17–22.

88 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.69.

Bain was a predatory paedophile and he could not have found a better environment in which to abuse children, undetected.

Chiefs, deputies, and squads

Age mattered. There was 'no doubt at all the older you became, the easier it became'.[89] Twelve-year-old boys were offensively referred to as plebs.[90] Amongst the senior boys, there were 'chiefs' and 'deputies'. Chiefs were referred to in the evidence of some applicants as 'prefects'. There was also a senior chief: 'Typically the chief would be from the sixth year, the deputy from the fifth year'.[91]

Assembly was, in the main, also run by the boys.

There was one senior chief who, according to 'Angus', 'was like a god. He was quite literally Jesus Christ Almighty and could do anything he wanted … he basically ran the school. What he said went and [he] was only answerable to the headmaster.'[92]

Younger boys were organised into 'squads', with a chief and a deputy responsible for each squad. On arrival at the school, boys would be assigned a number and their squad.[93] Squads sat together in assembly and in the dining room. So, in assembly, there were '12 or 13 rows of seats arranged parallel in the assembly hall and you just went to your squad and sat in the appropriate place'.[94] Assembly was, in the main, also run by the boys.[95]

Regarding the chiefs, 'Martin' explained:

> The chiefs became all-important. We had a mixture. We had two chiefs and two deputies in that house. One of the deputies was quite a sensitive chap, I got on fairly well with him. The chiefs – to me they were men. I was just 12, they were 17 or 18, totally different, and it was quite clear from that moment onwards that they were going to be in charge of me.[96]

Boys were expected to obey the chiefs and deputies:

> If you were a first-year boy, you were susceptible at any time to some chief figure appearing on the scene and … ordering you to do some household task or even some personal task for them, and you just had to do it regardless of what it was … And if you showed any resistance or disinclination, it would be the worse for you. Ultimately, everything depended on physical force.[97]

'Ultimately, everything depended on physical force.'

Getting up in the morning and going to bed at night was organised and supervised by the chiefs, not by members of staff. 'John' said: 'It was just simply left to the chiefs who were

89 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.22.
90 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, pp.22–3.
91 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.17.
92 Written statement of 'Angus' (former pupil, 1975–80), at WIT.001.001.8633, p.3, paragraph 10.
93 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.56.
94 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.58.
95 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.26.
96 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.12.
97 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.21.

around the school. For example, in Mason House … maybe a chief and a deputy slept in one room at the end of the dormitory and they managed Mason House.'[98] 'Ferguson', meanwhile, recalled that 'a teacher never counted me into bed or out of bed or into the house, no [not] even when I was small'.[99] Sunday roll call was also done by the chiefs.[100]

Chores were allocated and supervised by chiefs and deputies on a term-by-term basis. Selection was arbitrary, and

> deputies or the chiefs would pop around, (a) to make sure that you were actually doing it, and (b) to see if it reached a particular standard. This is – we cleaned the classrooms, we cleaned the corridors, and then in the summer months we did the gardening … [The teachers had] no interest whatsoever. It was down to the chiefs and the deputies.[101]

Prep was also supervised by the chiefs: 'It was chiefs and deps who took prep. They would do their prep at the teachers' desk and they were there to make sure that everything was kept silent … in the room.'[102]

If a boy had a problem, the evidence suggests that there was no expectation of speaking to a member of staff. The 'custom and practice … picked up as you went along'[103] was that he 'went to the chief or the deputy. There was no direct approach to the masters in that respect.'[104]

Whilst there was a master who ran the Scripture Union and who, it seems, 'Martin' felt might have been willing to listen to concerns, 'it wasn't formal'.[105]

'Angus' explained:

> If you had a problem, you would go and bang on the chiefs' door or a dep's door … if you needed something, then you'd go to the responsible people that were on site, which would be the chiefs or the deps. [Not the teachers,] because they weren't on site.[106]

He went on: 'If it was something that you needed to discuss with your housemaster/ deputy housemaster, well, you went and found them.'[107]

Keil was a small school and, whilst there may have been an element of selection, the pool from which to choose chiefs was small, particularly since some boys would leave at the end of their fifth year. In 'Martin's' sixth year 'only six of us came back … and only five of us were made chiefs because one boy was just felt to be too unruly to hold that responsibility'.[108] It was inevitable that their ability to perform the role varied. They were themselves teenage children, in need of guidance and supervision from adults,

98 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.67.
99 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.33.
100 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.45.
101 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, pp.12–17.
102 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.4.
103 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.14.
104 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, pp.12–17.
105 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.14.
106 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.13.
107 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.15.
108 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.43.

and could not be assumed to have the necessary skills to lead and manage other children. But there was no system for instructing, guiding, or supervising them in the discharge of their responsibilities or the exercise of their powers. Much depended on individual personality and character and, all too often, the unchecked behaviour of chiefs towards younger boys was abusive. As 'Angus' observed: 'there was no one to discipline them … They ran the school on a day-to-day basis.'[109]

Much depended on individual personality and character and, all too often, the unchecked behaviour of chiefs towards younger boys was abusive.

The system of depending on and empowering chiefs did work at times, despite the lack of guidance and supervision, but by chance rather than design. As 'Dan' said: 'It wasn't all negative. It wasn't all a disaster. Some of the prefects used to look after their first years incredibly well. They used to … take them under their wing, they used to nurture them and look after them and protect them.' There were, however, 'obviously always some who … decided … "I can do what I want to them"'.[110]

A boy's experience could be as 'Tony's' was: 'The squad I was allocated to had a chief who was quite manipulative and crafty about enforcing the school rules … he didn't do anything without there being a benefit to him. He didn't do anything to support the younger pupils.'[111]

All too often it was that boys were abused by the chiefs. Robert Evans reflected:

> Sadly, a number of years later I remember seeing the pupils who complained of being bullied and thinking that they were the bullies now … I just thought the system sort of reinforced itself, that pupils who were bullied when they were younger felt that this was the normal way that things happened, so when they became in a position of power, they thought that this was the way that they should behave as well.[112]

If one teacher could see that, why couldn't others? Why did no teacher intervene? Why was it not realised that, whatever might have been hoped in terms of chiefs learning to be responsible leaders, the way the system of chiefs and deputies was allowed to operate could backfire? Why was it not realised that it was a high-risk strategy?

Staff and housemasters

The Trust, in its response to SCAI, stated that boarding houses each 'had two members of the teaching staff directly involved with the running of the house, commonly living in the premises, or at least very close by'.[113] That may have been true in the years immediately before closure, but it was not the case in the decades before that. Instead, 'direct involvement' was a rarity.

109 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.29.
110 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.74.
111 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, pp.110–11.
112 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.160.
113 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.6.

The introduction of housemasters did not alter the prevailing norm whereby chiefs and deputies dominated other boys.

In the early 1960s, as Neil Lightbody explained, a teacher 'was nominally in charge [of the dormitory], but in practice did absolutely nothing … teachers were almost never seen in dormitories, either by day or by night'.[114]

Mason House

'John', speaking about Mason House in that period, said:

> There was no supervision by a teacher of any particular dormitory. In Mason House there was a teacher who lived in the house or an annex to Mason House at one end of [the house], a Mr Bunton. He lived with his family in that area, in that house, but I don't recollect [him having] … a role in supervising Mason House at all.[115]

As for the concept of a housemaster, so far as 'John' was concerned it 'didn't exist. I'd never heard of housemaster until I heard much later from other schools.'[116]

He is correct. 'Housemaster' was not a concept at Keil until 1962, when minutes record that early in his headmastership, Edwin Jeffs introduced a formal house system under which specific masters would take responsibility for the boys so 'that the general welfare of each boy may be more closely looked after'.[117] However, in his report, Edwin Jeffs 'emphasised that the introduction of House Masters in no way affected the responsibility of the Chiefs for running the School'.[118]

That is exactly what happened; the introduction of housemasters did not alter the prevailing norm whereby chiefs and deputies dominated other boys.

It is also clear that the system introduced by Edwin Jeffs did not always extend to all of the boarding houses. A report to the House Committee dated October 1975 highlights that 'New House has never had a resident House Master or Matron and this is an obvious point of criticism but not one easily rectified'.[119]

New House was, at that time, the accommodation for the youngest pupils at the school. 'Martin' started at Keil in 1974 and he remembered

114 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.16.
115 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.62.
116 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.62.
117 Keil School, Minute Book 5, Headmaster's report, 5 March 1962, at KSC-000000394, p.275.
118 Keil School, Minute Book 5, Headmaster's report, 5 March 1962, at KSC-000000394, p.275.
119 Keil School, Report to House Committee, 29 October 1975, at KSC.001.001.0116, p.2.

> New House being so far away from the schoolhouse, and it's a real distance. We were really in splendid isolation, to a certain extent … generally speaking, you really only saw the housemaster one night a week, Thursday night, when he came to open the bank where you could withdraw money for the weekend if you needed to and to dispense justice. So that was really all you saw. The rest of the time it was pupils.[120]

The housemaster did not even live at the house: 'He lived down at the school. The headmaster's house was the closest to us, the headmaster was Mr Jeffs at the time and the headmaster's house was about 200 yards from the New House.'[121]

At that time, the boys in New House comprised '24 11/12-year-olds … Two chiefs upstairs aged around 18 and two deputies downstairs aged about 17.'[122] Any involvement of the duty housemaster 'was like a royal visit'.[123]

Having a resident housemaster did not make much difference, however, and staff remained remote. 'Ferguson', a pupil at Keil from the late 1980s to mid-1990s, said that they could engage in matters of concern

> but only if they were significant … I'm trying to think of what problems. I think … if bullying got to a level where someone was phoning their parents and all the rest of it or thinking about leaving or running away from the school, then the housemaster would get involved and talk to people. If there was some aspect of discipline that went badly wrong, they'd get involved. But generally, no, no.[124]

'At the weekend, it wouldn't be a surprise to go a whole day and night without seeing a teacher.'

'Callum' spoke about Mackinnon House in the early 1990s: 'Our boarding head teacher was Mr Pack … He lived in his own property, on the grounds, adjacent to ours. It was freestanding, but within a thirty metre walk.'[125] 'Mr Pack had very little interest in the wellbeing of the students in his boarding house … [and] was a very angry, miserable old guy who didn't want to be disturbed under any circumstances.'[126] 'One of the main issues for me was that staff supervision was almost non-existent and pastoral care was totally non-existent.'[127] The chief and deputies 'were expected to keep everyone in line because the worst thing you could possibly do was disturb a teacher. There was such a lack of interest in our wellbeing.'[128] An assistant teacher 'was around a bit more, but it wouldn't be a surprise if you went a whole night without seeing a single teacher. At the weekend, it wouldn't be a surprise to go a whole day and night without seeing a teacher.'[129]

120 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, pp.12–13.
121 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.13.
122 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.13.
123 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.43.
124 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.22.
125 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, p.5, paragraph 20.
126 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, p.7, paragraphs 24–5.
127 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, p.9, paragraph 37.
128 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, p.10, paragraphs 37–8.
129 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, p.10, paragraph 39.

David Gutteridge was the house tutor and lived in the tutor's cottage at Mackinnon House at the same time. He described the regime as 'a sort of axis of responsibility … there were chiefs and deputy chiefs, and they would report to the housemasters. Other house tutors on the resident front didn't really get involved in any of those conversations.'[130]

Gutteridge lived in a cottage connected to the house through a locked door. He had a key but usually walked round to the front door instead. His role was to occasionally check whether the boys were up or had gone to bed, but he would rely on the chiefs otherwise. On some evenings the housemaster would sit in his study in the house, but on others there would be no adult presence.[131]

Staff tensions

Housemasters 'had autonomy, and possibly did not communicate concerns to the headmaster'.[132] They largely preferred to keep matters in house.[133] Minutes of House Committee meetings indicate that some housemasters considered themselves untouchable and detached from management. In 1979, for example,

> the Headmaster reported that … Mr Graham had quoted an incident in which he (Mr Graham) had been given information of misconduct by the Chiefs of two years earlier, but that he had not passed this on in case his source of information became compromised. The Headmaster warned Mr Graham that he considered such suppression intolerable; Mr Graham had still refused to give an undertaking to pass on such information in future, and the Headmaster was consequently reporting the matter to the Committee. Members expressed their view that this situation was intolerable, and the Chairman was asked to call Mr Graham in front of him for an explanation.[134]

Mackinnon House

Matters did not improve, and minutes of a meeting the following month recorded the following:

> The headmaster reported that he had been disturbed to discover only a few days previously that, unknown to him, the senior chief had been interrogated by a tribunal of the senior master, the boy's housemaster and Mr Graham, who appeared to have no standing in the matter. He deplored that an investigation into the conduct of a senior and responsible boy had been carried out without his knowledge, and he'd given instructions that this was not to be repeated. He understood that senior staff were not

130 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.139.
131 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.141.
132 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.152.
133 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.142.
134 Keil School, Minutes of meeting of House Committee, 23 April 1979, at KSC-000000145, p.1.

There was a serious disconnect between school management and the housemasters, who considered themselves above the rules.

> happy with this ruling, and he was prepared to discuss it with them.[135]

Mr Graham was a long-serving housemaster of Islay Kerr House. The minutes indicate that there was a serious disconnect between school management and the housemasters, who considered themselves above the rules. With such role models and inadequate supervision, it is hardly surprising that abusive conduct by senior boys was normalised. The evidence provided by David Gutteridge suggests that little had changed by as late as 1990. Tom Smith said that when he arrived at Keil in 1989, he 'found the style of house mastering strict and almost military, with what I felt was insufficient oversight of chiefs'.[136]

Ignoring the obvious

To a material extent, the culture at Keil was such that the presence of staff would probably have made no real difference. As 'John' said: 'There's very little that the teachers did in the way of management of the school. They just did not get involved. They just got on with their teaching and that was it.'[137]

The evidence of Mary Duncan, a long-serving day teacher at Keil, supports 'John's' conclusion:

> Keil was a very small school and I am not aware of any line managers … There was no training given and our role was principally that of an adult presence … We had regular staff meetings during which we discussed mainly educational matters. Child safety obviously came into this, but child abuse was not considered other than normal teasing experienced from other children. This is a natural part of children's development usually brought about by jealousy, feelings of insecurity.[138]

She also said: 'Child protection is a big part of being a teaching member of staff. It comes naturally to me and I assume to all or most of my colleagues. I didn't find any need for training.'[139]

Those are alarming assumptions and, ultimately, Mary Duncan accepted her views were flawed, saying: 'Such was my, and I presume the majority of the staff's, naivety, we wouldn't have considered discussion of child abuse necessary, as an idea that had never entered my head having been possible.'[140]

The upshot was that children could be abused in, essentially, plain sight because staff either did not think about the possibility of abuse or chose not to address it. Neil Lightbody, for example, was beaten by a

135 Keil School, Minutes of meeting of House Committee, 23 April 1979, at KSC-000000145, p.46.

136 Transcript, day 245: read-in statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at TRN-8-000000038, pp.69–71.

137 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.61.

138 Transcript, day 244: read-in statement of Mary Duncan (former art teacher, 1975–2000), at TRN-8-000000037, pp.56–7.

139 Transcript, day 244: read-in statement of Mary Duncan (former art teacher, 1975–2000), at TRN-8-000000037, p.61.

140 Transcript, day 244: read-in statement of Mary Duncan (former art teacher, 1975–2000), at TRN-8-000000037, p.61.

fellow pupil over a weekend. His nose was battered to a pulp, he had two black eyes, a broken tooth, a thick ear, and bruising to his jaw. Yet staff said and did nothing about it. He commented:

> It's extremely revealing … you would see the damage done to my face from the other side of the room … and I was attending classes all the following week in this state and there was not so much as a word was passed. It's fairly obvious that these would not be injuries which were inflicted whilst playing rugby.[141]

He went on: 'All these teachers just ignored these obvious injuries that must have been derived from some sort of a fight, in just the same way as they could not have avoided seeing the torment and persecution that I suffered in my fifth year.'[142]

The dining hall at Keil School

Neil Lightbody was also verbally taunted and jeered at by another pupil in the dining room, prompting others to join in choruses of verbal abuse: 'The bullying and chants could easily be heard by other tables, but nobody intervened. The teachers sat on a raised platform in the dining room, which was only a couple of feet away and about a foot high.'[143]

Members of staff must have seen and heard that something was going on, but they made no attempt to stop it or to address what was ongoing abuse of a boy who was isolated.

'John' had a similar experience in his fourth year. A boy in his fifth year, who sat next to him in the dining room, would punch him every time he sat down even though the teachers were only a few feet away: 'I just took it because that was part of the culture of the place.'[144]

Again no member of staff intervened; nor did the chief, who was supposed to control the table. Both tolerated intolerable abuse. There was no system in place requiring them to do otherwise.

Both tolerated intolerable abuse. There was no system in place requiring them to do otherwise.

'Dan' ran away from Keil because of his unhappiness. He only got as far as Dumbarton railway station where he was dragged back into a housemaster's car and

> driven back to school, which was only five minutes away or whatever it was, then punished at school for having done what we did without any sort of understanding

141 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.31.
142 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.32.
143 Written statement of Neil Lightbody (former pupil, 1960–4), at WIT-1-000000328, at p.20, paragraphs 147–8.
144 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, pp.71–2.

Juniors were left completely unsupervised while seniors were allowed to put themselves in jeopardy.

> or whatever, I think is wrong. If it had been me, I think I'd have been sat down and said, 'Look, why? For what reason did you do such a thing?' Not, 'You have done it, you should be here, you've missed roll call, you're now going to be punished for X number of weeks and you will be punished.'[145]

But no one questioned or probed. No system was in place requiring them to do so. Rather, it appears that a lack of interest, an inability to consider that punishment was not always necessary, and a failure to wonder if children might be running away from abuse at school prevailed.

Alcohol

Staff attitudes also appear to have enabled alcohol to be introduced to the houses. Minutes of a governors' meeting in December 1986 record that the chairman of the Committee

> had received disturbing information from various sources relating to alcohol coming into school and that Housemasters were not being sufficiently vigilant over the weekends. Further, he had heard that certain Housemasters had clearly been under the influence of alcohol whilst on duty … [The headteacher] asked that such information obtained by any Governor should be conveyed to him immediately. He was at a disadvantage being told some time after the event.[146]

That account accords with evidence provided by 'Ferguson' which I accept. He described alcohol and drugs as being a fairly regular thing:

> Certainly from … from 13, third year, so like 14, 15 … drink was a big thing … I was lucky that I lived in the Middle East where cigarettes were very, very cheap and I'd bring cigarettes back. I remember a boy bringing back … one of the bottles of whisky that you normally keep the coins in.[147]

Of greater concern is that 'Ferguson's' account reveals children were endangered by the lack of proper oversight from teachers. Juniors were left completely unsupervised while seniors were allowed to put themselves in jeopardy:

> One of my friends was in charge of Mason House, which was the young kids' house. He came up to visit me in Mackinnon House, where I was a deputy, and we got very drunk. So he drunk an entire bottle of whisky, so he would have been 17, an entire bottle of whisky, and he didn't make it back to his house. We found him in the morning on the way to breakfast lying in the school grounds … So that was pretty bad. My other recollection of that year was … everyone had to take part in the school play … so I'd do the spotlight … I'd climb up into the roof of the Denny Civic Theatre in Dumbarton … it would have been my sixth year, I remember doing that very drunk. I think myself and two other boys drunk a bottle of vodka and an entire crate of beer, 24 cans of beer … And nothing. And yeah, later in school I got – in my sixth year I did get suspended from school … I get caught with

145 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.83.

146 Keil School, Minute Book 13, Minutes of meeting of Governors, 11 December 1986, at KSC-000000037, p.238.

147 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.30.

> one can of cider, it was quite ironic at the time … Then I came back and I wasn't a prefect any more, and then within a month they'd asked me to be a prefect again … So, yeah, no control.[148]

'Ferguson' confirmed that it was pupils who found the boy collapsed in the grounds. The housemaster had not noticed the drinking and was probably not even present within the house. There was also no system for signing in and out of the house for chiefs and deputies.[149]

Daily living conditions

Life at Keil was hard. In letters home to his parents, 'John' likened Keil to a concentration camp.[150] 'Martin' said: 'I didn't expect how austere my living situation was going to be … I had blissful ignorance of these issues.'[151]

> 'I didn't expect how austere my living situation was going to be.'

Angus Dunn, a modern languages teacher and housemaster who began working at Keil in 1992, agreed that being there was like going back in time. He said:

> And I would allude to Evelyn Waugh's *Decline and Fall*. There's a line in that where an education agency talks about 'Excellent school, good school, and school', and 'Frankly, school is pretty bad' and it was of that *Decline and Fall* era. It was barely post war in some of its structures.[152]

Induction

There was no proper system of induction or introduction by the headmaster for new pupils. 'John' said: 'I can't remember being welcomed, no.'[153] Similarly, no written rules were issued.[154] That did not help pupils settle in. 'Callum', for example, felt that even 'by the second day … I was very unprepared for what I was getting into'.[155]

Instead, and like so much of life at Keil, responsibility fell on the senior pupils. There was 'some sort of induction by the senior chief. He made some introductory remarks, but that's about it.'[156] In addition, the 'first year chiefs and deps were there to show us the ropes and make sure that we knew … and understood the rules and regulations and that we abided by them'.[157] 'Angus' recalled 'getting taught how to do hospital corners on our beds and being told how our lockers should look. We were told there would be inspections. They were always carried out by the chiefs and deputy prefects.'[158]

With such induction as occurred being carried out by other pupils – the chiefs and deputies – the Keil regime inevitably did

148 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.32.
149 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.32.
150 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.86.
151 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.10.
152 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.6.
153 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.55.
154 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.6.
155 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, p.7, paragraph 26.
156 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.55.
157 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.8.
158 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.8.

not change. For the avoidance of doubt, I do not regard that as being what was required. Rather, it was bound to facilitate the perpetuation of well-established abusive practices.

Chores

Using boys to do everyday tasks was a constant at Keil for decades. It was the Keil way. As Rodger Harvey-Jamieson said: 'It was part of the philosophy of them being self-reliant and a degree of responsibility for others.'[159] It was also to 'save a degree of expense'.[160]

'Ferguson' explained that:

> Squads were really only for meal times … and assemblies … Cleaning – well, there was different cleaning … cleaning of the dining hall and all that stuff, that was done by people from each squad. Cleaning of boarding houses and different areas of the school was done by the boarding houses and arranged by the prefects there … you'd have orderly tasks that were done in the morning … either running about after one prefect or cleaning up somewhere in the boarding house … meal times you would have the cleaning up of the dining hall or the serving of meals to masters or stuff like that.[161]

There were no cleaning staff employed at the school that he was aware of, although 'there was a couple of ladies who did laundry … We had the handyman who'd run about and fix stuff, a really nice guy, actually … and your dining hall ladies who would probably clean the hot stuff in there.'[162] Otherwise, however, most chores were left to be done by the boys: 'My first year, we would burn all the waste. I remember standing chucking stuff into an open incinerator as an 11 year old, you know.'[163] Waste such as plastic was burnt by the boys: 'so you'd go out and burn the plastic and the cardboard. Yeah, it was a big open incinerator at the back of the kitchen block … The size of a skip.'[164]

'Ferguson' 'spent an entire year serving food to the squad, serving food to the masters and then cleaning up after … as an 11 year old, which is just ridiculous when I look back now'.[165]

'Martin' said, of the cleaning he had to do: 'It was horrible. And, as my wife would say, I'm not the best at cleaning toilets and that was one of my jobs for six months, so I don't think the standard of cleanliness was particularly high.'[166] He also commented: 'It was only later on reflection as I looked back on my school years and realised that I was doing the cleaning, it reminded me … that they couldn't even afford cleaners, so it really ran on the shoestring.'[167]

'Jayden' also had to clean toilets: 'There was a Big Six [six toilets] … next to the boot room,

159 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, p.119.

160 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, pp.118–19.

161 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, pp.14–16.

162 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.16.

163 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.16.

164 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.17.

165 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.17.

166 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, pp.12–17.

167 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.5.

‘After lunch we had to clean the school. We had to sweep the floors and hoover the carpets … It seems unbelievable that we had to do this when our parents were paying for us to attend the school.’

which was my orderly. Cleaning the Big Six was probably the most punishing orderly … There were 40 boys in the house, so it really wasn’t a pleasant job.’[168]

‘Tony’ described the showers as dirty and unhygienic, and said:

> Most times I would not shower at school, I would just go home and get a shower there … After lunch we had to clean the school. We had to sweep the floors and hoover the carpets. I had to clean the history classroom. It seems unbelievable that we had to do this when our parents were paying for us to attend the school.[169]

Even more remarkable is the fact that so little appears to have changed at Keil throughout its existence, although by the end of the 1965–6 session, washing up duties had ceased. Minutes of board meetings explain that increased pupil numbers meant the task was taking so long that boys on the ‘washing up squad’ were missing prayers.[170] Another possible reason was provided by Neil Lightbody:

> Washing up … was initially done in sinks and I think was done very badly because the plates and the cutlery were often visibly dirty, they hadn’t been properly washed and there wasn’t proper supervision … a large number of the boys went down with uncontrollable diarrhoea and sickness and you had a situation where a … considerable number of boys [were] in their dormitories during the day and they actually had to call a nurse in from outside to assist … the wife of the new headmaster [Jeffs] … brought pressure to bring in a proper industrial dishwasher, and after that the task of cleaning all the dishes and cutlery and utensils, it could be done in a fraction of the time and it was done hygienically.[171]

Angus Dunn confirmed that pupils were still cleaning the school in 2000: ‘There were resident staff, but yeah, as a day master, it was very much run – not run by the pupils, but the pupils had to do an awful lot.’[172]

Accommodation

The state of buildings and accommodation was a consistent cause of concern throughout Keil’s history. It was only the chiefs and deputies’ dormitory that had the basics such as curtains.[173] Efforts were made to move away from dormitory-style accommodation for senior boys. As ‘Ferguson’ said, dormitories got ‘smaller as you got older, for sure. So 20, 21 for first, second year, down to five or six in third year, same in fourth year. Fifth and sixth year, if you

168 Transcript, day 242: ‘Jayden’ (former pupil, 1985–6), at TRN-8-000000033, p.109.

169 Transcript, day 243: read-in statement of ‘Tony’ (former pupil, 1988–90), at TRN-8-000000035, p.114.

170 Keil School, Minute Book 6, Minutes of meeting of House Committee, 24 September 1964, at KSC-0000000392, p.216.

171 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.21.

172 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.23.

173 Transcript, day 244: ‘Angus’ (former pupil, 1975–80), at TRN-8-000000037, p.11.

were a prefect you'd have your own room or you'd have two people sharing.'[174]

Edwin Jeffs, writing in 1983, years after his departure from Keil, suggested that such improvements as had taken place were ineffective: 'When the School was inspected by the S.E.D. in the early 80's … there was criticism of the poor facilities for boarding. The Inspectors criticised the Keil Tradition of boys living in Dormitories, the poor washing facilities and the absence of Studies and Common Rooms.'[175]

Robert Evans recalled that he could 'look in the window of Mason House, which was the junior boarding house, and you could see the accommodation was quite spartan in there … metal bunk beds and lino floors and things'.[176]

A dormitory in Mason House

Craig Robertson, a day boy in the 1990s, was shocked when he visited Islay Kerr House:

> I happened to be in the cellar … and saw it had what seemed to be a dirt floor … I … found the showers … next to stairs leading up into the boarding house. I had not expected anything better than the sports showers in the day boy accommodation, but it was worse and I could not believe that was how the boarders lived.[177]

Teachers new to Keil noticed how poor the accommodation was. David Gutteridge 'had a limited budget to buy some framed pictures and things like that, just to brighten up some very dreary corridors'.[178]

Tom Smith, on arrival at Islay Kerr House in 1989, 'considered the furnishings and decor … to be spartan with hospital-style metal beds and poor curtains and flooring'.[179]

Documentary evidence of living conditions

Such records as survive also provide vivid accounts of the living conditions. The word 'austere' appears frequently in the minutes of governors' meetings, such as in the 'hard grind of an austere boarding school'[180] and 'such unstable boys … are clearly unsuited to the austere conditions at Keil'.[181]

Headmaster Edwin Jeffs – unsuccessful efforts at change

Headmaster Edwin Jeffs, in late 1966, identified that the 'main deficiencies of the School as a boarding school (as compared

174 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.8.

175 Keil School, Report by Edwin Jeffs, The Future of Keil School, 17 February 1983, at KSC-000000323, p.4.

176 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.144.

177 Written statement of Craig Robertson (former pupil, 1991–8), at WIT-1-000001222, p.19, paragraph 80.

178 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.133.

179 Transcript, day 245: read-in statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at TRN-8-000000038, pp.69–71.

180 Keil School, Minutes of meeting of Governors, 30 June 1971, at KSC-000000080, p.5.

181 Keil School, Minute Book 7, Minutes of meeting of House Committee, 21 November 1966, at KSC-000000389, p.141.

with the top boarding schools)' included a lack of accommodation for the boarders, such as studies and common rooms, 'substandard dining conditions', 'very shabby decorations in Main Buildings', and the 'absence of proper Assembly Hall … proper Gymnasium … Geography Room, Modern Language Room, Careers Room'.[182]

Jeffs concluded that 'the School has expanded from 126 to 175 without any relaxation of the old austerity. Austere conditions may be adequate for bursary boys who pay no fees, but not for those whose parents pay £410 per annum.'[183]

An expansion plan was pursued, which did not improve the boarders' living conditions. Rather, 'common rooms had to be taken over as classrooms and the living conditions of the boys had largely to remain at austerity level'.[184]

House Committee 1968

In 1968 the Rev. J.M. Mackechnie, a member of the House Committee, was recorded as expressing these views:

> To many people in the West of Scotland, the School was still the place for the sons of crofters where much time was spent in scrubbing the floors, washing up and planting potatoes. He felt that the majority of parents no longer required this type of education for their sons and urgent steps should be taken to remove many of the chores that the boys still had. Mr Mackechnie felt that … it needed a new image.[185]

Keil did not get a new image. Boys were still being used to carry out tasks that could reasonably have been expected to be assigned to tradesmen. For example, minutes from 1970 said 'groups of boys, led by Chiefs … had spent several weekends redecorating'.[186]

Boys were still being used to carry out tasks that could reasonably have been expected to be assigned to tradesmen.

Christopher Tongue

When he took up the post of headmaster, in 1984, Christopher Tongue reported to the House Committee that:

> The cleanliness of the Houses left much to be desired and cleaners were employed before the start of term. Some beds and mattresses were appalling; chairs were broken.
>
> New House was repeatedly entered by vandals and further damage caused despite constant attention. The Biology lab and the classroom below (at Islay Kerr) were a fire hazard. First impressions given to parents were bad and hostile. Indeed a very strong letter of complaint about the conditions of a dormitory in School House had been received.[187]

In an interview printed in the 1993 school magazine on his departure from Keil, Christopher Tongue is reported as stating his

182 Keil School, Minutes of meeting of appeal committee, 30 November 1966, at KSC-000000042, p.3.
183 Keil School, Minutes of meeting of appeal committee, 30 November 1966, at KSC-000000042, p.3.
184 Keil School, Revised planning, 3 May 1967, at KSC-000000335, p.1.
185 Keil School, Minute Book 8, Minutes of meeting of House Committee, 23 September 1968, at KSC-000000395, p.104.
186 Keil School, Minute Book 9, Minutes of meeting of House Committee, 9 November 1970, at KSC-000000385, p.81.
187 Keil School, Minute Book 13, Minutes of meeting of House Committee, 30 September 1984, at KSC-000000037, p.108.

'I felt that the school provided a very good education for a certain type of pupil but only for that certain type of pupil.'

'first impressions [of Keil] were that it was a very spartan school – there were no carpets on the floors nor was there very much colour throughout the walls of the building – but that it was a well-disciplined school'.[188] He added that:

> boys could do rugby or NH [Natural History] or not much else … It was a very tough place. The strong hearty rugby player tended to lead a very happy existence, but there was not much in it for a lesser mortal, the aesthete, the thinker, the actor, the musician, the quieter individual, the person who liked individual sports. I felt that the school provided a very good education for a certain type of pupil but only for that certain type of pupil.[189]

I have no difficulty in accepting that as an accurate description. Further, whilst Christopher Tongue may have tried to improve the regime he did not, on the evidence, altogether succeed.

As 'Angus' said: 'Oh, if you were good at sports, rugby and cricket, especially if you were academic and sporty, you had a whale of a time, you sailed through school, you could guarantee that you were going to be a dep or a chief.'[190]

'Tony' provided another insight: 'If you weren't playing rugby, you were supposed to do another activity like tennis. However, no one monitored whether you turned up to those activities so I just used to leave the school early.'[191]

Rodger Harvey-Jamieson's evidence

Rodger Harvey-Jamieson was clerk to Keil's governing body over a lengthy period. He accepted that a clear picture had emerged, from the evidence, of life at Keil and that part of this was that 'the conditions were at times spartan over the years', there having been, it seems, 'a widespread and probably mistaken belief that the spartan conditions at Keil were character-forming and well-suited to produce well-rounded individuals'. He also said: 'I came across … amongst the papers that remain reference to food and the budget which was allowed for it in the 1980s. It amounted to 50 pence per day which sounds to me somewhat light.'[192]

When referred to evidence that Keil was operating on a shoestring, he did not dispute that that was an accurate description.

The conditions were undoubtedly made worse by Keil's chronic shortage of funds. Making improvements, however much it was desired, was a difficult, if not impossible, goal. In May 1969 it is recorded that the school began to prepare for the arrival of day boys by ordering 'second hand showers and lockers … from the Coal Board'.[193] Minutes

188 Keil School Magazine, no. 64 (1992–3), at WDC-000000043, p.10.

189 Keil School Magazine, no. 64 (1992–3), at WDC-000000043, p.11.

190 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.23.

191 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, p.114.

192 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, pp.79–80.

193 Keil School, Minute Book 8, Minutes of meeting of House Committee, 27 May 1969, at KSC-000000395, p.163.

of the House Committee of 1974 record that the school's catering contractors had complained about the poor accommodation provided, which meant the caterer and all cooks were shortly leaving for other posts. The 'contractors had expressed great difficulty in attracting replacements'.[194]

To survive, Keil needed to grow in size but it was never really able to expand its boarding offering to any significant extent. Further, the cycle of consistently poor or 'austere' accommodation and facilities, with inadequate staffing, meant that the scope for abuse was never properly understood and the abuse itself never properly addressed.

Brucehill

The school also suffered from being attacked by residents from the neighbouring Brucehill housing estate. From at least 1949 the buildings were regularly vandalised, and pupils and staff were the targets of violence.[195] For example, in the first part of 1963 'considerable disturbance had been caused during the evenings by parties of "Brucehill Boys" and the police had had to be alerted several times'.[196] The attacks included pupils being subjected to assaults and robbery. Vandals attempted to start a fire and threw stolen javelins at three of the school's windows.[197] Further, 'six Brucehill boys had stopped our Second Year boys from returning to Islay Kerr House'.[198] In the first week of the new term of 1971, the police were called several times

> because Brucehill boys were in our grounds molesting the younger boys. To reduce danger no boy is now allowed on the lower fields after Prep finishes at 8.30 p.m. and no junior boy is allowed down the town by himself … On Friday, 10th September at 8 p.m. five boys, mainly Fourth Years … were set upon by six youths aged between 15 and 17 years … the Headmaster expressed the anxiety felt by all resident staff, especially those with young children. During the holidays it is not safe to let children out of sight – not a promising atmosphere in which to bring up children.[199]

Nor was that a promising atmosphere in which to attract the increased number of pupils that was needed.

In 1971 Edwin Jeffs reported that 'there were many Boarding Schools, like Bedales, where the pupils could walk about freely in their own grounds without fear of being assaulted and where buildings could be erected without the danger of fire and smashed windows'.[200] At Keil it was not only the vandalism and risks of personal attack from outside but the overall environment, including what was inside the school's own boundaries, that was so unattractive.[201] Parents were bound to be deterred from choosing Keil.

194 Keil School, Minute Book 10, Minutes of meeting of House Committee, 22 January 1974, at KSC-000000391, p.112.

195 Keil School, Minute Book 3, Headmaster's report, 28 March 1949, at KSC-000000397, p.77. This report states: 'We continue to suffer at the hands of the Brucehill inhabitants.'

196 Keil School, Minute Book 6, Minutes of meeting of House Committee, 27 April 1964, at KSC-000000392, p.186.

197 Keil School, Minute Book 6, Minutes of meeting of House Committee, 24 September 1964, at KSC-000000392, p.216.

198 Keil School, Minute Book 6, Minutes of meeting of House Committee, 24 September 1964, at KSC-000000392, p.216.

199 Keil School, Minute Book 9, Minutes of meeting of House Committee, 4 October 1971, at KSC-000000385, p.141.

200 Keil School, Minute Book 9, Minutes of meeting of House Committee, 8 November 1971, at KSC-000000385, p.153.

201 Keil School, Minute Book 9, Minutes of meeting of House Committee, 8 November 1971, at KSC-000000385, p.153.

School grounds

In 1977 one boy 'was attacked on the playing fields by intruders and received facial injuries requiring four stitches'.[202] In March 1980 'vandalism was still a serious problem with 100 windows having been replaced'.[203] In these circumstances, the lack of adequate adult supervision is astonishing. Pupils recalled these problems with alarming clarity.

The lack of adequate adult supervision is astonishing.

'Martin' remembered that:

> The walk from schoolhouse to New House at 12 years old was quite a scary walk, particularly coming back after prep at night in the winter, so you'd be leaving prep at 8.30 and walking up this dark road separated by a small unploughed field between Brucehill and the school, and there was regular stories about boys being attacked, so you were in fear going up, and we were advised to go up in groups and not to go up individually, and that's what we tended to do.[204]

Remarkably, there seems to have been no question of a member of staff accompanying the boys on this walk.

David Gutteridge described the anxiety about being outdoors in the evenings which he noticed when he was employed at the school between 1989 and 1991:

> These people would come over sometimes with scaffolding poles and smash windows on the ground floor in the main school building or in … the boarding houses … because after dark the site was not well lit, and if people were coming from the main building to a boarding house, whether it was Mackinnon or Islay Kerr or even to the junior house, they were walking in the dark and might be ambushed … Nothing was done in terms of improving the lighting, nothing was done in terms of any sort of security patrol. People could get in from all angles of the estate.[205]

The governors were aware of the situation, and minutes record their concerns. However, more attention appears to have been given to securing the premises when they were unoccupied during holiday periods. That limitation may well have been due to the lack of available funds. Minutes from as late as 1996 reveal the need for security to be in place 'following the recent serious

202 Keil School, Minute Book 11, Headmaster's report, June 1977, at KSC-000000046, p.132.

203 Keil School, Minute Book 12, Notes on discussions at an informal meeting of the Governors, 6 March 1980, at KSC-000000145, p.76.

204 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.49.

205 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.148–9

The risks to children in terms of both physical attacks and the emotional impact of living in fear of being attacked were not prioritised and were never properly addressed.

incident when an intruder reached the girls' boarding accommodation'.[206] The risks to children in terms of both physical attacks and the emotional impact of living in fear of being attacked were not prioritised – as they should have been – and were never properly addressed.

Rugby

Rugby was all-important at Keil. A child who lacked the physique or appetite for rugby was at a marked disadvantage. Neil Lightbody, who was small, explained: 'You were considered only half a human being if you weren't into rugby or on one of the school's rugby teams.'[207] He continued:

> There seemed to be the idea in that school that … every single person … should be active in some rugby team or other. And I wasn't in a rugby team so I was conspicuous. And I was also apparently friendless because in a rugby team there's a certain sort of camaraderie, a friendship, people help each other out. If you weren't in a rugby team, you might have difficulty in establishing friendships. You might have difficulty in finding somebody who would be sympathetic to speak to if you were in difficulty. You might have difficulty in finding somebody to help you if you were being threatened, because a great deal of bullying is to pick an individual who has nobody at his elbow to support him.[208]

The headmaster at the time, Edwin Jeffs, appears to have been aware of the downsides of the absolute focus on the sport, and Neil Lightbody felt he 'was gradually trying to move the school away from this obsession with rugby towards academic achievement, but he was struggling against this ludicrous in-built scale of values which regarded examination results and academic achievement as a secondary matter to the affairs of the First XV'.[209]

A First XV rugby match

But rugby continued to dominate life at Keil. 'Angus' described it as 'a religion'.[210] 'Ferguson' said: 'It was everything … I was there to play rugby … it was all about rugby.'[211]

206 Keil School, Minute Book 16, Minutes of meeting of Governors, 14 November 1996, at KSC-000000038, p.75.
207 Written statement of Neil Lightbody (former pupil, 1960–4), at WIT-1-000000328, p.16, paragraph 122.
208 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.25.
209 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.29.
210 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.22.
211 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.23.

Craig Robertson went further:

> Keil rugby felt like a violent game that is not safe for children to play … allowing someone to be sent to hospital every other week, as I counted in my senior years, is deeply troublesome. I believe that the positives of rugby that I heard so much about at Keil were greatly exaggerated, with the game just as easily generating arrogance, cheating, and violent bullies … I hated the obsession with the game, I hated the way that it used to make me unhappy and I hate rugby now.[212]

Success at rugby meant high status. If you were in the First XV, you were 'Godlike'; if you were captain of the First XV the likelihood was you were senior chief, and in the pecking order of the boys, 'that was God'.[213] 'John' felt that 'if I had been great at sport, I probably would have been well-respected'.[214] 'Martin' described his experience this way:

> I didn't play many games for the First XV, but once you'd reached that level, you had a certain status. You were awarded your socks after five games and that got a certain status in the school as well. I captained the table tennis team, I played for the chess team, I played for the cricket team, so all of that enhanced your status.[215]

Robert Evans, who had taught in Australia prior to joining Keil in 1989, found that arriving in Dumbarton

> was like stepping back in time … it was very rugby orientated. It wasn't very academic. And – in winter … the school day would change so that there could be rugby practices two times a week in the afternoons, so we'd finish school for lunch, then they'd have rugby practices, and then we'd go back to classes from I think 4.30 to 6 o'clock or 3.30 to 6.00 or 5 o'clock, about that time.[216]

Whilst hockey was introduced as a new competitive sport at Keil in the 1986–7 session, it is noticeable that in his business reports at governors' meetings, headmaster Christopher Tongue continued to mention only rugby.[217] Further, the timetable slots devoted to rugby practice (four times a week over the winter and spring terms of 1988–9) far outstripped those devoted to other activities.

John Cummings, who became headmaster in 1993, knew little of Keil save 'it had a very good reputation in terms of rugby and sport and so on … It still formed a pretty important part.'[218]

The emphasis on rugby had a negative and isolating effect on those who were not 'into rugby', as Neil Lightbody put it. And that was not helped by members of staff who endorsed the traditional school approach and were dismissive of children who did not enjoy sport. Neil Lightbody observed: 'the attitude of these teachers or these masters [was] that if you weren't proficient or at least

212 Written statement of Craig Robertson (former pupil, 1991–8), at WIT-1-000001222, p.25, paragraphs 107–8.
213 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.24.
214 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.78.
215 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.23.
216 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.116.
217 See, for example, Keil School, Minutes of meeting, 31 August 1989, at KSC-000000047, p.126: 'Rugby: Pleasure was expressed at the good results recently of the 1st XV who have settled down now.'
218 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, p.9.

enthusiastic on the rugby field, you were of little interest to them, even though you might have very good prospects of a university entrance'.[219] He continued:

> A lot of the trouble … was caused by the attitude of certain of the teachers. I think they liked this rugby fanaticism. I think they liked it a lot. The finest performers on the rugby field were by definition the biggest and the strongest, and … they had the credibility to maintain good order. So if the teachers, who were fanatical about rugby and supervising it, carried on as if the success of the First and the Second XV was the greatest interest of a school … they were also encouraging and spreading this cult of rugby almost as a religion and of non-participants or poor participants as being persons of no consequence at all.[220]

Whilst blindingly obvious, this was never sufficiently understood or addressed, yet it could have been. Neil Lightbody reflected on his own experience of rugby at a different school:

> There was a very tolerant and open attitude. It was recognised, without anybody saying it, that there were some boys who were physically not sufficiently robust to enjoy playing rugby … they recognised that I and some other boys just weren't into rugby at all … In other words, this really intolerant – I mean absolutely unbelievably intolerant – attitude towards non-participants in rugby that you found in Keil was totally absent … and it showed to me how utterly unnecessary it was to actually freeze out boys who didn't want to participate in that sport and to look the other way while they were persecuted and bullied.[221]

His reaction to what, conversely, was happening at Keil is not surprising.

Code of silence – no cliping

There was a code of silence at Keil, reinforced by the power and influence of the chiefs and deputies. As a result, most of the abuse remained unreported. Neil Lightbody explained:

> Now, if you, as a victim, having been selected as a victim by a bully, were to complain to anybody outside the group of boys, like to a member of staff, a teacher, the headmaster or anybody like that, you would find that, shall we say, the blind and deaf people who did not participate in the bullying would take the bully's side against you because everybody hates clipes. So that's what the effect would have been if you'd tried to speak to a teacher or the headmaster or somebody, you would turn all the other boys who were not participating against you because of this hatred of clipes.[222]

'Ferguson' confirmed Neil Lightbody's account, explaining that it was made clear on day one at Keil, by chiefs and pupils alike, that 'no one likes a grass'.[223] He made the point that breaching that rule would have serious and long-lasting consequences. He remembered one boy who did and was

> beaten senseless for a long period of time. And that doesn't go away … you go to school in the morning, you do something wrong

219 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.34.
220 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.28.
221 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, pp.7–8.
222 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, pp.35–6.
223 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.43.

‘It’s a boarding school. You do something wrong there, that’s with you for six years.’

> … you go home at night to your parents or whatever and then you come in the next day, everyone’s forgot about it, they’re on the next thing. It’s a boarding school. You do something wrong there, that’s with you for six years, you know.[224]

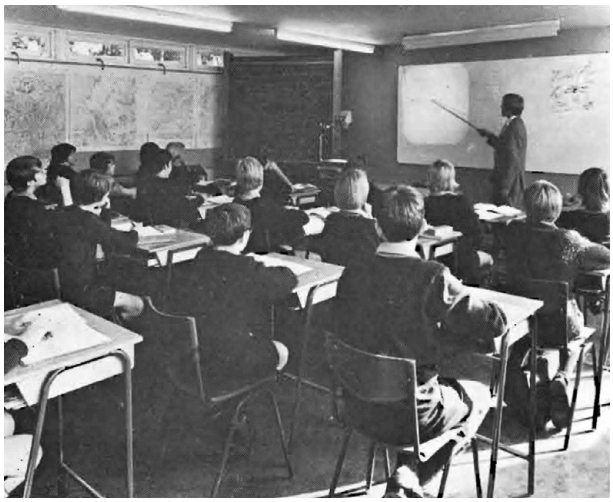
Discipline

By and large, teachers and housemasters were not involved in disciplining pupils. Neil Lightbody said: ‘I think that there was such an iron regime amongst the boys that it took care of discipline for the teachers.’[225]

‘I think that there was such an iron regime amongst the boys that it took care of discipline for the teachers.’

‘John’ said that staff involvement ‘was … very much [a] light hand. They did not get involved … Occasionally you might get strapped … by a teacher for some misdemeanour in class, but otherwise they just left everything to the chiefs and deputies.’[226]

That said, some staff did engage directly in disciplining children, and one housemaster in particular, Ian Graham, is remembered for his cruelty.[227]



A geography class at Keil School

Punishments

Keil was regarded as a tough school where strict order, principally at the hands of the senior boys, reigned. A wide variety of punishments was available and all were used.

Corporal punishment

Minutes from 1976 record that headmaster John Widdowson

> had been dissatisfied with the school regulations for corporal punishment and after consultation with the School Medical Officer, had laid down that no first year boy was to receive more than two strokes with the belt on a single occasion and no other boy more than four strokes, without reference to the Headmaster.[228]

224 Transcript, day 243: ‘Ferguson’ (former pupil, 1988–95), at TRN-8-000000035, p.44.
225 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.22.
226 Transcript, day 242: ‘John’ (former pupil, 1959–62), at TRN-8-000000033, p.66.
227 See Abuse by members of staff chapter.
228 Keil School, Minute Book 11, Minutes of meeting of House Committee, 18 October 1976, at KSC-000000046, p.98.

That instruction was not, however, always adhered to.

Corporal punishment remained in use at Keil until the end of the summer term of 1987 when the governors directed that it was to stop, following the coming into force of section 47 of the Education (No. 2) Act 1986, which provided for the abolition of corporal punishment in state schools and certain pupils in independent schools, including those on assisted places. That legislation applied to about 50 of Keil's pupils at the time. It was, however, appreciated that unless they introduced a school-wide ban, a two-tier system would have emerged: 'Clearly having two different forms of treatment is unacceptable. The Governors agreed that corporal punishment should not be used at Keil after the end of this term.'[229]

Angus Dunn, who worked at the school for the eight years prior to its closure in 2000, believed that a form of physical punishment continued in the rugby setting at Keil, long after the ban on corporal punishment had been implemented. He explained: 'For failure to perform adequately at rugby, a punishment called The Hill could be awarded by staff … in which a pupil or group of pupils would have to run up and down the raised beach outside the staff common room for a number of times while being supervised.'[230]

Such punishment may not have amounted to corporal punishment, but Angus Dunn thought it amounted to physical assault: 'I'm of a generation where physical assault of pupils was still legal, and I felt it was a physical assault on pupils.'[231] He raised his concerns but was ignored. It may not have been abuse, but his perception was clearly that it was unduly punitive and harsh. It also exemplifies the school's prioritisation of rugby prowess to the detriment of the boys.

Corporal punishment, known among boys as 'peeching', was used as a form of punishment, and was generally administered with a soft rubber-soled shoe. It is not clear if this was officially approved, but it was common into the 1960s at least and, at times, was used abusively.

Copies

The most common form of punishment was referred to as a 'copy', which involved literally copying something out, such as school rules. Being given multiple copies led to being given the belt.

'Martin' explained the system:

> If you had an untidy bed, if your shoes weren't polished, if some transgression took place that upset the chief or the deputy on that day, you could be given a copy. Chiefs could issue double copies if it was a particularly heinous offence. If you got three copies in one week, then you got belted on a Thursday night by a teacher or housemaster … to a maximum of six.[232]

The system of copies was inherently open to abuse by the chiefs and deputies. 'Martin' said: 'It was very difficult to go through a week … without picking up a copy.'[233]

229 Keil School, Minutes of meeting, 26 February 1987, at KSC-000000047, p.25.

230 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, pp.27–8.

231 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.29.

232 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, pp.32–3.

233 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, pp.32–3.

'There was absolutely no form of discipline within the school short of physical violence.'

Detentions

Following the abolition of corporal punishment, the belt was replaced by detentions. 'Tony' explained:

> The chiefs and deputies were horrible, power-hungry individuals … They could give you a copy … This would mean copying out the school rules. Any chief or deputy could give you a copy, not just the ones in charge of your squad. If you got a copy … you would have to get that signed off by your form teacher so that if you got several at one time, they would know about it … if you got a certain amount of copies at one time, that would lead to an automatic detention. I had about three or four copy punishments in my time at Keil School … I was usually too scared to do anything wrong. As a day pupil, I would have had to come into the school at the weekends for detention.[234]

'Martin' explained that as pupils progressed through the school this type of punishment was no longer used. 'You didn't get a copy after second year or third year. That just stopped.'[235] He believed that using copies as a punishment was the school's way of '[instilling] discipline and adherence to the school society'.[236] To this extent the Keil system worked, for teachers and housemasters by and large did not have a problem with pupil discipline, no doubt in part because the system was rooted in fear.

Natural History

Another form of punishment at Keil was called 'Natural History', or 'NH', where boys were required to perform outdoor tasks such as tidying or gardening. 'John' said: 'The system was basically to harness bad behaviour into doing productive work in and around the school, but I don't recollect that people actually sought to work off the hours that they'd been allocated.'[237]

Neil Lightbody said:

> I think it was a system which had been operated in the past, but I think when I was there it had decayed and become almost totally redundant and there was nothing much to replace it. And this is something that caused me a lot of trouble … there was absolutely no form of discipline within the school short of physical violence … It all really depended on the fear of violence. Actual violence being inflicted was very uncommon.[238]

Impact

The relentlessly harsh regime led pupils to disengage. In the case of 'John', it had this effect:

> When I arrived from my prep school in England I was fired up with education, but it just – in the three years that I was there, my interest just flagged, just went away. There was

234 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, pp.115–16.
235 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.35.
236 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.35.
237 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.69
238 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.23.

> no culture of excellence to support interest in educational subjects … it was just a case of surviving the school and getting by, if you like.[239]

'There was no culture of excellence to support interest in educational subjects … it was just a case of surviving the school and getting by.'

'Angus' believes his five years at Keil were 'probably [the] worst time of my life'.[240]

'Ferguson' said: 'Yeah, it messed us up for a long time.'[241] He has been treated for depression by a psychologist and has a problem with perfectionism, both of which he attributes to Keil:

> I have two young kids, both about that age now, one that's 11, one that's 12, and honestly I wanted to bring them here today so you guys could see what one of those little boys look like. Because I look at that and I go that was me when I went there and … that's what I lost.[242]

'Dan' said: 'My memories of Keil, yeah, were not happy, but then I can't remember huge amounts … and I think to a degree I've blocked out a lot of the things that may have happened.'[243]

Leaving school evoked elation[244] and relief[245] in pupils. It was not only pupils who felt like that – Robert Evans described his departure from Keil as 'like walking to … heaven'.[246]

1984–2000: Christopher Tongue, John Cummings, and Tom Smith

The three headmasters in post between 1984 and the closure of the school in 2000 introduced improvements, but change was slow. It was too little, too late. And some of what was needed was just unaffordable.

While the headship of Christopher Tongue from 1984 to 1993 was in some respects markedly unsuccessful, it also marked the beginnings of a slow softening of the Keil regime. 'Jayden' recalled meeting him and being made to feel welcome,[247] although life at Keil thereafter did not remain positive for him.

Christopher Tongue could see flaws in the school and wanted to do something about them. However, he was met with resistance from the governors. Minutes from 1987 reveal that the school was inspected briefly by the Society of Headmasters of Independent Schools (SHMIS). The report that followed criticised the lack of a maintenance team; the fact that the gymnasium was a depressing building; that there was little provision for music and careers; that there were no groundsmen or ground staff; and that there was inadequate

239 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.63.
240 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.32.
241 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.57.
242 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, pp.58–9.
243 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.79.
244 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.90.
245 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.47.
246 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.174.
247 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, p.98.

provision for slow learners. Although there were hopes that good progress would continue, it would be slow. While disagreeing with what it contained, Christopher Tongue accepted that:

> The report was helpful because it was objective and could reflect how visitors seeing the school for the first time might react. The governors noted the report but some members felt that while it was helpful, it was, nevertheless, arrogant and condescending. All agreed success had been achieved with limited resources.[248]

There was, at that time, an unhappy mix of defensive conceit and lack of funds. There were references in minutes to finances; to the school's vulnerable position as one of the smaller independent schools in Scotland; to a pupil–staff ratio that compared unfavourably with other independent schools; to complete resistance to the idea of a maintenance team when local tradesmen who were not VAT-registered could be used; and to various efforts to limit expenditure including, in relation to the criticism that there was no groundsman, a decision not that a permanent groundsman should be appointed but one that was distinctly tentative:

> a groundsman should be appointed on a temporary basis for 1 April 1988 to 30 September 1988, for 40 hours per week at a total sum not exceeding £4,000 for the 6 month period. During inclement weather the appointee would be employed indoors in servicing lawnmowers and other work and this would reduce costs by not employing tradesmen.[249]

There was, at that time, an unhappy mix of defensive conceit and lack of funds.

Some meaningful improvements can be seen from later minutes. In 1988 it was decided that copies of school rules were to be provided to every pupil and parent, as well as being placed on school noticeboards.[250] Concerns were raised by the governors after complaints from parents about the capabilities of the housemaster of Mason House and issues of discipline there.[251] Change followed, first with the introduction of a tutor to Mason House, as well as a system of monitors 'throughout the school to cut out bullying, verbal bullying and vandalism'.[252] Ultimately the housemaster was replaced, and the minute is telling of both the headmaster's thoughts on the need for pastoral care in Mason House and his previously stated awareness of the need to '"sell it" to prospective pupils and current pupils with comfortable and friendly surroundings'.[253]

Further, he pointed to the fact that Mason House and its staff were

> the first impression new parents had of Keil and we must have sympathetic and cooperative staff there … it [is] essential that the Housemaster of Mason House should be a person capable of supplying care and

248 Keil School, Minutes of meeting, 19 November 1987, at KSC-000000047, pp.57–8.
249 Keil School, Minutes of meeting, 25 February 1988, at KSC-000000047, p.57.
250 Keil School, Minutes of meeting, 26 May 1988, at KSC-000000047, p.80.
251 Keil School, Minutes of meeting, 1 June 1989, at KSC-000000047, p.122.
252 Keil School, Minutes of meeting, 31 August 1989, at KSC-000000047, p.124.
253 Keil School, Minutes of meeting, 22 November 1990, at KSC-000000047, p.148.

> support to pupils and capable of relating well to pupils of that age and their parents. He should possess an abundance of energy and enthusiasm for all House affairs and have the full support of his family in discharging his duties.[254]

The appointment of David Gutteridge in 1989 could also be seen as evidence of a change in approach by the school in that he was told at interview 'that they would like me to come and contribute to arts development generally and encourage a broader interest in the arts at the school'.[255]

Unfortunately, his appointment did not work out well; he set about grooming and abusing a pupil.

Angus Dunn said:

> People who've been in schools a long time can become very entrenched in the ways of the school, and I believe, from talking to others, that he [Tongue] tried to move the place forward. He brought in a number of staff, some of whom you've spoken to this week, who came from different backgrounds and maybe brought different ideas, and those who had been there a long time did not wholeheartedly agree, I think, with what he was doing.[256]

Resistance from the 'old guard' was a consistent problem at Keil; headmasters were faced with some determined resistance. David Gutteridge and Rodger Harvey-Jamieson each spoke of the people 'entrenched in the ways of the school'. David Gutteridge also mentioned 'the strength of influence that the Keil Old Boys had'[257] and spoke of the influence of staff who preferred to put brakes on change rather than embrace it:[258] some were 'comfy with the ways things were'.[259] Rodger Harvey-Jamieson referred to 'the influence of old boys … in what might be described as the A stream … of the school, [who] felt that there was no need for change'.[260]

By the end of 1990 improvements had been achieved in relation to cleanliness and housekeeping, and a cleaner had been engaged – albeit only on a part-time basis.[261] Craig Robertson remembered the change: 'There were cleaners by the time I left Keil, but I do not think there were any when I started, when I think the boarders cleaned their houses themselves … I personally would not have liked to live in such conditions.'[262]

An important addition was the appointment of Tom Smith as deputy head in 1989. A man of tremendous drive and loyalty to the school, he made every effort to keep Keil afloat. He could not succeed, however. As will be seen elsewhere, his devotion was at times misplaced and he did not always keep the importance of child protection in mind.

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254 Keil School, Minutes of meeting, 22 November 1990, at KSC-000000047, pp.148–9.

255 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.131.

256 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.10.

257 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.135.

258 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.135.

259 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.143.

260 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, p.83.

261 Keil School, Minutes of meeting, 30 May 1991, at KSC-000000002, p.11.

262 Written statement of Craig Robertson (former pupil, 1991–8), at WIT-1-000001222, p.29, paragraph 125.

The broadening of the tutor system was a welcome change. In 1991 John McMurtrie successfully 'proposed a weekly timetabled tutor period to enable discussion of different issues and further develop a cooperative climate'.[263] Prior to that tutor groups had only

> met for roughly ten minutes once a month to discuss gradings … and when the system was introduced and explained to pupils, it was made clear to them that they could raise any issue that they had with any member of staff. This point was reinforced from time to time by me at house assembly. It was made clear that a pupil could raise issues with whichever member of staff they were most comfortable with. This did not necessarily have to be the pupil's assigned tutor.[264]

The effects were positive. It 'proved to be a successful way of improving a cooperative climate as it enabled tutors and pupils to get to know one another better and develop mutual respect. Participation in tutor periods was formally listed as a duty of a housemaster in the job description thereafter.'[265]

By 1994, however, a staff questionnaire identified long-standing problems referred to as 'the most serious weaknesses in the school',[266] such as

> [the] poor work ethic in that sport seems to take priority over academic timetables; the low standards generally; the long hours required of both pupils and staff; staff overload; problems in trying to teach to a wide range of academic ability; shortage of time available for pastoral care; and the heavy workload of House staff.[267]

The fact of there having been a questionnaire and the frankness of its responses could be seen as indicating that by 1994 the headmaster and staff were more enlightened but, equally, there was much that needed serious attention.

A kinder regime

John Cummings was appointed headmaster in 1993 and did, on the evidence of staff and pupils, try hard to achieve improvement. William Bain said: 'I think he was trying to make it more relaxed and more comfortable, nicer for the pupils, nicer place to be.'[268] Whilst William Bain did not think John Cummings altogether succeeded, he agreed that over time Keil became a happier place due not only to the efforts of John Cummings but also to 'lots of factors … Part of it was that we started to admit girls. Part of it was we had more day pupils. Part of it was that we allowed weekly boarding rather than just full time. Part of it was because we brought in leave weekends.'[269]

'Ferguson', recalling this period, said: 'There was definitely a softening, a trying to stop

263 Transcript, day 244: read-in statement of John McMurtrie (former maths teacher, 1984–2000; house tutor, 1985–92; housemaster, 1992–2000), at TRN-8-000000037, p.67.

264 Transcript, day 244: read-in statement of John McMurtrie (former maths teacher, 1984–2000; house tutor, 1985–92; housemaster, 1992–2000), at TRN-8-000000037, p.68.

265 Transcript, day 244: read-in statement of John McMurtrie (former maths teacher, 1984–2000; house tutor, 1985–92; housemaster, 1992–2000), at TRN-8-000000037, p.68.

266 Keil School, Papers for meetings, Development Plan, at KSC-000000065, p.30.

267 Keil School, Papers for meetings, Development Plan, at KSC-000000065, p.32.

268 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.70.

269 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.78.

some of the more severe bullying … some of the things that happened in the earlier years maybe wouldn't have been allowed to happen in the later years.'[270] He did, however, add the caveat: 'I just don't want you to think that … everything changed for the better. It was still pretty horrific … it wasn't a line in the sand change.'[271]

Nonetheless, board minutes do show real efforts at change during the tenure of John Cummings, reflecting practices that had been established at other boarding schools years earlier. In 1994, for example, he 'spoke of the intention to have a "pairing" meeting with new pupils and parents where the pupils would be introduced to their "minders" who will look after their welfare during the first few weeks of the new school year'.[272]

Minutes indicate that morale was high at the school by September 1993 at which point the roll had risen to 228.

Child protection

Policies were not part of life at Keil prior to the early 1990s. Robert Evans recalled that in other schools with which he was familiar 'you'd have a folder … with all the procedures, the names of the staff and what to do in various circumstances. There was nothing like that at Keil. You basically had to talk to other members of staff to find out what procedures were, who was what and whatever.'[273]

Robert Evans provided the Inquiry with a behaviour policy in effect from August 1993 but could not 'remember having anything prior to that'.[274]

The Children (Scotland) Act 1995 had a profound impact on all boarding schools, as discussed in earlier volumes of case study findings. At Keil, perhaps inevitably, change was less policy-driven and certainly not proactive, only responsive to circumstances, and, as acknowledged by Rodger Harvey-Jamieson, following 'guidance provided to schools rather than developing anything of its own in the way of pastoral care'.[275] Minutes confirm this. John Cummings reported to the governors in late 1995 that the Act highlighted

> the need for every child to be treated as an individual. It places a statutory responsibility upon the managers of independent schools to safeguard and promote the welfare of children who are residential in school … Keil will need to appoint a child protection coordinator … and have clearly explained policies and procedures with regard to any suggestion of child abuse. Keil would also be subject to an HMI inspection within the next three years which will pay particular regard to its residential facilities and arrangements and policies etc.[276]

Minutes from December 1993[277] confirm an awareness of the Children Act 1989, no doubt thanks to John Cummings' previous experience working in an English school,

270 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.13.
271 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.40.
272 Keil School, Minutes of meeting, 19 May 1994, at KSC-000000002, p.86.
273 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.127.
274 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.127.
275 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, p.120.
276 Keil School, Minutes of meeting, 23 November 1995, at KSC-000000038, p.35.
277 Keil School, Minutes of meeting of Governors, 2 December 1993, at KSC-000000129, pp.2–3.

It is staggering that nothing was done, and that anonymity was somehow thought to justify inaction.

but, unlike the reaction at Gordonstoun,[278] for example, no actual steps were taken to improve processes. Instead, progress at Keil was slow. Minutes of a governors' meeting in late November 1996 refer to a SCIS governors' seminar on child protection and welfare,[279] but Rodger Harvey-Jamieson thought 'there was a degree of concern amongst the teaching staff at the school that there were no written policies in place concerning safeguarding'.[280]

Minutes from a meeting of the Trust on 20 November 1997 provide real cause for concern about how realistic child protection actually was at Keil. It notes that the chairman

> advised the meeting of the two letters which were handed to her just before the start of the last meeting. One … from a parent, made allegations against a member of staff and merited serious investigation but, as it was anonymous, it was felt improper to pursue the matter. Professor Thomson asked if the letter had been shown to the headmaster and Dr. Orr replied that it had.[281]

The headmaster was present and reported to the board separately at the meeting but nothing further was recorded. It is staggering that nothing was done, and that anonymity was somehow thought to justify inaction.

The minutes also reflect a further difficulty with Keil; the second letter referred to came from the staff and was signed by 12 teachers demanding a meeting to discuss 'direction and oversight, recruitment, and resource management'.[282] In other words, to discuss the future of the school. That, perhaps reasonably, was an ever-present anxiety to staff, as well as to governors, but it is striking that it was finances that were the centre of attention. Meetings were arranged, the need for greater communication was recognised, and reassurances were given. It may be part of a bigger picture spoken about by several teachers who gave evidence regarding unhappiness with the headship of John Cummings, perhaps fomented by his deputy Tom Smith, who undoubtedly thought he could do things much better.

The school was not, however, dealing with child protection concerns properly. Instead, it was diverted by self-interest and ever-present financial anxieties.

The school was not, however, dealing with child protection concerns properly. Instead, it was diverted by self-interest and ever-present financial anxieties. Whilst perhaps understandable at a human level, Keil was

278 Scottish Child Abuse Inquiry, Case Study no. 9: Volume 3: The provision of residential care in boarding schools for children at Gordonstoun, Moray, between 1934 and 2021 (June 2024).

279 Keil School, Minutes of meeting, 21 November 1996, at KSC-000000038, p.75.

280 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, pp.121–2.

281 Keil School, Minutes of meeting of Governors, 20 November 1997, at KSC-000000038, p.126.

282 Keil School, Letter from staff to Governors and Trustees, 18 September 1997, at KSC-000000038, p.131.

an example of how a school may allow itself to lose sight of the centrality of child welfare and protection. The failings in governance, management, and staff were significant, and all concerned were tragically unrealistic about the school's ability to survive.

Minutes from 1994, when pupil numbers were good and morale was high, make wretched reading. The bursar

> spoke to the revised budget which projected a loss in excess of £81,000 for 1994/95. The fundamental difficulty had been an over-optimistic projection of the School roll. There was a need to consider preschool facilities to attract additional pupils in the longer term in view of the general downturn in numbers across the country. Earlier initiatives, especially the integration of girls and the introduction of a Transitus class, had been successful and had masked the more general problem. There was therefore a need to budget even more cautiously for the future and to consider bursaries carefully.[283]

Even at the time when Tom Smith succeeded John Cummings, in September 1999, naivety and false optimism persisted. John Cummings had travelled to Hong Kong in the hope of attracting new pupils, while Tom Smith travelled to Russia with Angus Dunn. Minutes from the meeting of the Keil governors on 16 September 1999 record that Tom Smith

> spoke on the 13 new Chinese people who had arrived this term most of whom appeared to have settled reasonably well apart from one who was returning to China. The others were causing concerns over major breaks of the school rules and had already been suspended within the school. There was going to be a problem with regard to holidays as they had no guardians in this country. It would therefore be necessary to open a boarding house during the October break which would involve employing catering and teaching staff … it was hoped that most of the Chinese pupils would go home at the Christmas holiday period but for any who did not it would be necessary to find accommodation for them.[284]

Planning had evidently been haphazard. The fact that no advance consideration appears to have been given to the need to find guardians for the Chinese students gives a sense of how desperate matters had become. Even more than ever before, Keil persisted in trying to do too much with too little, whilst failing to take account of all relevant matters, and child welfare and protection was, once again, a casualty.

Response to evidence

Tragically, that approach was always the Keil way. There were pupils who enjoyed their time at Keil, and the school of the 1990s was a kinder place. However, the grave lack of supervision associated with trying to do too much with too little meant that a paedophile such as William Bain, who within four weeks of starting was hailed as a man 'considered to be a great asset to the school',[285] could operate without fear of discovery for many years. John Cummings said, defensively:

> I mean – that's obviously true … I'm making no excuses whatsoever, but the converse is also that because we did a lot, it gave lots of good opportunities to people as well, albeit that the risk in that – what you've alluded to – was far too great … At least my theory was

283 Keil School, Minutes of meeting of Governors, 1 December 1994, at KSC-000000002, p.106.

284 Keil School, Minutes of meeting of Governors, 16 September 1999, at KSC-000000038, p.220.

285 Keil School, Minute Book 14, Minutes of meeting of Governors, 27 August 1987, at KSC-000000047, p.51.

> trying to keep them active, trying to keep them interested in things, giving them opportunities, challenges and so on. And you're right to suggest it was … busy and there were lots of things happening, and perhaps shortcuts were taken. And they were taken, yes.[286]

There are no acceptable shortcuts when it comes to child protection.

Rodger Harvey-Jamieson said:

> We [the governing body] were relying entirely on the headmaster's reports that came in termly, and they were showing no areas of concern of that nature … We had absolutely no inkling or suspicion that that sort of abuse was occurring at the school earlier and it's devastating that it should have taken place. The trustees are considerably shocked [and are] devastated by the events which have led to this case study and offer their deepest sympathy to all who have been affected by them. Even a single case of abuse is one too many … That is a heartfelt statement on behalf of the trustees … We are reeling from what we have read.[287]

'Even a single case of abuse is one too many.'

He continued:

> We now know from the Inquiry of life at Keil and of the conditions that existed. It is difficult to reconcile what we have heard and been shown [with] the good will [that] did exist amongst many quarters. The library had been donated and furnished by a local worthy. There was an appeal in 1968 which was very strongly supported from a wide number of people from the local community and elsewhere. There was another appeal in 1983 which was again supported and exceeded its targets. And finally at the time of closure, there was a petition and delegation to the governors to persuade them to keep the school open. And that came from a wide section of the community, and I find that strange and difficult to reconcile with what we know about the activities … There seems to have been a widespread and probably mistaken belief that the spartan conditions at Keil were character-forming and well-suited to produce well-rounded individuals. Keil has never made any secret of its ethos. It was published in the history initially in 1993 and then amplified later. And well-known to anyone who had any contact with the school what its ethos was, and I think that was, as one has said before, a harsh environment, which I think is one of the expressions used in the Inquiry to date … with the intention of being character-forming, and that seems to have been accepted by parents, who kept their children at school despite the children's desire to leave. So that might have coloured … the enthusiasm that certain sections of society seem to have for Keil School.[288]

I am grateful to Rodger Harvey-Jamieson for his thoughtful, frank, and open input to the Inquiry.

Conclusions about the regime

Keil's problems – whether in relation to finances, buildings, the environment, the

286 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, p.51.

287 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, pp.135–6.

288 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, pp.80–1.

risks to children's safety and wellbeing, or its viability as a school – were clear and known about by those who led the school and its governance. They were recorded, sometimes at length, in minutes of meetings. They were documented by persons from outwith the school. The need to address its problems by putting child welfare and protection at the heart of the organisation was plain, but I could not detect any decision or determination to respond to it.

Yet Keil was not a school whose headteachers or governors were uninformed or, on paper at least, incapable of doing what was required. The obvious could be seen, but maintaining tradition and keeping the school afloat were all too often prioritised. As Neil Lightbody said of his headmaster, Alex Robertson:

> He must bear a very heavy responsibility for the absolutely appalling state of that school when I joined … somebody has to be responsible for the sort of thuggish mentality which prevailed in that school when I joined it and I don't think the headmaster at the time can walk away from it.[289]

I can only agree with Neil Lightbody. Furthermore, those who followed Alex Robertson's tenure right up until the school closed in 2000 also bear a heavy responsibility because there were significant systemic failures at Keil that were never properly addressed.

'John' captured it this way: 'It was a total culture shock arriving at the age of 13 … My brother and I were homesick, very homesick, but you just had to pretend you were enjoying it. That was the culture at the time. You just didn't show weakness … you just had to thole it.'[290]

That was true for generations of children who were subjected to the regime at Keil.

Rodger Harvey-Jamieson likened the last headmasters to 'attempting to change round a tanker which was already stuck in the sand'.[291] I agree. Keil was a school which, by that stage, was not able to be turned round.

289 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.28.

290 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.54. 'Thole' is a Scots word which means 'to endure' or 'to suffer'.

291 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, p.83.

4 Abuse by members of staff

Introduction

The use of inappropriate or excessive corporal punishment in the classroom setting was rare at Keil, possibly because discipline had already been instilled in the children by chiefs and their deputies. In the boarding houses responsibility fell mostly on the boys, and that all too often involved abusive practices. However, a number of housemasters are also remembered for their brutality. Given the isolated nature of the individual houses and the lack of supervision, if they abused children it was unlikely to be detected or acted upon. Some of the minutes of meetings I have already referred to make clear that a number of housemasters considered themselves essentially immune from management.

> The prevailing culture allowed two paedophiles to operate without fear of discovery.

The prevailing culture allowed two paedophiles to operate without fear of discovery.[292] One, David Gutteridge, groomed boys slowly and deliberately whilst at school, but abused them elsewhere. The other, William Bain, appears to have enjoyed taking risks. He abused boys daily for years. He was able to continue doing so despite a parent having complained and despite some members of staff having concerns about him. Keil failed to address the continuing risk to children posed by William Bain even when concerns were raised. Nor did the school share its knowledge appropriately. Rather, collective naivety, wilful blindness, and ongoing denial conspired, with the result that children were failed rather than protected.

The cases of Bain and Gutteridge are examples of a significant outcome of the Inquiry's work, albeit not by design. The promotion of criminal investigations and prosecutions is not part of SCAI's Terms of Reference. However, fresh prosecutions of both these paedophiles followed the exposure of their behaviour through the Inquiry's investigations and presentation of evidence, thereby demonstrating that those who abuse children in care may find it catching up with them, even decades later. Keil is not the only example of our work having this effect.

Sexual abuse by members of staff: William Bain

William, or Bill, Bain was employed at Keil as head of physics from 1987 to 2000. He had previously taught at The Edinburgh Academy and Robert Gordon's College in Aberdeen, and, after Keil closed, he moved briefly to Abbotsholme School in Staffordshire. He stayed there for a year before taking up employment at Glenalmond College, near Crieff, in 2001, where he was still working when first detained by the police in 2015.

292 See also The Keil School regime chapter.

He was a predatory paedophile who took advantage of many vulnerable children, using his position as a friendly deputy housemaster and outdoor leader. He afforded the children open access to his accommodation, his lab, and the school dark room, and was involved with children on Duke of Edinburgh expeditions and other outdoor trips, all of which enabled him to sexually assault pupils many, many times over many years. He abused children regularly and extensively throughout his career and at Keil in particular.

In April 2016 he appeared in the High Court in Glasgow and, having reached an agreement with the Crown, tendered a plea of guilty to five out of nine charges on an indictment he was facing. The terms of the charges are set out in Appendix F. They related to behaviour involving lewd, indecent, and libidinous practices towards five pupils between 1989 and 1995. On 17 May 2016 William Bain was sentenced to six years six months' imprisonment, discounted from what would have been a sentence of eight years six months had he not pled guilty. He was also placed on the Sex Offenders Register indefinitely.

The GTCS removed William Bain from the register of teachers in Scotland in September 2016.

On 30 June 2025 William Bain appeared again at Glasgow High Court, and tendered pleas of guilty to 11 of the 28 charges he faced. Nine related to behaviour involving lewd, indecent, and libidinous practices towards nine pupils between January 1978 and February 1999, and he had also committed two indecent assaults between 1991 and 1993. He was sentenced to nine years' imprisonment in cumulo, which was reduced on appeal, heard on 26 August 2025, to seven years and 73 days. Eight of the charges concerned further abuse of Keil pupils, but three reflected offences against children at both The Edinburgh Academy and Robert Gordon's College in Aberdeen. The terms of the charges are also set out in Appendix F.

Details of the 2016 indictment

The narrative provided to the court by the Crown when William Bain was first sentenced in 2016 included his admissions of having abused five children on hundreds of occasions over a period of six years. The advocate depute said:

> The abuse admitted relates to the period 1989 to 1995. The panel[293] accepts that he sexually abused five pupils as libelled over that period.
>
> The complainer in Charge 1 attended the school from 1989 to 1994. The abuse began when he was 11 years of age and continued approximately twice per week for around two and a half years. The abuse took place in the otherwise empty classroom or in [Bain's] private flat.
>
> The complainer in Charge 3 attended the school 1991 to 1998. He was sent to that school particularly because he suffered from dyslexia and the school had good provision for this. The abuse began when he was 12 years of age and continued for around two years. It happened approximately four to five times per week at its peak and would take place in the classroom, the school photography darkroom or [Bain's] private flat. It was more than four to five times per week if he stayed over weekends.

293 The term 'panel' is used in Scots law to refer to a person appearing in court who is accused of having committed a crime.

> The complainer in Charge 4 attended the school from 1993 to 1999. The abuse began when he was 11 years of age and continued for around three years … at least once per week … in the classroom or [Bain's] flat.
>
> The complainer in Charge 5 attended the school from 1991 to 1997. The abuse began when he was 11 years of age and continued for around three years. It happened approximately 50 times and would take place in the classroom, school photography darkroom or [Bain's] private flat.
>
> The complainer in Charge 8 attended the school from 1990 to 1997. The abuse began when he was 12 years of age and continued for around two years. The complainer suffered bullying at the school and sought refuge in [Bain's] private flat. It was there and in the classroom that the abuse took place.[294]

The offences involved Bain handling children's genitals, encouraging mutual masturbation and oral sex, and inducing children to either attempt to or actually sodomise him.

The complainer in Charge 1 made contact with the Inquiry in 2024. The narrative of the abuse he suffered was known from the indictment and his statements to the police, which included the fact that he was prepubescent when first abused by Bain.[295]

However, he added helpful detail of the manner and scale of Bain's behaviour:

> He always seemed very nice, kind even. He made you feel wanted in a way. He gave me things, like money, and he bought me a set of weights. I told another pupil about the weights, and he thought I should feel uncomfortable about it because people might assume something. I told Mr Pickett, my housemaster at the time, about the weights but nothing happened.
>
> The sexual abuse was constant from 1989 until I was about 14 years old. That's when it started to taper off. It was like he had lost interest in a way. It still happened, but not as often … I had suspicions about him abusing other boys but didn't witness anything. I would go to his flat because I was so programmed. Sometimes, when I was in his flat, other boys would knock on his door.[296]

Details of the 2025 second indictment

Similar themes were reflected in the Crown narrative in relation to the Keil offences in the second indictment.

The complainer in charge 12 attended the school from 1987 to 1991. In his first year he would visit Bain's lab during the evening where he was given biscuits and sweets, and was sexually abused on three separate occasions. Each time Bain lifted him onto a workbench, laid him flat out and then grabbed him in a bear hug from behind and moved his hand up and down the boy's body over his clothing. While Bain did not touch the boy's genitals, it made him feel

294 Crown narrative, at JUS-000000029, pp.4–5.

295 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, pp.87–9.

296 Written statement of 'Herbert' (former pupil, 1989–94), at WIT-1-000001489, p.10, paragraphs 38–40.

very uncomfortable. All three incidents took place in full view of others.

'Ferguson', the complainer in charge 14, attended Keil from 1988 to 1995. He was taught by Bain and remembered his extracurricular activities such as the chess club, a camera club, an electronics club, and hillwalking trips.

'Ferguson' told the Inquiry:

> While I was in his physics lab and when we were out hillwalking he would touch me and rub himself up and down against me. He would tickle me and massage me and touch my privates above my clothes. He would stand behind me and as if by accident his privates would touch my back. At the time, I never thought any more of this behaviour … I just thought at the time that this was the behaviour of someone being friendly.[297]

During rugby training Bain also touched 'Ferguson's' genitals when he made efforts to tackle him. He also stood and watched the boys in the communal showers afterwards. The abuse stopped when 'Ferguson' moved to Mackinnon House in 1991.

The complainer in charge 16 was abused between 1990 and 1991 when he was aged 11–12. Bullied by other pupils, he was drawn to Bain because the latter appeared kind and offered other activities. As with other pupils, he was welcomed to Bain's lab and his flat within Islay Kerr House. Bain comforted him when he was upset, gave him sweets, took him for fast food, and sexually abused him repeatedly. The first time was in the darkroom. When the complainer made a joke about taking naked photographs Bain lowered his own trousers, exposed his penis which he took in one hand, and put his other hand down the boy's trousers and grabbed his testicles.

Physics lab at Keil School

On another occasion in his lab, while the boy was alone within a side room, Bain approached him from behind, grabbed his crotch with one hand, then took a firm grip of the child's penis and testicles whilst pressing his own penis against the boy's buttocks through his clothing. On another occasion, Bain watched the complainer and another boy when they used the bath in his flat after a hillwalking trip. Bain also made regular comments about masturbation. Bain stopped such visits once the boy became older.

The complainer in charge 18 was at Keil between 1989 and 1994. In his third year, when aged 13, he moved to Islay Kerr House where Bain was deputy housemaster. He, along with others, regularly visited Bain's flat, normally in the evenings. On one occasion, while watching a film in the darkened room, Bain, who was sitting beside the boy, put his hand down the boy's trousers and fondled his penis for about five minutes. On another, whilst playing a game on Bain's computer, Bain sat next to him, unzipped his fly and

297 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.29, paragraph 165.

exposed the boy's penis, which he then masturbated to ejaculation. Bain then offered to lick up the ejaculate; the complainer however said no, and Bain then cleaned him up with a tissue.

The complainer in charge 20 began at Keil in 1991 when he was 12. Bain taught him and, in the evening, allowed him into his lab where he would help pupils with schoolwork and give them biscuits and sweets. Bain also took him, and others, on hillwalking and cinema trips, and afforded pupils access to his private flat within Islay Kerr House. During playfights, Bain would grab the complainer in charge 20 in a bear hug from behind and pull him down to a sitting position on his lap, so that the complainer would end up on top of Bain in a spooning-type position. The complainer felt something hard pressing against his buttocks through his clothes which he understood was Bain's erect penis.

The complainer in charge 23 was at Keil between 1988 and 1994. A full-time boarder, he never lived at Islay Kerr House but did visit Bain's flat there. During such visits Bain allowed pupils to use telephone chatlines. On one occasion the complainer approached Bain seeking access to his pocket money. Bain said he did not have sufficient funds but then put some coins in the boy's trouser pocket and briefly touched and jiggled his testicles. Bain also watched him along with other boys in the showers.

The complainer in charge 24 was abused twice by Bain between August 1996 and June 1998 when he was 11–13 years old. He was first abused when in his bed in the dorm. Bain came in and sat on his bed whilst chatting to the pupils, which he did regularly. He then put his hand under the boy's duvet cover and masturbated him for a number of minutes. On another occasion, whilst in Bain's flat on his own and sitting on a computer chair, Bain knelt in front of him, lowered his trousers and underwear, and performed oral sex on him.

The final complainer, in charge 25, was a day pupil at Keil between 1996 and the school's closure in 2000. Bain taught him each year he was at the school and abused him between 1996 and 1999, when the boy was aged 11–13. Along with others, Bain took him to rugby matches at Murrayfield and would give him money. The complainer mostly liked Bain but sometimes felt uncomfortable. In class, Bain would on occasion put his arm around him, pull him in to his body, and then lean in and speak quietly into his ear. Bain made sexualised comments to him when they were in his car during his first and second year. Once, while being driven in Bain's car in Dumbarton, Bain told him about having a 'Mars Bar party' with a named female pupil the previous night. When the boy said he did not understand, Bain explained that it involved using a Mars Bar in the course of sexual contact with a girl. On another occasion, Bain described some particular practices involving faeces and tampons which, he claimed, were engaged in by gay men. Bain, on a different occasion, sucked his finger in front of the boy in a sexually suggestive manner.

Pupils' knowledge and suspicions of William Bain's activities

Pupils were aware, if not of the details of his abuse, that William Bain's behaviour was suspicious.

'Ferguson' remembered that William Bain 'was a bit different to the other teachers. He was probably the only one I felt I could have talked to if I'd wanted. He was always open to the young kids and super nice to them.

He would give us biscuits or whatever and I know now he was probably grooming us.'[298]

William Bain accepted, in evidence, that he would give children sweets and also money.[299]

'Tony' was a day pupil who was aware of boys' suspicions about William Bain:

> When I was in the first year at Keil School there was a rumour going around that Mr Bain had raped a boy in my year. I can't say if he did or not but it was picked up on generally that Mr Bain was creepy. I can't remember who told me about this. It was all around the school. I didn't speak to the boy about it, I wasn't that friendly with him. The boy was a boarder at the school.[300]

Also, whilst William Bain did not sexually abuse 'Tony', his behaviour towards the boy had sexual overtones and was wholly inappropriate. 'Tony' explained that Bain

> never sexually abused me but he was inappropriate. His behaviour would not be tolerated now. I think he acted inappropriately with everyone. He was very cuddly with me and he would make me sit on his knee … On one occasion Mr Bain was talking about which parts of your body have bones in them. He started talking about his penis. He said to me: 'It sometimes feels like it's got a bone in it' … At that age I didn't have the vocabulary to describe someone as a paedophile but I wasn't comfortable with what he was saying.[301]

William Bain himself accepted, in evidence, that he tickled children, that he was 'risqué with children', and that he used sexual innuendos.[302]

'Verity' remembered hearing about a comment he was said to have made about her to a younger boy: 'I bet she doesn't have to worry about her cherry not being popped.'[303] 'Verity' found him 'creepy' because he 'would sit on the table and gossip with pupils'.[304] Given the narrative of charge 25 on the indictment in 2025, it is open to question whether Bain's abuse of children was restricted to boys.

Headmaster's knowledge of and suspicions about William Bain's abuse of children

Against the background of all Bain's offending, in particular the multiple visits of so many children to his private flat, it is alarming that there were repeated assertions by some members of staff who provided evidence to the Inquiry that, as a small school with a family atmosphere, abuse would have been known of, yet, at the same time, those same teachers insist they had no idea of Bain's activities. That is, they had no idea of

298 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.51.

299 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, pp.87–9.

300 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, pp.117–18.

301 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, p.117.

302 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, pp.98 and 101.

303 Written statement of 'Verity' (former pupil, 1987–90), at WIT-1-000000843, p.13, paragraph 58.

304 Written statement of 'Verity' (former pupil, 1987–90), at WIT-1-000000843, p.13, paragraph 58.

the hundreds of occasions on which – on his own admission – boys were abused by him over more than a decade at Keil. That is difficult to accept, particularly when account is taken not only of the charges to which he pled guilty but also of the fact that a complaint about his behaviour was made in the early 1990s, certainly to the headmaster and, it appears, to others too.

The complainer in charge 9 on the first indictment (a charge in respect of which the Crown agreed to accept a plea of not guilty) gave a statement to the police. Part of his statement was read to William Bain when he gave evidence to the Inquiry:

> When I first met Bain, he freaked me out a little. I can't really say why but I just felt a little on edge around him. On one occasion during first year a few of us kids would be allowed into Mr Bain's physics lab out of hours. By that I mean after school hours. It was just something to do. We would play with the equipment or use the computers that were within the lab. However, I distinctly remember there being a period of time in first year when the lab was always locked and the blinds were always closed. The rumour around the kids in the school was that Mr Bain was in the lab with a boy … but it was just a rumour at the time although I remember on an occasion I chapped the door of the lab, Mr Bain answered it and seemed flustered. He popped only his head round the door and said the lab was closed and closed the door and locked it.
>
> …
>
> During my first three years at the school there were a few occasions that Mr Bain had been inappropriate with me … There was an occasion whilst in the second year so I think it would have been in 1989. I was in the physics lab out of hours and Mr Bain was there. I'm not sure if anyone was there. Mr Bain was sat on one of the high stools with his legs together. I think I walked past him and as I did so he grabbed me by both arms near the top of my arms and pulled me towards him so that my back was pressed against his chest. I almost straddled over his legs. My bum was pressed against his groin area and I immediately felt an erection against my buttocks. I have been asked how I know it was an erection. I can say that it was the centre of his groin and I am fully aware of what an erect penis feels like. He was pulling me tight against him and was moving me about so that my buttocks were rubbing against his penis. I tried to pull away and he eventually let me go.
>
> …
>
> Mr Bain would often come up behind me and massage my shoulders and often he would take hold of two of my fingers and rub his hands up and down them simulating masturbation. This happened numerous times to me throughout second and third year … It is in my opinion certain that Mr Bain is being inappropriate with other boys at the school because I watched him tickle, play with other boys the way he had with me.[305]

However, crucially, the complainer went on to add that:

> Towards the end of third year, Mr Bain gave me £10. I was sat on the school steps and he sat down beside me and gave me the £10 note. There was nothing said, I just took it. I remember after this spending the money maybe in the local shop.
>
> A friend at the time asked where I'd gotten the money. I told him and I actually found myself

305 CFS-000000665, referred to at Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, pp.92–8.

The conduct narrated is wholly in line with the ways in which he admitted he had behaved sexually towards children.

> going on to tell him everything that Mr Bain had done to me. The other boy said I should report it to the school but it had been going on for so long and I was so embarrassed by it that I couldn't. However, the other boy did. I … was summoned to Mr Tongue, the headteacher's office, and asked to provide a statement about it. I remember I didn't detail much in the statement because I don't think I was ready to discuss it, particularly not with one of Bain's colleagues. The other boy provided a statement too, and from that point on I no longer had Mr Bain as a teacher. However, my life became very difficult at the school after this as my housemaster was friends with Mr Bain and he took great offence to my report and bullied me constantly. Further, he allowed other kids in the school to bully me. My time at the school became very difficult. At the end of my third year I told my father at the request of Chris Tongue a little of what had happened to me and my father met with Mr Tongue. He was told that what I had reported was naughty, but couldn't be corroborated and so the matter should be dropped.[306]

As I have noted above, William Bain accepted that he gave money to children at times, and the conduct narrated is wholly in line with the ways in which he admitted he had behaved sexually towards children. I have no reason to disbelieve that complainer's account. The headmaster, Christopher Tongue, was told about the abuse in that narrative by two pupils.

Christopher's Tongue's knowledge is confirmed by the boy's father who was, at that time, a military officer. He reported it to the police:

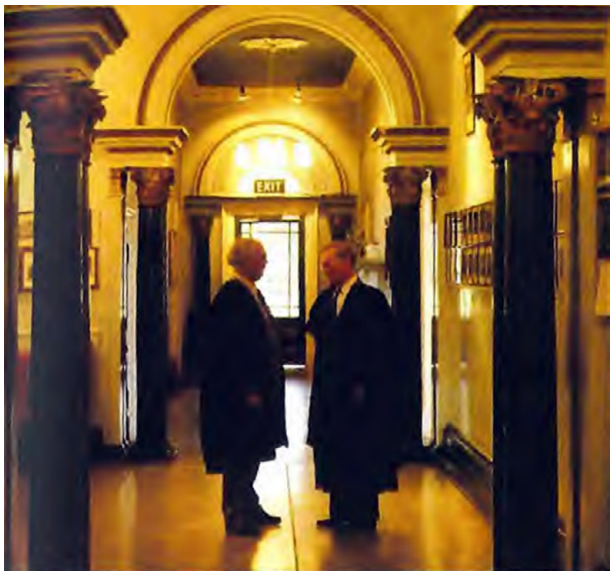
> In 1992, I think, it was at the end of the semester and I attended at the school to collect [my son] … he seemed unsettled and concerned about something. When we got home I asked him what was troubling him. He eventually told me that a teacher at the school called Mr Bain had touched him. I asked him for more detail and he mentioned that Mr Bain had rubbed the top of his leg and made him feel uncomfortable. He then went on to say that Mr Bain had offered him £10, which I took that Mr Bain was trying to buy his silence. [He] said it happened on the stairs at the main entrance to the school. I didn't push him more on what happened but decided to report it to the school. My wife and I attended the school almost immediately and spoke with the headteacher, Mr Christopher Tongue. Also present was Mr Patt [Trevor Pack] who was the boy's housemaster. I explained our concerns and Mr Tongue explained that the matter had been reported to him and the school had run an internal investigation, however there was nothing to support the allegation. He confirmed that the incident would remain on Mr Bain's record for the rest of his working life and I was happy enough with that.[307]

'Callum' also recalled this complaint, and Mr Tongue's investigation:

306 CFS-000000665, referred to at Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, pp.99–100.

307 CFS-000000896, referred to at Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, pp.95–6.

My friend actually didn't want to report it. One of the other boys made an issue out of it … I think it was probably reported to a prefect who felt he had to pass it to Mr Pack. It was taken out of my friend's hands … There was then some official process chaired by Mr Tongue. I had to go to speak to him because I was there when it happened, although I didn't see exactly what happened. I didn't speak to Mr Bain before any of this. He wasn't given any access to me. Mr Pack, my house teacher, did speak to me before I met with Mr Tongue. He gave me a lecture about telling the truth, quite aggressively, but I don't remember him trying to influence what I said or telling me what to say. I remember speaking to Mr Tongue quite vividly. He never asked what I thought had happened, only what I saw. I remember thinking that was quite strange. During the interview, it was just me and Mr Tongue … I do remember Mr Tongue writing notes. I felt very out of my depth. It was all very formalised. I had no opportunity to speak to my parents … and I don't believe the school contacted them to let them know I would be interviewed. After I was interviewed, I remember going to speak with my friend. I told him that I had reported to Mr Tongue that I saw him go off with Mr Bain, but I didn't actually see what happened. It was at this point that I knew something really had happened. I could see the utter pain in my friend's eyes. That image will stick with me forever. It was this look of fear, like he knew nobody would believe him. The whole thing was eventually brushed over. I think my friend got persecuted by some of the other teachers and Mr Pack. Mr Pack also seemed to have it in for me and the one or two friends I had. We only had to walk past him to get in trouble. I think he was very upset that a teacher's position had been challenged. That was the overall sense I got.



Housemasters Trevor Pack and Ian Graham

I remember giving a formal statement that was recorded in notes by Mr Tongue. What Mr Tongue did with those notes afterwards, I have no idea. I would have thought there would have been some formal process to record that information. Even if it was just to clear his teacher's name. My understanding is that, after the incident involving my friend was reported, Mr Bain went on to abuse another male pupil at the school. I believe that abuse was severe and terrible. You can imagine how awful my friend must have felt. Having not been believed, having been stood out to be a liar, he may have felt it perhaps emboldened this predator to go on and commit such heinous acts. I know I've often thought that; perhaps if I had said or did something differently to Mr Tongue the future abuse might not have occurred.[308]

The report by the boy's parents, the investigation, and the impact on him are further confirmed by 'Ferguson' who said:

I never reported anything, but my friend who had talked to us about Bain told his parents

308 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, pp. 21–3, paragraphs 85–90.

A complete absence of suspicion or concern seems highly unlikely given the evidence of others.

> … Apparently his parents approached Chris Tongue at the school about it, but apparently it got swept under the carpet. My friend told me at the time that they just made him out to be lying.[309]

He continued:

> I think from the boy it was made out as if there was some sort of misunderstanding or something, and he was told to go away and … was made out to have been lying and misunderstood … like I said, when something happens at the school, that sticks with you for the next six years, it's not going away, so he was made out to be unreliable and untrustworthy for the rest of the time he was at the school.[310]

Who else knew?

I accept these accounts make plain that the housemaster, Trevor Pack, was present with the parents and he certainly knew about the complaint. The question, then, is who else would have been told? The obvious person was the man described by staff as the powerhouse in the school, deputy headmaster Tom Smith.[311] He forcefully disputes having had any such knowledge, including a recent denial as reported by Rodger Harvey-Jamieson on the last day of Keil evidence. Rodger Harvey-Jamieson did, however, add that Tom Smith's memory 'is probably not perfect'.[312]

Tom Smith's account was, simply, that 'in my own boarding house, I was more directly involved in overseeing the work of my assistant housemaster, William Bain'.[313]

He went on:

> I am asked to look back and say whether I can be confident that if a child was being abused or ill-treated, it would have come to light at or around the time it was occurring. Until the accusations of abuse were made, I had never considered any real possibility of this.[314]
>
> …
>
> That I did not suspect and that no pupil alerted me or my colleagues is quite distressing and has seriously spoiled my wonderful memories of Keil. The police called it grooming, but I remain staggered that nothing came to light or was suspected by me.[315]
>
> …

309 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.30, paragraph 169.

310 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.50.

311 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, pp.14 and 54.

312 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, pp.75–7.

313 Transcript, day 245: read-in statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at TRN-8-000000038, p.72.

314 Transcript, day 245: read-in statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at TRN-8-000000038, p.80.

315 Transcript, day 245: read-in statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at TRN-8-000000038, p.81.

> I considered Mr Bain to be a bit overgenerous with his time in allowing children to be in his flat, but I had no concerns about abuse.[316]

A complete absence of suspicion or concern seems highly unlikely given the evidence of others, including William Bain's own evidence that he thought other staff must have had suspicions about him.[317] And as for the complaint itself, it also seems highly unlikely that Tom Smith, the powerhouse, would have been unaware of it. Martin Coombs, for example, said: 'I can conceive of it not being passed on to the generality of other staff, but no, I can't conceive that it would not have been shared amongst those with a need to know.'[318]

'Those with a need to know' were, plainly, the senior leaders: essentially, Tom Smith and the headmaster of the day.

Angus Dunn agreed. He thought Keil 'a one-man band'[319] which was Tom Smith, and that *de facto* he ran the school when deputy to both Christopher Tongue and his successor John Cummings. Tom Smith's determined approach caused tensions with some staff. He 'ran everything and knew how everything should be run … [and] dismissed staff meetings as "griping sessions", by which I mean opportunities to complain'.[320] As a result staff 'tried to fit in with the culture, I think, and the culture came from one man'.[321]

If Tom Smith truly was unaware of any of Bain's activities, unaware of the complaint from parents, and entertained no suspicions about him, that only goes to show that Keil had appointed a man who was markedly naive to a position of considerable power and responsibility. Whichever way one looks at it, Keil's systems and individuals in positions of responsibility failed the children who were in their care.

Keil's systems and individuals in positions of responsibility failed the children who were in their care.

Robert Evans had the impression that Tom Smith was opposed to teachers joining any union so he kept quiet about his own union membership: 'I would be made to feel uncomfortable or there'd be some – retribution would be too strong a word, but it wouldn't be appreciated that I was a member of the union … by Chris Tongue and Tom Smith.'[322]

As Robert Evans also explained, it was not only a matter of children being discouraged from reporting concerns due to there being a 'culture of distrust',[323] but 'staff, likewise, did not have trust in the Senior Management

316 Transcript, day 245: read-in statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at TRN-8-000000038, p.88.

317 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.89.

318 Transcript, day 245: Martin Coombs (former geography teacher and housemaster, 1991–2000), at TRN-8-000000038, p.145.

319 Written statement of Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at WIT-1-000000515, p.3, paragraph 14.

320 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.14.

321 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.15.

322 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.124.

323 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.151.

He would have expected to be told of a complaint of a sexual nature against a teacher.

Team because they would not take any relevant action or would attempt to hide it'.[324]

There is no doubt that the complaint against Bain and the subsequent investigation was covered up. Despite the assurances given by Christopher Tongue to the boy's parents it was, according to the relevant minutes, never shared with the governors. Moreover, when Christopher Tongue left to take up an appointment at St John's School in Surrey, it did not feature in the details provided at the handover which, as John Cummings recalled, 'was pretty comprehensive and I did meet up with him and obviously we talked through a lot of issues'.[325] That included staff, but he could not remember any concerns being raised about any teachers.[326] He would have expected to be told of a complaint of a sexual nature against a teacher, even if it was not ultimately taken forward, for 'you'd still want to know in terms of being observant and wary and if anything subsequently happened, it would obviously be of great significance'.[327]

John Cummings was generous in his description of Tom Smith, saying:

> My theory was very much if I was ill or knocked over by the Dumbarton bus, Tom would take over, so it was very important that he was aware of everything that was going on. He was a very good sounding board. I valued his judgement and very often would discuss matters with him just to clarify in my own mind where to go and what to do.[328]

It is unfortunate in the extreme that the information passed to Cummings was so lacking. If there had been a complaint against or cause for concern about any teacher, he needed to know. Despite the complaint, despite the obvious red flags regarding the way in which he conducted himself, nobody told Cummings anything about William Bain. That was a woeful failing by one or more senior members of staff. It is very hard to accept that neither Trevor Pack nor Tom Smith, nor the outgoing head, Christopher Tongue, could not have warned him. One or more of them certainly ought to have done.

Who had suspicions about William Bain?

Those failures are all the more remarkable since other teachers did have suspicions about William Bain, and it appears that red flags were there to be seen. Against such a background how could senior staff at Keil not have been aware or free of suspicions? When it came to child protection, either they were woefully inadequate and neglectful or they simply chose to remain silent because to do otherwise would harm the prospects and reputation of the school they were trying so hard to keep afloat.

Of William Bain, Richard Allen said:

324 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.152.
325 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, p.12.
326 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, p.13.
327 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, p.15.
328 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, p.16.

> Keil was his life. I found that puzzling. He never spoke about friends or family outside the school or of any activities he engaged in during the holidays. This did not make him particularly strange in and of itself. There were some very tiny signals coming from him and his situation that were strange, but nothing that one could have acted upon in those days … Bill did have looser boundaries with regards to pupils. For instance, he would have this open house where pupils could visit his small apartment after homework sessions and he also allowed pupils to use his phone in his room to make calls. This was all known by some of the staff, including the senior members, as Bill did not hide this behaviour. I cannot explain why I had tiny signals about his behaviour, perhaps it was intuition.[329]

Robert Evans was surprised that boarding staff claimed they knew nothing about Bain's activities because 'you must hear chatter, that if there's something going on – if you're doing your job properly'.[330]

He was on a walk with his wife and pupils when

> we came round the corner and there was Bill in a pair of speedos taking photographs of, I think, a 12-year-old boy who, from my memory, I can't remember his name but I would have put him in the vulnerable category … I can't remember the specifics, but because of his history I thought he was quite a vulnerable boy that if you were going to prey on someone, that would have been someone that maybe you would have picked.[331]

The speedos 'were like, as they term in Australia, budgie smugglers'.[332] His wife had previously seen Bain in skimpy rugby shorts and thought him 'dodgy'.[333]

He failed to report this discovery and regrets that now. I was not surprised at his regret – William Bain's behaviour was clearly inappropriate at the very least and a cause for real concern. Robert Evans said:

> I do feel guilty … because in this day and age I would have definitely reported it because I'd know at this point in time something would be done about it, and – but at that point … I don't think it would have been dealt with in a way that would have resulted in anything, because I knew people would say, 'It was just a hot day, a hot day in June, he's just there, what's the problem with that?' But to my mind it was suspicious at the time.[334]

He also said: 'I don't know, between that time and the time when he was jailed, I don't know how many other boys he's abused. And had something been done then, maybe other victims wouldn't have had to suffer.'[335]

Robert Evans thinks about this often and found moving onto a new school in 1995 like 'walking into heaven … Just that you felt that everybody there was basically on the side of the pupils rather than just being on the side of the school.'[336]

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329 Transcript, day 244: Richard Allen (former primary teacher, 1991–2000), at TRN-8-000000037, p.97.
330 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.178.
331 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.167.
332 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.167.
333 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.166.
334 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.168.
335 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.169.
336 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.174.

That powerful observation fits with what I am satisfied Keil had become by the latter part of the twentieth century. It is also of considerable moment that Robert Evans engaged with the Inquiry to provide evidence because he learnt from another teacher that Tom Smith was asking for submissions to be made that would cast Keil in a positive light and he, Robert Evans, 'didn't think it was right that someone, Tom Smith, should try and influence the Inquiry by asking other people to make positive statements'.[337]

I accept Robert Evans' evidence. He was a straightforward and credible witness who was fair and balanced; for example, he said: 'I mean, some kids had a good time there, most kids did, but there was obviously vulnerable children there who were – either suffered by the hands of their peers or, as we know, by … the hands of some of the staff.'[338]

Angus Dunn gave similarly compelling evidence. He thought that William Bain's extensive involvement with the boys suited the school and that he was a 'Pied Piper'.[339] He now sees such behaviour as grooming.

His concerns began when he 'saw Bain hug a boy … on the rugby pitches. When the boy complained William Bain said: "I'm sorry … it's because I love you so much".'[340]

He now sees such behaviour as grooming.

Angus Dunn told Trevor Pack, the housemaster, but nothing was done, which, in the case of Trevor Pack, seems to have been par for the course.

There were other signs. In his police statement in 2015, Angus Dunn said: 'There were rumours that Bill would allow the kids access to the loft area of Islay Kerr House and would purchase alcohol for the kids in his care'.[341] In evidence he confirmed that if he said that to the police – as he did – 'it must have been the case'.[342]

As for giving sweets to boys, Angus Dunn said it was 'common knowledge' that William Bain bought boys sweets but that 'was so un-Keil'.[343]

He recalled that at the close of a cricket session a pupil asked him 'why it was that Bill lost interest in boys as they grew older'.[344] This was in 1995 or 1996 and by that stage he had 'made up [his] mind that Bill had

337 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.176.

338 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, pp.176–7.

339 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.39.

340 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.41.

341 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.42.

342 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.43.

343 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.51.

344 Written statement of Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at WIT-1-000000515, p.15, paragraph 82.

sexual desires for young teenage boys and I didn't want to discuss it with the boy who was talking about it at the cricket nets'.[345]

He also had concerns when he found that William Bain had been photographing boys in rugby changing rooms as part of a rugby montage display. He saw William Bain obviously aroused on one occasion when taking rugby. Again, he told Trevor Pack who just said: 'Oh'.[346]

After another rugby practice Angus Dunn was walking back with Tom Smith and said to him: '"I'll get you up The Hill"' to which Tom Smith replied: '"No, I'll just stick around to keep an eye on Bill" … There is a thing where you're not meant to be in the same environment with a pupil without a witness.'[347]

In the second half of the 1990s he was marking work and found a jotter on which a pupil had written: '"Did you hear Bill Bain fiddled with …" and then names a pupil'.[348]

Angus Dunn was worried but didn't know where to go with his concerns. He was a young teacher and there was no obvious course of action open to him. He was surprised by and incredulous about the level of denial shown by his former colleagues.

Tom Smith made contact with him after he gave his statement to the police, phoning him and saying aggressively: 'What's all this I hear about you saying to the police that I knew about Bill Bain? I didn't.'[349]

He entertains reservations about his colleagues' responses. A combination of 'an omerta of silence about the situation', 'the vehemence of denial', and 'the little alarm bells that were ringing in my head, which would give me no reason to think they didn't ring in other people's heads' made him feel that staff, including himself, had failed to act when they should have done and whilst, in his case, he did not know what the man did, 'there were things that made [him] uncomfortable'.[350]

William Bain's own evidence

William Bain's overall response was to cast doubt on everything that was said by applicants, but he accepted that his memory might be poor and that the various forms of abuse described by witnesses would be something a child would have difficulty forgetting.[351]

Bain also accepted he used risqué language with children and used sexual innuendo,

345 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, pp.52–3.

346 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, pp.48–9.

347 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.50.

348 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.52.

349 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, pp.55–6.

350 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, pp.57–8.

351 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.96.

although he did not think it was unusual to do so even if in a position of trust.[352] He accepted he gave children sweets and money – 'it will have happened I'm sure'[353] – but he disputed giving £10 to the pupil quoted above and insisted instead that the child was 'the sort of pupil I tried to protect from bullying … vulnerable children'.[354]

I did not believe him; I accept that he gave the boy £10 after abusing him, as described in evidence provided by the child and by his father.

William Bain accepted that he abused children hundreds of times and that the children he abused were vulnerable. He eventually accepted that he was not being fair to the children he abused.[355]

William Bain accepted that he abused children hundreds of times.

He did, however, go on to say that he did not abuse children after 1995 because 'there was no demand'[356] and that, in relation to the hundreds of times he abused children, 'I always asked first if that was what they wanted'.[357] I found both claims incredible, and there is no question he sought to mislead about 1995 since his subsequent pleas of guilty related to offending at Keil up to 1999. They reinforced the inherently dangerous nature of his attitude to what was and was not an appropriate way to behave towards children. He did at least say 'to some extent it is true'[358] that he had groomed them. However, there was no limit to this extent, as his comment suggested. The reality was that grooming children was, for him, a regular habit.

William Bain also denied abusing children in any of the other schools he had taught at before or after Keil. That was another lie, as his admissions of having abused children at The Edinburgh Academy and Robert Gordon's College demonstrated. The reality, I am sure, is that he groomed children throughout the entirety of his career and abused them whenever the opportunity presented itself. He acknowledged in evidence having regularly taken children back to his rooms at Glenalmond College.

The evidence of William Bain about Keil School and thoughts for the future

Bain thought that 'other staff were not overtly aware of my behaviour, although I presumed they must have had similar suspicions about me as I had about some others'. He thought

352 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.102.

353 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.89.

354 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.101.

355 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.112.

356 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.113.

357 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.113.

358 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.114.

such suspicions would have existed, as indeed they did.[359]

He agreed that a parent complained 'during the last term of Chris Tongue's headmastership about my sexual behaviour … there were some investigations within the school and the complaint was withdrawn'.[360] Christopher Tongue had told him that, and he knew 'Chris Tongue did investigate it, but I don't know with whom or what he was asking or who he was asking'.[361]

He was clear that the senior leadership team did know. He said that with confidence and volunteered that Tom Smith 'was certainly aware because he sat in on the original meeting I had with Chris Tongue'.[362] He agreed that Tom Smith really ran the school and thought he could do so better than Cummings.[363]

He agreed that after the first time he harmed a child without discovery, he never really felt he would be discovered. Part of his reasoning was that everyone was so focused on keeping the school afloat.[364]

He also agreed, in relation to Keil's failure to keep or share details of the complaint against him, that concerns about teachers should be recorded – 'absolutely'[365] – and that training in residential care and child protection should be in place and children should have two trusted confidants.[366] He was correct about all of this.

Most fundamentally of all, he agreed he should never have been allowed to teach.[367]

Conclusions about William Bain

In isolation, I might have been concerned that William Bain was simply being malicious when he said that Tom Smith was present at the meeting when the complaint against him was discussed with the headmaster. However, given the tenor of all the other staff evidence, where there was unanimity that Tom Smith was the *de facto* head and driving force of the school under two separate headmasters, I find it inconceivable that he was unaware of the complaint made against William Bain.

Rather, I am satisfied that Tom Smith, Christopher Tongue, and Trevor Pack were all, to a greater or lesser extent, aware of the complaint but prioritised the protection of Keil's reputation. So it was that William Bain

359 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.89.

360 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.91.

361 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.92.

362 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.104.

363 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, pp.69–70.

364 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, pp.81–2.

365 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.120.

366 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.121.

367 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.122.

Two further schools employed a paedophile in ignorance of all the available facts.

was able to remain in the school's employment; he was, of course, useful to the school in that he was overgenerous with his time and helped with the day-to-day running. To use a colloquialism, he was regarded as one who would go above and beyond the call of duty. But the school was turning a blind eye to the fact that, in the case of William Bain, going 'beyond the call of duty' included committing serious breaches of the duties he owed to children. The default position of the school was, it seems, to be prepared to risk harm to pupils for the sake of what was seen as the greater good of Keil.

Support for that comes from two sources. Firstly, Christopher Tongue's efforts to cover up the case of a 12-year-old boy whose hand was burned by a deputy chief, as spoken to by Robert Evans, and which caused the staff meeting to be remembered for its angry silences. And secondly, from the evidence of a former pupil who enjoyed his time at Keil and who remains supportive of the school and of Tom Smith. This was Craig Robertson, who said:

> Chris Tongue was always a visible presence, a real leader, and I think that all the academic success I saw during my time at Keil was based on his vision. I'm not sure he was all that honest, however. I think that if he was asked whether the school did a particular thing the answer was always 'Yes'. I think he was a salesman and, although this is only my opinion, I think it is conceivable that he would have protected the school's reputation if he thought that was for the greatest good.[368]

The failures in alert, engaged, and responsible leadership on the part of Christopher Tongue, Tom Smith, and Trevor Pack were disgraceful. The decision not to record the complaint, as had been promised to a boy's parents, and to choose not to share it with John Cummings, Tongue's successor, was inexcusable. This allowed William Bain to continue abusing children and to move on without difficulty in 2000 following Keil's closure. It meant that two further schools employed a paedophile in ignorance of all the available facts. Members of staff at Keil remained in the dark, with 'no idea of what Mr Bain was up to', and Mary Duncan 'even wrote him a positive reference'.[369]

Tragically, the failings continued with John Cummings who, however well-intentioned and successful at achieving some positive change, made dangerous assumptions about the welfare and safety of pupils. His statement to the Inquiry included that

> being a small school with a tight-knit community little went unnoticed. It was not a vast campus and the mix of day and boarding pupils meant that boarders did not live in an isolated or remote bubble. The parents of day pupils were in and around the school every day. I had an open door policy with frequent visits from staff, pupils, and parents. Visitors invariably commented on the open and

368 Written statement of Craig Robertson (former pupil, 1991–8), at WIT-1-000000122, p.6, paragraph 22.

369 Transcript, day 244: read-in statement of Mary Duncan (former art teacher, 1975–2000), at TRN-8-000000037, p.61.

> friendly nature of the school. For those reasons and because staff and pupils were alert to those who were unhappy and not thriving, I was confident that nothing undetected would have been happening. I did not believe that abuse in the school during my period of employment could have occurred and gone undetected.[370]

He 'assumed that people who were involved in education and teaching were doing it for the best interests'.[371]

To assert with confidence that no abuse would have gone undetected was staggering in its naivety. Reflecting when giving evidence, he was frank about what he had missed. He agreed that William Bain's habit of having pupils back to his room was a red flag: 'Yes, it is naivety, I suppose. And with hindsight, certainly.'[372]

When asked if Keil was a small school trying to do too much, which meant a paedophile like William Bain could operate undiscovered for years, he accepted 'perhaps shortcuts were taken. And they were taken, yes.'[373]

John Cummings was clearly appalled at what he had missed and was willing to learn from his mistakes. That is crucial and to his credit. I was even more impressed by two other teachers of the period who showed such admirable candour.

One was Robert Evans, who chose to close his evidence by saying: 'I felt guilty that I couldn't say anything, or I didn't say anything at the time, and that pupils who have suffered should have, from us, an apology or an understanding that we are responsible for that.'[374]

The other was Angus Dunn. As I said to him at the conclusion of his evidence, I had the clear impression that he understood that 'it's all about doing the best for children now and in the future and recognising how the best was not done for all children in the past'.[375]

Sexual abuse by members of staff: David Gutteridge

David Gutteridge was an English teacher who worked at Keil between 1989 and 1991. In 2015 he was sentenced to 18 months' imprisonment at Harrow Crown Court for two charges of indecent assault of a teenage boy in the 1980s. The offences were committed in England prior to his arrival at Keil. There was no direct evidence of any active abuse by David Gutteridge within Keil, although William Bain, in evidence, did suggest that he was aware of rumours. He said:

> I did not directly hear of him abusing children, but there were rumours circulating. I would hear comments from other children about him. The comments would not be anything specific. The comments were to me by the children and I would also hear the children talking about it amongst themselves … I have no idea whether the management took action with regards to the rumours.[376]

370 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, pp.42–3.

371 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, p.45.

372 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, p.46.

373 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, p.51.

374 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.179.

375 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.59

376 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.85.

William Bain did not take action, because, as he explained, there was no mechanism at Keil to do so, the rumours normalised his own behaviour in his mind, and it suited him to have attention drawn elsewhere.[377]

What is certain and in line with David Gutteridge's previous offending is that he groomed and pursued a boy who was vulnerable and desperately unhappy when he was a pupil at Keil. The pursuit continued after that boy's parents had decided to move him to another school. Unlike William Bain, who impatiently took advantage of pupils whenever possible, David Gutteridge was content to take his time and engage slowly.

'Dan' spent a year at Keil when he was 14, having come from a school where 'they did try to look after you and keep you safe and protect you … and … did a good job generally'.[378] In stark contrast, he was unhappy throughout his time at Keil, where he experienced abuse perpetrated by older pupils. The only thing that

> kind of was a slight comfort was that there were two teachers, 'Richard' [Mr Gutteridge] and Mr Bain … who did offer support, and basically pretty much made themselves available for me when I needed it … I offloaded at times and thought, you know, wow, these people are actually maybe not as bad as I thought … They appeared to be interested, they appeared to listen, they appeared to want to be there for support. Oh, how potentially wrong I could have been, or I was.[379]

William Bain abused many children at Keil, though they did not include 'Dan'. David Gutteridge manipulated and sought to control 'Dan'; he groomed him while he was a pupil at Keil 'by informing me that if I wished to go up to his flat in the main building out of hours, as in out-of-school classroom hours, that basically I could go up to his flat and sit and chat. Which I did on numerous occasions, from what I can remember.'[380]

When David Gutteridge discovered that 'Dan' was leaving, he took immediate steps to secure continuing access to him and to his family home, saying he had never been to that area so 'perhaps if I am at a loose end in the summer holidays I can come up and you can show me around?'[381]

'Dan' left contact details with David Gutteridge, who phoned and asked if he could visit. 'Dan's' parents invited him for lunch. 'Dan's' parents were, as he recalled, 'uncertain as to what the situation might or might not be, that perhaps something was wrong or uncomfortable'.[382]

Their sense of unease proved to be justified.

Their sense of unease proved to be justified. After lunch 'Dan' went with David Gutteridge in the latter's car to show him the local countryside. Gutteridge stopped the car in a lay-by and

377 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.86.
378 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.67.
379 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, pp.71–2.
380 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.86.
381 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.87.
382 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.88.

> leant across in front of me and went into the glove compartment … From there he drew out two adult magazines like *Men Only* or *Fiesta*, that sort of title. He informed me that I should read them or look at them, whichever you want to call it. He then grabbed my hand and whilst doing so said: 'Have you got a hard-on yet? I have.' He put my hand in his lap and went to put his hand in my lap. I don't know if he had an erection or not. His trousers were done up and so were mine. There was no contact with flesh. I can't remember exactly my initial response but I think I said: 'I think it's time to go.' Or something to that effect. He did oblige in turning the car round and heading home.[383]

David Gutteridge left at least one of the magazines with 'Dan' and departed, but he did not give up his pursuit of the boy. He made regular contact with him thereafter, by which time Gutteridge had left Keil and moved to the south of England and 'Dan' was at his next school – also a boarding school. The contact continued until 1993, when 'Dan' was 17. There were letters and phone calls. 'Dan' thought that 'when it came to the letters, I would say over the course of the two-year period that I probably received approximately a dozen, maybe slightly more than a dozen letters'.[384]

As 'Dan' recalled there was a consistent theme, which was that

> he wanted to have a gathering, a party of some sort, obviously I was underage for drinking and all the rest, but that didn't seem to obviously make any difference to him … He made reference to it frequently, but nothing obviously ever happened on that one because I didn't oblige.[385]

'Dan' explained further: 'I think there were a couple that came in that sort of fashion. I think actually the final one might have been a bit more aggressive than that … In the sense of, basically – pardon my language – "Cut the crap, do as I tell you and get down here".'[386]

'Dan' became very distressed by the correspondence and told his housemaster. Senior leadership in the school 'Dan' attended after Keil communicated with David Gutteridge, including by letter in October 1993, by which time 'Dan' was 18:

> I am writing to make absolutely clear to you something which, to date, you seem not to have accepted; namely that ['Dan'] has no wish to meet with you, or communicate with you at all, either now or in the future. I find it extraordinary that you should continue to try to make contact with ['Dan'] in this way when he has made it apparent that such approaches are unwelcome. I do not intend to take this any further at this stage, but should you ignore this advice I shall be forced to contact your employer to explain the situation.[387]

'Dan' never returned to or made contact with Keil after he left, but his subsequent school did contact the headmaster of Keil at the time, Christopher Tongue. 'His initials were CHNT. I remember that because pupils had derived a nickname for him based loosely around those initials. I don't know if there was much correspondence back from Keil School … or if Mr Tongue ever sent a letter

383 Written statement of 'Dan' (former pupil, 1989–90), at WIT-1-000000513, pp.23–4, paragraphs 100–1.
384 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.92.
385 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, pp.92–3.
386 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.103.
387 Letter to David Gutteridge, 13 October 1993, at STR-000000008, p.2.

back.'[388] As in the case of William Bain, it seems likely that Christopher Tongue did nothing and there are no available items of correspondence or minutes of meetings to assist.

The first letter was sent by David Gutteridge to 'Dan' during the first term the latter was at his new school in 1990 so there is no doubt that this chapter of the abusive grooming practices to which he subjected him began while Gutteridge was still working at Keil. It makes reference to the meeting at the boy's home: 'Thank you for my guided tour … Can you come south the weekend before Christmas? I'm having a party Saturday 19th, and there's the cathedral special Christmas carol service on Sunday 20th.'[389]

Underneath David Gutteridge's name were three kisses, though 'Dan' thought those may have been added as a joke. He did keep the postcard, however, because of 'the three attractive bodies'[390] depicted on it.

In evidence, David Gutteridge accepted he made contact and then went for lunch. He denied any indecency in the car and that there were pornographic magazines there, though he did admit to having such magazines at home. His explanation for what happened in the car was that 'Dan's' 'behaviour had suddenly swung' though he was unable to explain why. He agreed that the fact that 'Dan' had given a similar account to staff at his school at the time might lend some credibility to Dan's account of events.[391]

David Gutteridge suggested he was simply interested in 'Dan's' wellbeing, although he did not share such worries with his new school. Initially he denied phoning 'Dan' there but backtracked.[392] He disputed being asked to stop contacting 'Dan' prior to the headmaster's letter in October 1993 but had to accept the words used suggested otherwise.[393]

In particular he denied putting pressure on 'Dan' to come to see him, but the terms of his correspondence cannot be read as anything other than putting pressure on the boy.

When it was suggested to David Gutteridge, when he was giving evidence, that sending a postcard of three naked women to a 15 year old in 1990 would fit with 'Dan's' evidence of him having porn magazines, he said grudgingly: 'I suppose so.'[394]

Reference was made to a letter David Gutteridge sent in February 1993 which included the following:

> No more excuses – book a Super Apex train ticket and come south for a few days either the week before or the week after Easter Sunday! We're not snowbound and it's sunny here. You can pretend you're in the South of France. But you'll not see naked ladies on the beach in April. However, I do have …[395]

David Gutteridge accepted it could be inferred that he was again referring back to the porn Dan spoke of being shown when in the man's car, and lamely suggested

388 Written statement of 'Dan' (former pupil, 1989–90), at WIT-1-000000513, p.34, paragraph 135.
389 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, pp.104–5.
390 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.106.
391 Transcript, day 246: David Gutteridge (former English teacher, 1989–90, house tutor, 1990–1), at TRN-8-000000039, p.162.
392 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, pp.163–4.
393 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.168.
394 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.173.
395 Letter from David Gutteridge, 28 February 1993, at STR-000000008, p.7.

that reference to 'no more excuses' was simply a way of opening a letter rather than demonstrating pressure and repeated earlier efforts to have him come south to stay.[396]

He also admitted an interest, 'maybe [in] older boys',[397] and recognised the similarity between 'Dan's' narrative and the indecent assaults he committed on a teenager in England. In that case, he groomed and abused a boy aged around 14–16. At the court hearing the judge was told that between 1987 and 1988 (i.e. shortly before he went to Keil) David Gutteridge was in the habit of inviting the boy, a family friend, to his flat at weekends, plying him with cigarettes and alcohol, showing him pornographic videos, and then abusing him.[398]

However, Gutteridge continued to deny that he had groomed 'Dan' in the hope of abusing him too. I did not believe him.

On the contrary, 'Dan's' analysis was accurate. He had thought David Gutteridge was an 'honourable gentleman who was there to help people and support people. I later discovered he was nothing of the sort. A sleazy, dirty old man.'[399]

That was confirmed on 4 September 2024 when David Gutteridge appeared at Forfar Sheriff Court and admitted, contrary to his repeated denials before me, a charge of indecent assault arising out of the events 'Dan' had described. Gutteridge was sentenced to 17 months' imprisonment and placed on the Sex Offenders Register for ten years.[400]

As I have already observed, I cannot, on the available evidence, do other than conclude that Keil did not act as it should have done when advised by 'Dan's' subsequent school of the conduct David Gutteridge had been subjecting him to. Whilst the latter school did actively try to protect 'Dan', it failed to alert the school at which Gutteridge was working at that time.

Further allegations of sexual abuse by members of staff

A female teacher

In the 1990s Keil employed a female housemistress. Minutes from 1995 suggest she was difficult to manage given that she was frequently absent without any obvious valid cause.[401] Martin Coombs, who had been employed as head of geography and a house tutor, was asked to take over the supervision of the girls' boarding house. He said:

> It rapidly became clear that she wanted the girls solely for herself and was trying to frighten other teachers away. I and other bachelors were seen as easy targets to warn off … During the subsequent couple of years I did hear of behaviour that made me think she was leaning on the girls emotionally, when they should have been able metaphorically to lean on her, but until she left I never heard of

396 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.170.
397 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.171.
398 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.174.
399 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.107.
400 See Appendix F for full details of the charge.
401 Keil School, minutes of meeting, 7 December 1995, at KSC-000000038, p.44.

> anything physical or otherwise that I could pin down as definitely inappropriate in any way.[402]

He subsequently heard suggestions she may have been inappropriate with female pupils but felt he had nothing concrete to go on.[403]

Interestingly, he also expressed concern about the teacher's arrival at Keil, when he agreed that troublesome teachers were passed on by schools as a means of resolving issues. He said:

> I think that probably happened with the female member of staff … mentioned earlier, when she came up from a much more exalted school down south, down in Kent, and everybody thought, 'That's a bit strange', but she passed it off by saying it made it much easier for her to get home to Dublin, but I suspect now, just guesswork, I suspect she was possibly eased out and given a good reference.[404]

In the absence of further information it is impossible to draw firm conclusions, but it does emphasise the need for a culture of open communication, honest references, and investigation of concerns, none of which were present at Keil.

Richard Allen

On one occasion in the late 1990s, a parent phoned the school and said that Richard Allen had touched their son inappropriately. Angus Dunn reported the matter to the headmaster, John Cummings, who told Dunn to leave it with him.[405] Richard Allen was called in to see him and Tom Smith and was questioned. He denied any impropriety and no further action was taken. On the evidence, I cannot find that any abuse took place.

Physical abuse by members of staff

A number of staff are remembered for their excessive and inappropriate use of corporal punishment.

Ian Graham – 'Guggs'

'Jayden' remembers Christopher Tongue telling his father that there was only a small element of corporal punishment at the school. He disagreed: 'The threat of corporal punishment was always present and how that punishment was used was random, depending on who was choosing to use it. Some masters didn't use it because of their values, and others used it with pleasure.'[406]

He remembers Ian Graham, known as 'Guggs', as one of the latter.[407]

> 'The choice of tawse depended on how sadistic the administrator was.'

While discipline in Islay Kerr House was enforced by the chiefs and the deputy chiefs, who gave copies, three copies in one week meant the housemaster would beat you. The impact on 'Jayden' was marked:

402 Transcript, day 245: Martin Coombs (former geography teacher and housemaster, 1991–2000), at TRN-8-000000038, pp.132–3.
403 Transcript, day 245: Martin Coombs (former geography teacher and housemaster, 1991–2000), at TRN-8-000000038, pp.133–4.
404 Transcript, day 245: Martin Coombs (former geography teacher and housemaster, 1991–2000), at TRN-8-000000038, p.147.
405 Written statement of Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at WIT-1-000000515, p.12, paragraphs 63–5.
406 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, p.103.
407 See also the section on Discipline in The Keil School regime chapter.

> He had a reputation for being a severe disciplinarian if you crossed him. He used the tawse. He had a whole collection of them lying around the room. … They came in different weights. Obviously the heavier it was, the more pain it would inflict. The choice of tawse depended on how sadistic the administrator was.
>
> You would be summoned to see the housemaster and, after being torn to shreds by him verbally, he would administer corporal punishment to your hands … When he was ready to beat you, he would say, 'Get them up'. You were required to present your hands and then put them together. He'd then ask you to put them higher, lower or whatever, which was all about control … Beatings at Islay Kerr weren't necessarily an everyday occurrence but they certainly happened every week.
>
> It wasn't uncommon to bump into someone who had just been beaten and was severely distressed and crying. We would talk amongst ourselves about the beatings … We'd talk about the number and severity of the strokes and what your hands looked like after … It was distressing for everyone when someone was beaten.[408]

He went on:

> I was beaten once by the housemaster for smoking. It was my first term just before Christmas … He gave me ten strokes of the tawse on my hand. Part of his routine was a practice known as slipping. He'd say that he had missed so it wouldn't count, but he didn't actually miss, he would catch you across the side of your hand. Being caught across the side of your hand by a really thick tawse is excruciatingly painful. It's almost more painful than being caught right on the hand. He knew he could get away with 10, 11, or 12 strokes, as some strokes didn't count because he'd missed. He got pleasure from it. That's sadism. Being beaten was like someone whacking a block of wood really hard across your hands. It was absolutely indescribable pain. It made your hand swell to twice the normal size and it was black and blue for several days. It was a serious injury he was administering.[409]

'Jayden' was also clear that Mr Graham's wife played a role in the process. She

> had a reputation for appearing at the door after you'd been beaten and she'd then berate you and shame you. She wasn't a nice person at all. She appeared when he beat me … I was really distressed … I couldn't open the door as my hands were so sore, and his wife appeared, opening it. That was the modus operandi. She would listen at the door to boys being beaten and would come in, excited from the whole thing.[410]

He made the point that beating did not need to be excessive and, as an example of it being 'done professionally', he referred to his experience of being punished for 'mucking around in prep':

> The teacher who did it was okay. He just had to do it and took no pleasure from it. He protected my wrists with a book … [and] took care not to bruise my wrists and didn't use excessive force. The indignity of the ritual was the punishment, as opposed to the physical pain.[411]

408 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, pp.103–4.
409 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, pp.105–6.
410 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, p.106.
411 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, p.107.

Other pupils remembered Mr Graham. 'Martin' was not belted by him but remembers the emotional harm caused by the anticipation and fear of being subjected to one of his punishments:

> Mr Graham … was a very keen belter … but I remember one occasion where he made me feel that I was going to get belted by him and I stood outside his door for three hours waiting to be belted and then he came out and told me to go away. It was quite a level of cruelty.[412]

'Angus' was belted by him and said:

> When I was in first year ... period 8 on a Monday was a private study period and wasn't allocated to a teacher. One of the kids was landed with being class monitor … If anyone misbehaved the monitor had the job of writing their names on the board. The next door class was [Guggs'] … He used to ask his class, which was third years, if he should go through and belt some of the first years. He would come through and belt those boys whose names were on the board. One time Guggs came through and there were no names on the board so he gave the monitor ten minutes to write some names up. The monitor went mad and wrote about thirty boys' names up on the board. In came Guggs and he gave every single boy three of the belt, one at a time. There was no reason behind it, it was just mad and the boys were all getting belted and coming out the classroom crying.[413]

'Angus' also 'heard of him giving the belt to half of the boys in his house because they laughed at him being chased onto the lawn by his wife who was wielding a frying pan'.[414]

Mr Graham's conduct in relation to punishments was extreme. It was abusive. On the evidence, Mr Graham went too far both within the houses and in the classroom. Further, everybody knew this but nothing was done about it. As 'Ferguson' said: 'Mr Graham was the Latin teacher and he used to throw a book at you or hit you with one. He was a scary guy.'[415]

I find it inconceivable that other members of staff, including other teachers, were unaware of his behaviour, and yet it appears to have been tolerated.

Other staff

'Martin' also remembered the housemaster of New House belting an entire dormitory because every boy had received three copies. He explained that the housemaster's excitement

> has never left me … he was shouting at us about our behaviour and how we'd let us all down and then one by one we received the belt and the injustice of that night has lived with me since … He had an unfortunate spittle that formed when he was excited and he was foaming at the mouth, yes.[416]

Even after corporal punishment ceased, 'Ferguson' described how some teachers still hit boys both in class and on the sports field:

> Things being thrown at me, hit with books or whatever. Hit with a whistle, stuff like that … I would think something pretty minor. Probably … making a joke or laughing or – I would say horseplay … I'm lucky enough I have two kids

412 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, pp.30–1.
413 Written statement of 'Angus' (former pupil, 1975–80), at WIT.001.001.8633, p.9, paragraphs 47–8.
414 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.29.
415 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.28, paragraph 160.
416 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, pp.32–3.

> who are that age just now and I see – I can see when someone's truly misbehaving in a bad way. That didn't really happen at Keil, you know. Kids … were very disciplined. They weren't tearaway kids. The things they were being punished for, I wouldn't even – I don't think I'd even raise my voice to my own children now.[417]

He confirmed how harsh a place Keil was for so long and thought that it was only when John Cummings arrived that things changed. He considered that 'Tom Smith was just a pretty angry guy as well. Definitely not friendly in any way.'[418]

Physical and emotional cruelty were just part of the regime. 'Ferguson' thought the worst form of physical punishment was on a Monday morning: 'If it was considered we had disgraced the school by losing the rugby match on Saturday, we were all punished by the rugby coaches … We would spend the first hour of rugby training running up and down the steep hill in front of the schoolhouse until we were sick.'[419]

That was unduly punitive and harsh and, when used to excess, abusive.

The same can be said of the educational experience of 'Tony', a day boy, in relation to a technical teacher who 'had quite a violent temper. He was quite a bad character. I remember him being right in your face bellowing at you. He had quite a short fuse. If you weren't good at technical drawing he would blow up. He didn't have a good teaching attitude.'[420]

Response to evidence of abuse by members of staff

Rodger Harvey-Jamieson apologised on behalf of the Mackinnon-Macneill Trust. He recognised the school's many failings:

> As far as Mr Bain is concerned, which is perhaps the tip of the iceberg discovered by this Inquiry, absolutely horrified and dismayed that such activities could go undetected, unreported or occur at all within the nature of a private school. It is just beyond – it's beyond words. To that extent, may I say that the governors now wish to give an unreserved apology to all victims of abuse at Keil, which occurred at any stage as a result of Keil's failure to … conform with the basic systems and expectations and requirements extant at any time during the period of the abuse. So an unreserved apology to all victims in that measure is given. We are in contact with the Redress Scotland scheme to take that further.[421]

Conclusions about abuse

For far too long Keil was a school with inadequate senior leadership and a lack of even the most basic of child protection systems to ensure that children in its care were safe. Instead, the children were at risk of being abused and they were abused. Whilst I can well understand the pressures Keil was under, given its size, location, limited resources, fluctuating pupil numbers, and the competitive environment between it and other boarding schools, the need to protect children should never have been

417 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, pp.9–10.

418 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.11.

419 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, pp.28–9, paragraph 161.

420 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, p.112.

421 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, p.90.

compromised, yet that is what happened far too often. Keil is a remarkable example of naivety and false optimism trumping reality, with the result that children were abused and, in the case of William Bain, abusers had a free rein on a daily basis.

5 Abuse of pupils by other pupils

Introduction

Keil School was a school run to a significant degree by the pupils themselves in circumstances where they were not trained or guided in how to exercise their responsibilities appropriately. Nor were they properly supervised. Accordingly, there was a real risk of children being abused by those pupils who had power over them. That was almost inevitable.

The chiefs and deputies were responsible for maintaining daily discipline and order. Some of them did take their responsibilities seriously. However, others clearly enjoyed abusing their power. This happened in a school which was essentially spartan. Hardship was, at times, revelled in, and a 'stiff upper lip' was expected of its pupils. These factors all combined so as to facilitate physical and emotional bullying, with the bullies having no fear of adverse consequences. Further, boys who were 'sporty' generally thrived while those who were not, or were just different in some respect, were vulnerable and suffered.

Sexual abuse by pupils was limited.

I am satisfied that, on the evidence provided by past pupils and members of staff, the culture among pupils at Keil could be dreadfully and consistently abusive. It is particularly striking that in relation to the period between the late 1950s and the mid-1990s, the same themes recur. It was only from 1993, under the headship of John Cummings, that a softer approach began to be adopted. Abuse by members of staff still took place, however, and senior leadership at Keil remained naive, unrealistic, and misguided until the very end.

The culture among pupils at Keil could be dreadfully and consistently abusive.

Physically and emotionally abusive conduct perpetrated by pupils

Chiefs and deputies

Keil seems to have been unique in the extent to which discipline outwith the classroom was left to senior pupils. House staff were involved only infrequently, given the limited numbers of staff involved with the houses, the fact that their accommodation could be distant, the culture of the school, and, in some cases, a lack of interest.

Neil Lightbody, describing his experience from 1960 to 1964, said: 'An inadequate system of discipline caused a lot of trouble. It was conducive to uncontrolled bullying by the chiefs and deputies towards younger boys.'[422]

422 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.22.

'John' was a contemporary of Neil Lightbody and experienced the most extreme brutality from chiefs. Their disciplinary powers included 'peeching', which was corporal punishment, normally in the form of a beating with a rubber-soled shoe such as a slipper or plimsoll.

'John' explained that he had amassed 21 hours of Natural History and, as a result, was summoned to see the chiefs in their common room. That had never happened before, and his level of unease grew as he was told to wait in the chiefs' dormitory:

> And then they just called me back in. I mean, there wasn't any process, if you like. No due process. I wouldn't have known what that would have been at that stage, but that was it. They didn't even tell me what it was about, they just told me to grab the lower rungs of a chest of drawers … I knew it was going to be the peech … a chiefs' peeching.[423]

All 12 chiefs were to beat him, but because he began to struggle after six blows he was held down. However, he explained that his body 'just refused to go on with this process. I just started wriggling and they couldn't – they couldn't administer all the blows. So they simply threw me out of the common room. They opened the door and literally threw me out. I flew through the air, all six stones of me.'[424]

He continued:

> I think the only thing I can remember after that was that one of them told me to go and soak my backside in cold water to – to avoid the bruising … I was completely black and blue on my backside and couldn't sit down without pain for about a week.[425]

'John' also felt 'some degree of shame … I can't recollect how many blows I had, I lost count, but part of the honour system, if you like, would – my own personal honour, would have been to take all the blows'[426] in circumstances where 'the ethos of the day … was all about being manly'.[427]

That emotion – of a child feeling he was a failure if he did not take his punishment like a man – is poignant and indicative of both the Keil mentality and the level of physical abuse of those who were still children. It is hardly surprising that 'John' added: 'Since that day in the autumn of 1961, nobody has meted out such physical pain to me and I am still haunted by the memory of my experience.'[428]

'I am still haunted by the memory of my experience.'

'John' also experienced an incident of astonishingly cruel abuse when the chief responsible for the squad of which he was a member withheld his food in an extreme demonstration of the extent to which he held power over him. That chief

> denied me food for several days. Which I think, actually, psychologically was worse than the peeching in a way … I was putting this front

423 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, pp.81–2.
424 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.82.
425 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.83.
426 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.84.
427 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.94.
428 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.91.

> up that I could handle this, and I couldn't. You know, it went on day after day, where food was denied to me … maybe four or five days, which ended on a Sunday night. My parents had actually come and – and we went out on a Sunday afternoon and I didn't tell them … I then went back into school and found that food was still going to be denied … at evening dinner, and I think I had been softened up by the fact I'd met my parents and I just couldn't take it any longer. I just begged the chief to give me food. I can remember that. I just said: 'Please give me food', and my eyes started to fill with tears. I didn't break down or anything … that would have been a betrayal as well. I mean, I was sitting there in these four days, … I could have got up and gone to report this to the masters, and I didn't do that. They were just yards away. And the fellow that – the chief that was doing this to me, he knew that I would not do this. He just knew that I would not clipe. So you had to just get on with it. But when he saw that I'd broken, he'd broken me, food was given.[429]

The chief's abuse went further. Having been repeatedly denied food at mealtimes 'John' resorted to

> pilfering food from … the jams cupboard … [where] the boys … could keep their own cornflakes and stuff … so I would – my chief actually caught me, he caught me doing this, basically taking cornflakes and milk and giving myself something to eat, and he … gave me NH for deceit. And I remember at the time wondering – I wasn't quite sure, the word 'deceit' was just not in my vocabulary at all, but he gave me NH for deceit which I thought was just like a dagger.[430]

Peeching seems to have been phased out as a punishment as part of a wider attempt at review by John Widdowson when he became headmaster in 1976. 'Martin', a pupil from 1974 to 1980, said: 'he brought a completely different ethos. He was far more dominating as a figure … And the whole attitude of the school changed completely. Some of the disciplinary procedures disappeared, the informal ones. The formal ones still remained, but certainly not applied in the same way.'[431]

Peeching 'certainly became unacceptable, it was outlawed'.[432] 'Martin' thought it was used once more although it may have led to an investigation.[433]

'Martin' had already experienced the peech and other implements being used by chiefs:

> They were massive. So being hit by these fit young men was sore. To me I was being hit by a man … It was humiliating and cruel. It was a slipper or a training shoe on the backside. I had my bum bacon-sliced with a wooden ruler on one occasion.[434]

He also saw compasses and wooden-backed dusters being used by senior boys who were supervising prep:

> Some of them would get bored and if you were caught talking or reading a magazine or something like that, then you would be

429 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, pp.84–5.
430 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.86.
431 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.21.
432 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.39.
433 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.40.
434 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.44.

> punished and the punishment would be something like a compass run through your fingers at great speed or a duster for wiping the blackboard would be hit across your knuckles. I experienced that one as well. In fact I lost a nail on my right hand with that one.[435]

Sometimes a chief would go beyond what even other chiefs thought acceptable. 'Angus', who was at Keil between 1975 and 1980, said his second year was particularly difficult due to the character of the senior chief, who was a 'little Hitler':

> I spent more time – well, the whole school spent more time standing silent in their dinner squads in the gym than they probably spent in the classroom that year … Towards the end of the year, even the chiefs were starting to rebel against him. They'd had enough of him too.[436]

It is remarkable that although matters had reached that extreme – which must have been obvious – no member of staff intervened.

That inaction exemplifies Keil's approach to responding to incidents involving pupils. The process of change introduced by John Widdowson may not have been as smooth or straightforward as 'Martin' believed. In March 1979 a governor sent a document written by members of staff to the school's solicitors. It set out many concerns about the leadership of John Widdowson, including this account of the response to a serious incident involving injury to a pupil:

> In January 1977, a 3rd year boy … reported to doctor with 2 identical circular burns on thighs. Refused to tell doctor their origin.

Keil School library

> Doctor informed JBW [John Widdowson]. Housemaster not consulted. Instead JBW saw [the boy] and forced out of him the name of the (or rather 'a') boy responsible for infliction of burns with a heating element. Then JBW tells [the boy's] housemaster, IKDG [Ian Graham], who asks to be allowed to take over the matter. JBW said that owing to the seriousness, he would see the boy responsible and IKDG could then punish him. The boy told JBW a very coloured version, which JBW accepted, telling IKDG there was no call for severe punishment. IKDG told his House Chief, who within 5 mins supplied the names of the THREE boys involved. IKDG then had to spend over an hour finding out what exactly had happened. When IKDG ventured to suggest that JBW might consult him first in future, he was told that JBW had done all that could be done, and when told that dragging names from very weak boys was extremely dangerous, and house chiefs should be [asked] first, JBW promptly said that that was 'an abnegation of duty' and would have been quite wrong.[437]

The account suggests that Keil's day-to-day running was chaotic, indecisive, and blighted by dissent amongst members of staff, very possibly because they were so accustomed

435 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.42.

436 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.31.

437 Keil School, Correspondence between Frank Stewart (Murray, Beith & Murray) and Andrew S. Skinner (University of Glasgow), March 1979, at KSC-000000100, pp.6–7.

to leaving any problems to be sorted out by chiefs and deputies. A child had been seriously injured and referred to a doctor, yet open communication between members of staff was non-existent, there was no effective child-centred system in place to direct how to proceed, and the house chiefs, who should have reported the matter, had clearly felt under no obligation to do so.[438] 'Angus' explained that the incident was one in which a 'very quiet, softly spoken timid boy' was 'branded' by other boys on his legs and possibly also on his arms.[439] The interests of the child and protection of other children from abuse should have been the priority; instead, the focus was a spat between members of staff.

There was no effective child-centred system in place to direct how to proceed.

Whatever may have been the success of John Widdowson's efforts and those of his successors, it is clear that the reliance on largely unsupervised chiefs and deputies to maintain discipline did not really change for another 20 years. 'Tony', a day boy in the late 1980s, said:

> The chiefs were sixth-year pupils and the deputies were fifth-year pupils. They were mostly huge guys who played rugby. They all had the remit of disciplining the younger kids. It was mainly beatings or dead arms. Most of them were very handy with their fists and their feet … most of the chiefs took delight in the enforcement of the rules.[440]

He recalled that the 'first time that happened to me, I was quite shocked by how painful it was and I cried. Violence was routine. You weren't getting broken bones but getting hit or pinned down was quite common.'[441]

He complained to his parents after he was assaulted by a deputy at assembly who

> would have been in fifth year. He was a big rugby player. At assembly the chiefs and deputies would stand on benches at the side. As a reprimand for him perceiving me to be mucking about, the deputy jumped off the bench and kicked me in the back and I went flying. It wasn't so much that it was sore but it was embarrassing. He shouted to me, 'Get back in fucking line'. It may sound like a relatively trivial incident but I was just a wee boy when that happened and it has had a major impact on me.[442]

His parents, in turn, complained to the school, but nothing was done.

The evidence of 'Ferguson', who was at Keil from 1988 to 1995, demonstrated how little had changed 30 years after 'John' and Neil Lightbody were pupils there. He said:

> The school was run by the prefects and they did so brutally. They would say that we had it easy, that we should have seen what had been done to them and I can understand that now. They were beaten up for three years and so it

438 The evidence of 'Angus' suggests that eventually, the boy's assailants were expelled. See Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.38.

439 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.38.

440 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, p.111.

441 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, p.119.

442 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, p.118.

> then became their turn to do the beating. The teachers had given away their responsibility for discipline and for looking after the boys.[443]

He suffered his food being withheld or adulterated because of the example set by chiefs, whose cruel abuse was copied by younger boys:

> You were really at the mercy of the prefect or the person at the top of that squad or table … my first three years, yeah, you might get food, you might not get food. The portion size you got was up to them. They would serve out the food at the top and pass it down the table, so – and then anything could happen in between as well, so you might have annoyed someone in the squad halfway down and you'd get what you got at the end.[444]

'Ferguson' noted that food could be added to: 'Spitting on it, putting it in a teapot – they used to have these big hot metal teapots, stainless steel things. I've had my food crushed, I've had, yeah, a tonne of salt, you name it, we had it.'[445]

'Ferguson's' experience both when on the receiving end of having 'the absolute shit kicked out of' him for four years and when responsible for discipline when he was a senior pupil confirmed that the discipline administered by boys was not supervised by the 'adults there who should have been looking after the kids'[446] and was, essentially, a means of bullying in circumstances where regulation and guidance were missing:

> I don't think there was official or unofficial. When I became a prefect, no one said, 'You can do this or you can't do this or here's the rules around how we discipline people'. There was nothing like that. I was never sat down and talked to and said, 'This is acceptable, this isn't.' Punishment was pretty much whatever the boys wanted to do.[447]

That had a profound effect. Bullying behaviour was learned and passed down through generations of boys. 'Ferguson' was candid about how that impacted him:

> Anything that was done to me … that was how we were taught, that's how we were nurtured, I guess, that's how we learnt to behave … I probably did the same for the last two years that I was there, the last three years that I was there. So – and I'm not proud of that, I'm not – I'm not happy I did that now. I've apologised to people that I did that to then.[448]

He provided some striking practical examples:

> I recall one boy being punished by a prefect after he had been caught messing about. He was made to stand holding two dumbbells in his outstretched hands. He kept dropping them so one of the prefects went up and punched him in the stomach. The boy just collapsed on the ground and vomited.[449]

> Another boy was forcibly put in a luggage trunk by a prefect and flipped end over end, up and down the dormitory in Mason House

443 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.24, paragraph 134.
444 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, pp.17–18.
445 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, pp.17–18.
446 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.37.
447 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.36.
448 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.37.
449 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.26, paragraph 148.

> for about an hour. When he was eventually let out, he started shouting and screaming so the prefect punched him and knocked him out.[450]
>
> I recall a prefect being asked to leave after he beat a boy so badly that several of the boy's bones were broken. The boy was in his third year and the prefect would have been at least a couple of years older, but he wasn't expelled, just asked to leave.[451]
>
> If anyone made any noise, the prefects would punish us and I remember an occasion two boys were. They were put in big black bins that were filled with cold water and made to stand in them. That never worked so they were told to hold their hands out and the prefects held a lighter flame under their hands, burning and essentially torturing them.[452]

'Herbert', at school in the same period, echoed 'Ferguson', adding:

> Other punishments included being made to stand outside, next to the 'midgie' bush, in nothing but your boxers or being made to hold your hand over the spout of a boiling kettle.
>
> If you didn't do what the chiefs told you, you got the shit kicked out of you … Someone was always on the receiving end of it. On one occasion, I got my lip split open by a prefect throwing a bin at me. I had to be taken to hospital by the matron, I think.
>
> I can't speak for the teachers and housemasters, but I think they probably did know about the bullying that went on. It certainly wasn't hidden.[453]

There were, in fact, some teachers who had concerns regarding the behaviour of some of the chiefs but could do little to change a culture that was so set in its ways. Robert Evans recalled that early on in his career at Keil

> a couple of first-year boys came to me and said they were being bullied by the chiefs, so I felt that I should report that to the housemaster because we have a duty of care for the pupils, and Trevor Pack was the housemaster and me reporting it to him, I don't think it was particularly welcome, me telling him how his chief should behave and in the end I don't think it was particularly beneficial for the pupils who had made the complaint to me.[454]

Change was eventually effected, before 'Ferguson' left the school, when

> Mr Cummings took over as headmaster, which meant … I couldn't tell any of the junior boys what to do. I couldn't make a younger boy do my laundry or carry my books. I thought it was a good thing, but then I'd been in that culture and it almost didn't seem fair that I wasn't going to have my turn.[455]

450 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.27, paragraph 149.
451 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.27, paragraph 150.
452 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.27, paragraph 153.
453 Written statement of 'Herbert' (former pupil, 1989–94), at WIT-1-000001489, p.9, paragraphs 34–6.
454 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.118.
455 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.38.

Everyday bullying

Bullying amongst the boys was common, no doubt worsened by the normalisation of such behaviour by their senior role models, although 'Jayden' thought the whole school was abusive because 'there was bullying from masters to boys, prefects to boys, and boys to boys. Some of it was accommodated by masters, but would be challenged if it went too far.'[456]

That is certainly borne out by applicants, though, as in all schools, I accept that there were pupils who escaped being abused. Nevertheless it was, on any view, a challenging environment, as was evident from what 'Jayden' experienced as soon as he arrived there:

> In my first week you had to muster in the gym for assembly in the morning after breakfast and muster again before every meal. You'd arrive in the gym to this kind of scene of boys everywhere all shouting and fighting. It was really quite scary and shocking. Suddenly I was in this environment of all these guys of different ages going through this socialisation thing. You had to cope with this high stress, quite violent situation where guys were kind of pushing your boundaries and trying to psych you out. You had to command your space, stick up for yourself, be assertive and also be nice at the same time. This was the scene until they did a roll call and we'd get into our lines of squads and traipse through to the dinner hall.[457]

That might have been bearable for confident and robust children, but for those who were not, it was intolerable, made worse by the elevated status accorded to rugby and those who excelled at it. As 'Angus' noted: 'If you were in the First XV rugby players or in the "A" class you had nothing to worry about, but if you were in the "B" class with all the nasty little thugs, your life would be a misery … My life was a misery most days.'[458]

'Jayden's' description of the award of socks for playing in the First XV sums up the Keil mindset:

> It involved taking a beating from the whole school. I saw this happen in the first week. The bravado of taking a beating meant that you deserved your socks. You were supposed to command respect if you had your socks. That was the culture. The masters would go out when the beating was happening. They knew it was happening. It was a school ritual. You weren't supposed to break bones, but it wouldn't be pleasant. There probably wouldn't be any tears, but the boy taking the beating would get hurt.[459]

'Ferguson' explained that:

> If you were good on the rugby pitch, then I would have definitely said school was a lot easier. But then as well, rugby isn't the game that you see on the television now, so you need to rewind your mind back to what rugby was then. … It was a brutal sport … I couldn't play because I'd had my concussions and stuff eventually, and I had to go and coach kids, you know, and I was coaching the kids to be just brutal rugby players.[460]

'Angus' summed it up this way:

456 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, p.100.
457 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, p.101.
458 Transcript, day 244: 'Angus' (former pupil, 1975 -80), at TRN-8-000000037, pp.24–5.
459 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, pp.101–2.
460 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.25.

> There's always a sector in any year, there's a few boys who are – they don't fight, they're quieter, shy or whatever. There's always going to be the hierarchy in the year and the lowerarchy, and in between, just above the lowerarchy, you have the bullies and the tough boys and so on, but there's at least two or three boys in my year that were like me and had a rather unpleasant time, shall we say, and were the butt of the bullies because … the bullies knew that they wouldn't fight back.[461]

That was borne out by 'Martin' who thought the number of bullies and those being bulled was relatively small. Those who were bullied 'tended to be softer boys, for want of a better expression'.[462] Another way of describing it would have been that those who were bullied tended to be different; as was experienced by children in other boarding schools, differences were a trigger for abuse.

Those who were bullied tended to be different.

'Ferguson', for example, was bright with a high IQ and 'was bullied relentlessly that first year. I was different in that I was into electronics and computers, I built models and electronic things and I was picked on for that. I was also into football, not rugby, and I got picked on for that.'[463] In fact, 'anything at school, the way you wore your clothes, the way you wore your bag, anything like that, any – anything, anything, you'd get picked on for anything'.[464]

'Dan' was mocked because he spoke without a west of Scotland accent and because 'I just didn't fit in. They hated me. They bullied me. They didn't understand me … I think it was basically verbal.'[465]

Such harsh and unkind emotional abuse was consistent throughout the decades covered in the evidence. Neil Lightbody said:

> Any form of peculiarity or strangeness or otherness or difference between the individual and the other boys or that seemed to contravene some notion held by the school was just a kind of open licence for a particular person who set himself up as a bully and derived enjoyment from inflicting misery on others.[466]

Rugby mattered too much:

> There seemed to be the idea in that school that in your squad, your table, every single person around that table should be active in some rugby team or other. And I wasn't in a rugby team so I was conspicuous. And I was also apparently friendless because in a rugby team there's a certain sort of camaraderie, a friendship, people help each other out. If you weren't in a rugby team, you might have difficulty in establishing friendships. You might have difficulty in finding somebody who would be sympathetic to speak to if you were in difficulty. You might have difficulty in finding somebody to help you if you were being threatened, because a great deal of bullying is to pick an individual who has nobody at his elbow to support him.[467]

461 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.35.
462 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.47.
463 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.26, paragraph 147.
464 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.41.
465 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, pp.79–80.
466 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.6.
467 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.25.

'Over the two years I was at the school I was subjected to violent abuse every week.'

That meant that in his first year he was 'subject to all the unspeakable miseries of being abandoned in a hostile place with no friends and apparently other unfriendly young boys'.[468]

His misery ought to have been noticed and acted upon, but that was not the Keil way. Instead, as his contemporary 'John' described, 'Keil School … was an unkind environment. It was a brutal existence being at a boys' boarding school.'[469] And: 'There was no love and there was nobody who could be considered approachable. You were supposed to just bottle any emotions you might have felt. Anybody that didn't would be despised.'[470]

He gave an appalling example of what that could mean in practice:

> An egregious case of bullying took place in the first year of my attendance in the session 1959 to 1960, involving a boy [whose] parents were in colonial or other service in Africa. The boy formed part of the intake of new boys into second year and we all slept in the upper dormitory of Mason House.
>
> For some reason he attracted the attention of the older boys in fourth year. One day a report came back to me from inside the school that some fourth-year boys had taken him up to their dormitory, housed in the tower of the main school building, and subjected him to the 'dumdum'. This involved beating his chest with a large Victorian doorknob until it swelled up to an inflamed state. The same boys also 'blackened' him, by smearing black shoe polish and pouring wet or dry porridge over his genital area.
>
> The report of the incident left such a mark on me that I was fearful of climbing the wide stairs to the tower dormitories and it was only after I had entered third year that I climbed those stairs for the first time on orderly duty, and even then it was with an initial frisson of fear.[471]

Keil failed to protect a child who was isolated and far away from home and from his parents. It is deplorable that such unchecked violence and intimidation was able to be visited upon him.

The same climate of abuse persisted into the 1990s, as confirmed by witnesses from successive decades.

'Tony', a day boy, did not escape. He recalled that the showers were unhygienic and 'the level of horseplay went beyond what I would say was normal. Some boys would put bars of soap in the end of a towel and hit you with that, rather than just flicking a towel at you.'[472] He went on:

> I was bullied by a number of pupils who were violent. All of them were violent towards me, even if it was just giving me a dead arm. Over the two years I was at the school I was subjected to violent abuse every week,

468 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.27.
469 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.70.
470 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.74.
471 Transcript, day 247: read-in statement of 'John' (former pupil, 1959–62), at TRN-8-000000040, pp.54–5.
472 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, p.114.

> although I did everything I could to try and avoid it. I still feel very upset about it now.[473]

'Angus' was bullied consistently throughout his entire time at Keil and, if anything, it got worse rather than better as time passed:

> In first year I was never popular. I was small and fat and didn't fight back, so I was always going to be the one that got picked on. First year wasn't so bad, there was regular bullying, which didn't come as a surprise, but after first year, that's when we were segregated into classes. Most of the bullies were dunces and were in the 'B' class, but, although my reading and writing ability was bad and I had dyslexia to contend with, I had a reasonably high IQ. However, that … didn't stop me ending up in the 'B' class with all the bullies and thugs.
>
> I never ever showered at Keil after first year up until fourth or fifth year when I could lock the door behind me. I never let myself get cornered anywhere and I always gave myself at least two routes of escape. That's the way I saw it. You could get cornered in showers and the bullies would flick you with towels, give you a ball blacking and all sorts of things. Ball blacking is when they put boot polish on shoe brushes and then brush your tender parts.
>
> The bullies could be your own dorm mates. I just kept myself to myself and at night time I would curl up in a ball. If I didn't the bullies would throw rugby balls or rugby boots with metal studs at my groin or jump onto my bed and jump up and down on my groin while I was in my bed.[474]

'Angus' also explained that the last night of term would be particularly bad. It was an obvious trigger point, but nothing was done to control it: 'People saw it as open season, they could do whatever they liked because you couldn't get a copy for it because you had three days to get a copy back in. So by the last night of term, [they] could do what the hell they liked.'[475]

Even more striking was his description of the unremitting nature of the abuse at Keil and his inability to escape it:

> I didn't like school and I didn't want to be there. I was bullied all the time, 24 hours a day, other than weekends, you couldn't get away from it, there was no escaping. At an ordinary school, at 4 o'clock you would get out, but at 4 o'clock in my school you were back into class. Then all through the night, there was no break from it. They built up a fear within you, a fear of expectations, not knowing when, where or how it might come about.[476]

'Martin' echoed this, describing abuse that was unrelenting:

> There were some boys who revelled in treating younger boys badly. I remember when I was – there was a tuck shop just at the back of the old school and I remember some older boys holding a younger boy up, shaking all the money out his pocket outside the tuck shop. You know, these things went on. Even down to the nicknames that were given. Some people went through their whole school life with the most abhorrent nicknames and the behaviour that followed.[477]

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473 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, p.116.

474 Written statement of 'Angus' (former pupil, 1975–80), at WIT.001.001.8633, pp.10–11, paragraphs 53–6.

475 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, pp.39–40.

476 Written statement of 'Angus' (former pupil, 1975–80), at WIT.001.001.8633, p.9, paragraph 45.

477 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.45.

'Herbert' experienced truly appalling and cruel behaviour from other pupils, because he chose to take some treasured possessions to Keil. He learnt swiftly that was not advisable: 'I had my grandfather's violin from the war. I came back after a weekend, and someone had smashed it up. I also had a stuffed Roland Rat toy. One of the seniors ejaculated over that.'[478]

How profoundly dreadful life must have been for the boys who lived in such ongoing fear on a daily basis. And it is not hard to conceive of such behaviour taking place in the Keil boarding environment. Members of staff and senior leadership could not have been unaware of the risk, if not the reality, of children being abused, but they did not address it, and that remained the position until well into the 1980s. Maybe they chose to ignore it. Maybe they saw it as inevitable, particularly if they had experienced similar abuse at boarding school themselves. Maybe they found it too difficult to address. Maybe they just allowed the other demands and tensions of daily life at Keil to distract them. Maybe there were other reasons. Whatever the explanation, in the face of the abusive practices that impacted harmfully on children at Keil, it was a remarkable failure of responsibility.

Members of staff and senior leadership could not have been unaware of the risk.

Staff also appear to have failed to notice or act on the consequences of such behaviour when some children had finally had enough of their treatment and lashed out. 'John' said that in the early 1960s there 'was almost legendary talk in the school of a boy who had been systematically bullied in the years prior to my arrival and who had been driven "raging mad" by the treatment he received'.[479]

In the late 1980s 'Angus' finally snapped in his fifth year when he was

> grabbed by four fifth-year deputies and held down, or suspended between two beds in a dorm. They had an arm or leg each and held me across the gap between the beds. They got this first-year kid to come into the room and told him to start kicking me between the legs or he would get it. He did start kicking me and I lost my temper, that was one of the few times that I really lost it at Keil. I threw two of the boys across the beds and grabbed the first year and tried to push him out the window. I didn't have anything against the kid, and I didn't throw him out the window as he was holding on to the middle post and the deps eventually got me off him. That is an extreme example as I totally lost it and it's one of the few times I actually retaliated. As a result these deputies never bullied me again. Most of the time I would just try to disappear and hide away.[480]

Both incidents presented opportunities for staff to find out what lay behind the outbursts and address the underlying abuse, but that did not happen.

More positively, there are some indications that matters changed for the better in the 1990s. John McMurtrie thought that there was greater interest in pastoral care, and he gave a tangible example of intervention and an effort to change the culture:

478 Written statement of 'Herbert' (former pupil, 1989–94), at WIT-1-000001489, p.5, paragraph 19.
479 Transcript, day 247: read-in statement of 'John' (former pupil, 1959–62), at TRN-8-000000040, p.55.
480 Written statement of 'Angus' (former pupil, 1975–80), at WIT.001.001.8633, pp.12–13, paragraph 65.

> There was a tendency to catch and punish, which meant automatic punishment when a child was caught bullying. Strategy evolved quite quickly from this when I became housemaster [of the day pupil house]. I removed the practice of automatic punishment and encouraged communication with pupils to try and prevent recurrence. My belief was that the accused in a bullying type situation was not always aware of the impact they were having on the person they were bullying, and that the most important thing was to prevent recurrence. The removal of automatic punishment improved the flow of information and meant that pupils were more willing to report misdemeanours, including where they saw bullying of another, as their peer would not automatically be punished but the issue would be resolved.[481]

However, Robert Evans, a teacher employed by Keil until 1995, thought that 'if any child was being abused or ill-treated, I do not think it would have come to light at or around the time it was occurring. In my opinion, this would be because there was a culture of distrust.'[482]

He went on: 'Staff, likewise, did not have trust in the Senior Management Team because they would not take any relevant action or would attempt to hide it.'[483]

Latterly, the abuse of children at Keil does appear to have lessened. A number of factors were at play. John Cummings wanted to make Keil a gentler place. That was aided not only by the school having become co-educational but also by it taking more day pupils. Martin Coombs, when speaking about bullying, said this:

> I think, to start with, when I first arrived, yes, there was probably a good deal more than there should have been. I believe it is something that we managed to diminish steadily through that nine years until the point … that at the end Keil was seen as a suitable school for some very fragile kids in the Vale of Leven and that area … Keil by the end, by '98, '99, first half of 2000, was a very different school from the one that I had first joined.[484]

Nonetheless, it is a tragedy that in all but those last three years, it was, for too many children, a frightening environment.

Fagging

One aspect of boarding school life that did not feature significantly at Keil was fagging. The term was not used by applicants though it may have been implicit in a world of hierarchy with boys in a position of power over other boys. 'Dan' said that the chiefs and deputies

> were the ones that reckoned they had the authority and the rights to do as they wished to do. It was something that I understood happened to a degree at boarding schools, where senior boys were given power over the first-year pupils to act as basically their skivvies, slaves, whatever you want to refer to them as.[485]

'Ferguson' used the word 'orderly' to describe what in other boarding schools was described as a 'fag':

481 Transcript, day 244: read-in statement of John McMurtrie (former maths teacher, 1984–2000; house tutor, 1985–92; housemaster, 1992–2000), at TRN-8-000000037, pp.68–9.

482 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.151.

483 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.152.

484 Transcript, day 245: Martin Coombs (former geography teacher and housemaster, 1991–2000), at TRN-8-000000038, p.129.

485 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, pp.73–4.

> In my first year I was the orderly for the head boy of the school … so I had to … run about and organise all his stuff for him. I would have to sort his clothes out, get his laundry done for him and things like that. Prefects were allowed rations of a loaf of bread and a pack of butter, milk and some jam every week, so I had to run about getting his breakfast ready.[486]

When he, in turn, became a chief he chose his 'best friend to be my orderly so that he wouldn't have to do anything'.[487]

William Bain said that while 'there was no fagging as such technically, there certainly was informally. And the senior pupils had expectations of junior pupils that they shouldn't have had.'[488] When asked why that was permitted, he replied:

> During that time, the management team, comprising the housemasters, the deputy headmaster, and the headmaster, turned a 'blind eye' to this. They just let it carry on. They didn't worry about it. I mean, when it was raised they just said: 'Oh, that's the boys, you can't do anything about it', you know. 'Let them get on with it, they'll sort it out.'[489]

Boys like 'Ferguson' may well have been responsible, but it demonstrates, yet again, that adequate oversight by staff was lacking and power afforded to children could be abused.

Sexual abuse

There was little evidence of sexual abuse by pupils.

Two references, however, were made to abuse involving a sexual element taking place. 'Martin' said that another boy had revealed in adulthood how he had suffered abuse when first at Keil in the 1960s, when an older child grabbed his genitals.[490]

'Ferguson' also stated that 'the day before I was fined by Chris Tongue after he accused me of bullying, I had seen another three prefects hold a boy down and shove a broomstick up his backside. I was incredulous that I was getting fined when I had seen other boys do far worse things.'[491]

William Bain thought sexual abuse might have happened as part of the orderly duties of juniors to seniors. He said:

> There were a couple of occasions I had wandered into the house television room and made observations – that implied that. Junior pupils under blankets with senior boys … it was discussed [with a member of senior staff] but his response would seem to be, 'Boys will be boys and let the chiefs deal with it.'[492]

There was no support in any other evidence for this having happened, and

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486 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.25, paragraph 142.

487 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.25, paragraph 141.

488 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.68.

489 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.79.

490 Written statement of 'Martin' (former pupil, 1974–80), at WIT-1-000000390, p.36, paragraph 128.

491 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.28, paragraph 157.

492 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.80.

I am disinclined to believe it. It seems likely to have been an attempt to provide a foundation for the absurd narrative William Bain suggested in evidence to the effect that he only started to abuse boys because a pupil invited him to join in masturbation. As senior counsel pointed out, the first child he abused was pre-pubescent. I considered his claim to be an unfounded and hopeless attempt at deflection.

Abuse of girls

The advent of girls at a boys' school inevitably had an impact on everyone, and, unremarkably perhaps, little seems to have been done by Keil to smooth the process for either staff or pupils. While the evidence suggests that, as with other schools in the case study, girls had a civilising influence, it was clearly awkward at all levels to begin with. That included awkwardness on the part of the headmaster, Christopher Tongue, who took issue with 'Verity' because of her 'big hair' and expressed a belief that she was 'flirting with a boy' when all she 'was doing was laughing and having fun with people of my own age'.[493]

Abusive behaviour towards girls also occurred. 'Verity' recalled that the boys made comments about the girls and their appearance and that it 'could be very personal'.[494] That went further since there was open access to the laundry room:

> Some of the older boys would go through the laundry bags and search for girls' underwear and look for any discharge that they could make comments on … it was all very intrusive … the boys had no business to be in the girls' laundry room. That was humiliating and the school should have changed that. The same group of older boys would make comments on girls' appearance and I'm too embarrassed to say the sort of things they would say to us.[495]

'Verity' was one of the early female boarders, when there were just eight of them and they were living in the main house. Their accommodation was not secure, and that made it possible for incidents to occur. 'Verity' described how, when she was 13 or 14, an older boy, smelling of whisky, came into the dorm she shared with two other girls. He chatted to them and left, after which she fell asleep. However she woke up

> and he was on top of me. He sexually assaulted me. I kicked him off. That's all I want to say as I don't want to go into the details. On the same night, the same boy had gone to another girl's room, a head girl, who had her own room, and she was upset, but she never ended up giving a statement. Then he'd gone to the younger girl … He tried to have sex with her and I don't want to go into details and I don't know what he did to her.
>
> The incident was known of but there was a lot of secrecy. We all just carried on and nobody said anything. We didn't want one of the older boys to be expelled because he had been in a girl's bedroom on the same night … When I think about [it] now that was very silly as a very serious thing had occurred, but everyone was keeping it secret.[496]

She went on:

> There was an incident after that. The particular boy who had assaulted me came into my room

493 Written statement of 'Verity' (former pupil, 1987–90), at WIT-1-000000843, p.5, paragraph 18.
494 Written statement of 'Verity' (former pupil, 1987–90), at WIT-1-000000843, p.6, paragraph 21.
495 Written statement of 'Verity' (former pupil, 1987–90), at WIT-1-000000843, pp.12–13, paragraphs 56–7.
496 Written statement of 'Verity' (former pupil, 1987–90), at WIT-1-000000843, pp.13–14, paragraphs 60–4.

> when I was on my own … he only had to swing open the doors to come in and he came in. It was very intimidating, and he stood there in the doorway. I think he was trying to intimidate me … it was frightening.[497]

'Verity' recalled that the incident that happened in the girls' room did become known about because underwear belonging to one of them was found in a boy's room. She thought the headmaster, Christopher Tongue, reported the matter to the police and the boy was expelled. No support, however, was given to anyone by the school, and 'Verity' suffered because pupils believed she had 'grassed'.

As she reflected:

> There was no emotional support to deal with adult issues … How the school was run when I was there wouldn't be allowed to happen now. Now schools have physical protections and safeguarding checks. The school had decided to take on boarders and made no provision for them. It might have changed in the years after I was there and they still had girl boarders. Kids have got to be protected.[498]

'The school had decided to take on [girl] boarders and made no provision for them.'

Impact

All the applicants who experienced abuse were significantly affected by their experiences. They still are, even as long as 60 years after the event.

Neil Lightbody said he had

> never come across desolation and isolation remotely comparable with the boarding school experience. The extraordinary thing about it is that there is absolutely – or there was absolutely – no privacy of any kind whatever. There was nowhere you could go to where there were not other people around. This of course meant that if you were picked-upon or bullied, there was absolutely no refuge within the school.[499]

'John' said:

> It brutalises you going to a boarding school like Keil. I developed an emotional detachment and I wasn't a nice person … if you suppress your emotions, you become detached, you form a sort of crust around yourself, and it coarsened me, being at the school, it coarsened me in the sense I became desensitised, emotionally desensitised, and that would mean that I would not recognise the feelings of other people. That's what I feel.[500]

'Dan' observed that 'from what I can remember, I believe that when I left Keil School it was a monumental day in the sense of relief of getting out of there'.[501]

School days are sometimes said to be the happiest days of a person's life, but not for 'Angus', who recalled: 'A lot of my memories from Keil, certainly in third, fourth and fifth

497 Written statement of 'Verity' (former pupil, 1987–90), at WIT-1-000000843, p.15, paragraphs 66–7.
498 Written statement of 'Verity' (former pupil, 1987–90), at WIT-1-000000843, pp.24–5, paragraphs 111–12.
499 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.5.
500 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.91.
501 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.85.

It is too late for Keil to establish a child-safe environment, but it is not too late for others to do so.

year, are sitting at the top of the quarry there and thinking of reasons not to jump off.'[502]

On these occasions, no one noticed he was missing or that he was so unhappy.

'Martin' summed up the feelings of all who were abused at Keil when he commented: 'There is absolutely no doubt that I was traumatised by going to Keil, and my whole life from that moment onwards has been taking account of my experience.'[503]

Response and conclusions on the evidence of abuse

Rodger Harvey-Jamieson's closing remarks are apt:

> My Lady, I get to the point at which I'm almost speechless. What I have heard from this Inquiry is the effect abuse has not only on the victim but on many other people, and anyone who has heard the evidence led about bullying, in particular, could not possibly have been unaffected by the consequences. It is just so distressing. It was very well put, I think, in evidence given by 'Martin' of how deep the pain, the injuries are in relation to bullying or abuse of any nature and how they carry on into later life.
>
> That, I think, is the first lesson which I learnt, and I mulled over that in person, not in relation to Keil but in relation to other settings.[504]

His words demonstrate the approach that needs to be taken to all the evidence of abuse which I have accepted as being credible and reliable, as reflected in these findings, the reality of which can be painful to grapple with. Rodger Harvey-Jamieson and the Trust listened and reflected and learned. It is too late for Keil to establish a child-safe environment, but it is not too late for others who continue to provide residential care for children – drawing on their learning – to do so.

502 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.45.

503 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.52.

504 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, p.89.

6 Reporting

Culture

Children at Keil were not likely to report abuse. The reasons for this varied. Some failed to realise that what was happening was not simply part of normal life; some did not wish to upset their parents; some – such as 'John', whose father was an ex-army officer – felt their parents would expect them to be 'manly'[505] about it; and some did not know who to tell. But the main reason was the culture at Keil, which 'John' described thus:

> You just had to thole it, if you like … You just had to accept that it's the way it was. You were told what to do and you just had to go and do it.'[506]

> You couldn't demonstrate any feelings at all at the school … feelings of displeasure or being homesick or having a problem would … not be looked on kindly. It would be regarded as a sign of weakness. So, you had to bottle it and just get on with it.[507]

> There was nobody who could be considered approachable. You were supposed to just bottle any emotions you might have felt. Anybody that didn't would be despised … Nobody broke down to this. They just put up with it … There was no opening up at all.[508]

Regarding his inability to complain and the absence of any support system, 'John' said:

> It's just something that is at the back of my mind, the complete unfairness of the system that I had gone through. The fact … I could not complain to anybody, I couldn't talk to anybody about my feelings. And that went on for a long time … You were meant not to have a support system. It was just no part of the ethos of the day.[509]

'You were supposed to just bottle any emotions you might have felt.'

Little had changed as regards children's ability to report concerns by the time 'Dan' was at Keil three decades later:

> They had no compassion to myself in any sense at all. I was an outsider, I was an alien, I was not suitable for their location as far as they were concerned, I think … I don't know what it was all about, but no, I didn't feel comfortable about speaking to the housemaster or … the seniors.[510]

Whilst 'Dan' did feel that there were two members of staff in whom he could – and

505 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.75.
506 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.54.
507 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.71.
508 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.74.
509 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.93.
510 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.81.

did – confide, they were both paedophilic abusers, namely William Bain and David Gutteridge.

No cliping

'Martin' was bullied, including during prep, but he never felt able to report it: 'It wasn't the done thing.'[511] There was a code of silence within the school.[512]

He explained:

> There was a duty of secrecy amongst the pupils at Keil that you didn't talk about anything, you were shunned if you sought assistance, therefore I think that also went on to returning home, so I didn't tell my parents about some of the things that went on. I spoke highly about the school and how happy I was when inside I wasn't quite as happy as I made out.[513]

When 'Ferguson' was at Keil between 1988 and 1995, the 'first rule' was still that 'you don't tell on anyone'.[514] He provided an example of that rule in practice: someone had been urinating in boys' wellington boots which were stored in the washroom and it must have been happening at night, contrary to the rule that boys were not allowed out of the dorm. The school tried to discover the identity of the culprit:

> We ended up standing at the end of our beds every spare moment of the day and through the night for – it went on for a few weeks … It ended up with day pupils as well standing in the hall in their spare time. So, really, an attempt to get the kids to tell on each other. So … the whole thing probably reinforces that most boarding school kids are never going to tell you anything … they've got a secret, you're not going to find it out.[515]

The strength of the code was remarkable. However, that children kept silent may be unremarkable given that the consequences of breaking the code could be severe.[516]

Alarmingly, the school encouraged children, on occasion, not to report matters to their parents. Robert Evans, who was head of chemistry between 1989 and 1995, spoke about the

> bullying of a … 12-year-old pupil [whose] hand was burnt by a chief. [When the headteacher] allegedly said to him: 'Do not tell your parents about it' … that doesn't exactly give the pupils a sense that they should report things if they're feel they're not allowed to tell their parents about an incident.[517]

A senior boy – a chief – who was supposed to be maintaining discipline had held a lighter under a younger pupil's hand and burnt it. The instruction to keep the matter in school apparently came from the headmaster, Christopher Tongue, who told the boy not to tell his parents and did not, at a subsequent staff meeting, deny having done so.[518] The school matron did not, however, listen to that advice; she told the boys' parents and the matter became more widely known. Staff were concerned, as Robert Evans recalled:

511 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.43.
512 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.8.
513 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, p.7.
514 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.30, paragraph 167.
515 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, pp.42–3.
516 See Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.44.
517 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.152.
518 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.155.

‘At that age I didn’t have the vocabulary to describe someone as a paedophile but I wasn’t comfortable with what he was saying.’

> I don’t know whether it was a special staff meeting … but … a number of us tried to have a conversation about how this was not the way to handle the issue, we all had concerns about how the issue was handled, and Chris Tongue refused to answer questions about it and we had long angry silences where we had a confrontation where he did not want to interact and discuss the matter.[519]

For Robert Evans it was the worst staff meeting he had attended in his teaching career. He added that Christopher Tongue ‘did not deny that he had done that’,[520] reinforcing, in his mind, ‘that senior management didn’t want to talk about things like that’.[521]

Some children did report abuse, but with varying consequences and outcomes, as will be seen later in the chapter.

Language and lack of understanding

A few former pupils who were abused explained that they did not understand what was being done to them at the time. As well as not knowing in whom to confide, some did not have the language to express the abuse. A good example was ‘Tony’, who explained:

> At that age I didn’t have the vocabulary to describe someone as a paedophile but I wasn’t comfortable with what he was saying. Sex was a taboo subject in my family and it wasn’t something that was discussed. I had the feeling that what Mr Bain had said to me was wrong but I couldn’t bring myself to approach my parents about it.[522]

William Bain had been talking about his penis and told ‘Tony’ how ‘it sometimes feels like it’s got a bone in it’.[523]

Reporting to parents and family

There was no evidence to suggest that boys were unable to engage in private correspondence or that letters were read and censored by staff. However, nor is there evidence that pupils wrote to tell parents or anyone else that they were being badly treated or abused. The most some children did was to make general comments about being unhappy. There was a practice that there should be no contact with parents immediately after starting life at Keil; this bothered ‘Ferguson’, who explained:

> I wasn’t allowed to talk to my parents, I wasn’t allowed to phone home. My parents were told not to … contact me for the first month or so because I would be homesick. I wasn’t hysterically homesick, crying and all that stuff, or at least not in front of all the other kids. There were other kids like that. We were just kind of told to get on with it … And it

519 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.154.
520 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.155.
521 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.161.
522 Transcript, day 243: read-in statement of ‘Tony’ (former pupil, 1988–90), at TRN-8-000000035, p.117.
523 Transcript, day 243: read-in statement of ‘Tony’ (former pupil, 1988–90), at TRN-8-000000035, p.117.

> was … [no] contact by mail. There … was a phone in the boarding house … but it … was no contact.[524]

Rodger Harvey-Jamieson suggested 'there was access to a phone out of the school',[525] and I accept that. The evidence does not, however, indicate that pupils used this to report abuse.

Some children disclosed aspects of their abuse in person to parents or other family members, with varied reactions and outcomes. Neil Lightbody explained that he 'had been picked on in [his] first year by a particular individual' and, after speaking with his father about it, my father encouraged me to provoke a fight with this person that I think was a bully and as a result of it I was quite badly beaten … In other respects he was a very kindly man, one of the kindest I've ever met, but in this particular matter I think he was completely wrong in urging me to provoke a fight, knowing that I had no training whatever in pugilism and was one of the smallest boys in the year, so I was badly battered. This affected my future attitude towards my father for the whole of the rest of his life, although I never – I never spoke to him about it.[526]

'John' said: 'My brother and I did say we were very unhappy at the school, and that was … about it. They just never listened, my parents.'[527]

'Tony' said:

> I did tell my parents about the abuse I suffered at Keil School. They mainly took the attitude that sticks and stones may break your bones but names will never hurt you. I did tell them about the incident where the deputy kicked me and they did go to the school about that, but I don't think there was any action taken against the deputy. Some senior person at the school told my parents that he had been reprimanded, but he wasn't demoted from his position as deputy. I think I did report the day-to-day abuse to my parents as well. I just think they thought there was no alternative to me being at Keil School … I think that's why I started running away from the school in the second year. I just had to take matters into my own hands.[528]

'Tony' was abused but he did not pursue matters further:

> I have never made a report to the police about the abuse I suffered at Keil School. I wish I had, but I wanted to protect my parents. I didn't want them involved. I felt it was for myself to deal with. I suppose, as an adult, I didn't have the motivation to report it and I was also ashamed of having had this abuse done to me. I was ashamed of my background and I didn't want anyone to go over it all.[529]

'Dan' also ran away, with a different result. He spoke candidly to his parents about his unhappiness at Keil and they in turn agreed to remove him at the end of the school year.[530]

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524 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, pp.6–7.

525 Transcript, day 217: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000008, p.124.

526 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.30.

527 Transcript, day 242: 'John' (former pupil, 1959–62), at TRN-8-000000033, p.75.

528 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, p.120.

529 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, p.123.

530 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.84.

Keil's responses

When the school was made aware of concerns about or expressed by pupils, the typical response was inadequate or inappropriate, with very little by way of exception to that. Below are some examples.

'Angus' regularly suffered physical abuse meted out by other pupils but normally kept quiet about it. However, on one occasion, his regular bully punched him full in the face, broke his tooth, and burst his lip. 'Angus' had had enough and simply went home to the south side of Glasgow, arriving there before the school noticed he had gone. His father complained and successfully raised an action against the other boy, who was expelled on his last day at Keil. But nothing changed for 'Angus'. On his last day, knowing that his tormentors would be looking for him, he locked himself in the music room where he

> could hear … the kids running around looking for me and eventually … the deputy housemasters had to come to the door and clear the boys away before I would unlock it. And then he took me to the senior chief's room to wait out the time until my brother came and picked me up.[531]

As 'Angus' observed, that was the only time in five years that a teacher had really become involved and he thought 'it was insanity to give all that power to young boys'.[532] I agree with him; Keil should and must have been well aware of what was going on and that the norm was that boys did not report or complain.

In 'Ferguson's' case there is no doubt that staff were aware of abuse. He too ran away because he was fed up with being beaten by a chief, but unlike others chose simply to camp in the school grounds. He was found not by school personnel, but by his uncle, who was with the MOD and 'pretty much threatened the housemaster at the time that if … he had to come back to the school, there'd be trouble'.[533]

However, no steps were taken by the housemaster to find out the reasons for 'Ferguson's' unhappiness: 'He didn't speak to me about it … There was no big sit-down conversation like let's get this out in the open, what's going on? There was no apologies, there was nothing like that.'[534]

'Ferguson' still doesn't know what actions, if any, were taken to address his abuse. When asked if the school would have been aware of the abuse he had been suffering, 'Ferguson' said: 'I don't know how they couldn't be … I honestly don't know how they couldn't be aware of that.'[535]

He continued: 'So at that point, for me, that was, well, no one really does care, so – you know, what's the point of talking to anyone after that?'[536]

'Callum' was badly injured playing rugby and provided this troubling account:

> There was genuine concern about who was going to tell the teacher that I needed stitches. Eventually, we did go to our house teacher and he was very upset that he was going to

531 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.47.
532 Written statement of 'Angus' (former pupil, 1975–80), at WIT.001.001.8633, p.16, paragraph 85.
533 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, pp.42–6.
534 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.46.
535 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.47.
536 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.47.

> miss his dinner to have to drive me to hospital. To be fair to him, he did take me, but when I say he was less than empathetic, it's an understatement. His attitude to me can only be described as hostile. That was the sense I got of the place. The children were to run it and we were not to annoy or disturb the adults in any way.[537]

'When I say [our house teacher] was less than empathetic, it's an understatement.'

It was clear from many applicants that the school failed to build a relationship of trust between itself and its pupils. Concerned, worried, or abused pupils did not trust the school to listen to them or afford them appropriate support. Nor was the school trusted to establish and maintain a culture in which members of staff made known any concerns they had about colleagues. Former teacher Robert Evans understood that:

> I think it would be true to say that the staff knew the pupils well because in such a small school, there [were] only 160 to 200 pupils, and you had a lot of contact with your pupils. What you did with that knowledge or whether you got knowledge of anything else that was going on within the school from the pupils, I don't think they trusted staff to tell them if anything was going wrong. So although we knew the pupils fairly well, whether they trusted us or disclosed things to us if something wasn't right, I don't think they did.[538]

William Bain was well aware of Keil's inadequacies when it came to reporting concerns; he took advantage of them. He also highlighted them under reference to David Gutteridge: 'I did not directly hear of him abusing children, but there were rumours circulating. I would hear comments from other children about him. The comments would not be anything specific. The comments were to me by the children and I would also hear the children talking about it amongst themselves.'[539]

He claimed: 'I didn't take any action because they were simply rumours and were being told by a third party. I have no idea whether the management took action with regards to the rumours.'[540]

However, as William Bain noted in relation to reporting, 'There was … no mechanism for it, for a start … so you let it go.'[541]

William Bain was not the only teacher who did not act on his suspicions. Angus Dunn, in relation to Bain's behaviour, accepted

> that there were things that made me uncomfortable … I do not and did not know what he did … I know the little alarm bells that were ringing in my head, which would give me no reason to think they didn't ring in other people's heads … But again … the actual

537 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, p.10, paragraph 38.

538 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.150.

539 Written statement of William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at WIT-1-000000508, p.11, paragraph 52.

540 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.85.

541 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.86.

> prima facie evidence was not there. The actual sight of events.[542]

William Bain, of course, would never have reported anyone else, lest it lead to wider and proper inquiry which could have exposed him. Richard Allen, who taught at Keil in the 1990s, also spoke of there being an absence of reporting procedures; if a problem was addressed, it seems to have been more by way of happenstance than design:

> As far as I was aware, there was no formal complaints procedure in place. I find it difficult to say if a child in the school or another person on their behalf wished to make a complaint or report a concern if there was a complaints or reporting process in place. Complaints were received about abusive behaviour between pupils. I myself received one such concern from a boarding school pupil who had used racist language which had upset another pupil. I spoke to the headmaster about the matter and he asked me to resolve the issue. I have no memory of speaking to either of the parents of the boys, and I think I passed it into the hands of the house staff. The perpetrator of the abuse left school shortly afterwards, partly as a result of the incident and also because of the tension between him and the other boy. I do not know the procedures for the recording of complaints as I was not involved in such situations.[543]

Some reporting prior to the 1990s

Despite the lack of any established reporting system or culture, the reporting of concerns did occasionally occur prior to the 1990s. Some boys talked to the school matron about abuse. 'John' described an incident of bullying in the 1959–60 session which was reported to the school by the matron. It involved a boy from abroad who had joined in second year and was badly beaten by fourth-year pupils in Mason House. His injuries were such that he had to seek treatment, the 'story came out and the matron reported the matter to the headmaster, Mr Robertson'.[544]

A workshop at Keil School

The punishment meted out by the headmaster captures the Keil mentality of the time and was hardly the best way to address the matter: 'the culprits were called into the school office where summary justice was dispensed. The little that I know of that process was that the boy was invited to swing his fist at each of the offending boys to take revenge at what they had done to him.'[545]

542 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.58.

543 Transcript, day 244: Richard Allen (former primary teacher, 1991–2000), at TRN-8-000000037, p.94.

544 Transcript, day 247: read-in statement of 'John' (former pupil, 1959–62), at TRN-8-000000040, p.55.

545 Transcript, day 247: read-in statement of 'John' (former pupil, 1959–62), at TRN-8-000000040, p.55.

'Jayden' described himself as someone who 'had a good relationship with some masters, but there was never any opportunity or permission to discuss abuse'.[546] That said, he did report a deputy who was 'horrible to [him] all the time … I eventually reported him because he punched me in the face one day. I told Chris Tongue and the deputy chief left me alone from then on. It was very difficult for me up until that final confrontation.'[547]

On occasion, bad behaviour was discussed at governors' meetings. Rodger Harvey-Jamieson pointed to minutes of such a meeting on 26 September 1985 from which it is evident that one of the topics covered was incidents in which boys had injured other boys:

> There had been two unpleasant incidents, one in the workshops where two boys had a brief fight resulting in one boy requiring stitches in his head and the other an x-ray to his shoulder. The master had been reprimanded for not keeping a tighter grip on that particular class. The other incident involved a silly game which two boys played in the library. They'd nicked each other's arms with blades from pencil sharpeners, one boy had required several stitches in his arm as a result of this and the two of them had been suspended.[548]

However, it can hardly have been difficult for the school to become aware of these incidents; they resulted in injuries that required medical attention.

Reporting by members of staff

The teacher Robert Evans was not involved with the boarding houses. He had some concerns about them but was discouraged from commenting on what went on there:

> In some ways there was a situation in that we didn't really feel comfortable or we were made to feel uncomfortable if we commented on boarding issues because … we were just … day teachers and came in and out and that was it … People like Trevor Pack would … not allow – he would not entertain me criticising what went on in the boarding house in any way.[549]

'The boys were victimised because of having reported the bullying.'

Trevor Pack was a housemaster to whom Robert Evans tried to make a report concerning bullying of first-year boys by chiefs in his boarding house. The younger boys had complained to him, and he felt duty bound to speak to Pack. It did not go well.[550] Instead, Robert Evans believes that the boys were victimised because of having reported the bullying: 'I think he [Pack] probably said to the chiefs, you know, that these boys have complained and therefore the chiefs would ensure that the boys didn't complain again.'[551]

546 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, p.124.

547 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, p.102.

548 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, pp.70–1.

549 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.117.

550 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.118.

551 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.159.

This was the Keil system of discipline in operation; it is hardly surprising that boys generally did not report their concerns. It is also an example of how a cycle of abuse can be perpetuated. Robert Evans saw that happening:

> A number of years later I remember seeing the pupils who complained of being bullied and thinking that they were the bullies now … the system sort of reinforced itself, that pupils who were bullied … felt that this was the normal way that things happened, so when they became in a position of power, they thought that this was the way that they should behave as well.[552]

That was learned behaviour which did not only extend to pupils. Robert Evans admitted that the fallout of his report to Pack caused him to hold back about saying a lot of things that 'I didn't want to raise – I felt there was a "them and us" situation with the boarding staff that held me back from raising certain issues, but there's also, you know, some of the senior management didn't want to know about various behaviours either.'[553]

He also 'thought there was no point at all reporting anything, because I wasn't confident that it would be dealt with in a way which would be beneficial to the person who was a victim'.[554]

That was a sad but also deplorable state of affairs.

Angus Dunn also spoke of reporting a concern that went unheeded. If pupils failed to perform adequately at rugby, they could be given a punishment they called 'The Hill'.[555] If, for example, they were given '20 of The Hill',[556] that would involve running down to a beach on the River Clyde and back up again, 20 times. Angus Dunn believed this was excessive and beyond acceptable limits. He raised his concerns with other staff, but these were ignored[557] without any consideration or any discussion taking place.

Who was approachable?

Within Keil itself, there were few people the boys felt they could speak to. Those who were approachable were staff they would have been better to steer clear of, namely teachers who, since the school closed, have been convicted of offences involving sexual abuse of children – William Bain and David Gutteridge. 'Dan' said:

> Apart from 'Richard' [David Gutteridge] and Mr Bain, they were the only two that I ever came in contact with, pretty much. Mr Tongue, being the headmaster, I didn't get on with him in any shape or form pretty much. He wasn't the sort of person you could really comfortably speak to. Mr Pickett, as far as I'm concerned, was a nasty piece of work, but that was just my own personal opinion. Whether he actually did anything wrong as such … other than the fact that I was punished for running away, I can't comment about huge amounts else, other

552 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.160.
553 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.130.
554 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.162.
555 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, pp.28–9, paragraph 161.
556 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.29.
557 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.29.

> than the fact I didn't feel he gave any support to people who were actually struggling at school.[558]

He also stated: 'I'd say most of the teachers … I didn't feel I could talk to, I didn't feel they were approachable.'[559]

David Gutteridge confirmed that some pupils were 'willing to come and speak' to him.[560]

In other schools their conduct – overfriendly and in Bain's case in particular, regularly having boys into his room or lab in the evenings – might well have caused anxieties to other staff, but not at Keil where no one appears to have noticed or, if they did, was prepared to do anything about it.

That was certainly the case with William Bain, where, as discussed fully in Chapter 4, a complaint by a parent about his behaviour was covered up, which allowed him to abuse further.

Late improvements

The impact of the Children (Scotland) Act 1995 and Keil's comparatively limited response has already been discussed. There was evidence that under the leadership of John Cummings, some efforts were made to encourage reporting as part of the kinder culture he was seeking to achieve.

John McMurtrie, who taught maths at Keil between 1984 and 2000 and was a housemaster between 1992 and 2000, stated that the strategy for dealing with bullying moved quickly from 'catch and punish' to encouraging communication and that:

> we continually worked towards an ideal of a caring community with pupil welfare at its heart. We were regularly reminded about procedures and were issued with a small white card summarising these. I think these were given by the headmaster and they read … 'The staff member must above all display sympathy and understanding and not transmit any element of disbelief.' The procedure was (a) observe, (b) record and (c) report to the headmaster. 'Record' means respond gently, enquire casually, confidentiality not promised, observe, record in detail, and do not interrogate. We were encouraged to refer to our line manager if we were in any doubt about how to handle any child protection related matter … Every effort was made to proceed in line with national progress, which would have had the Children (Scotland) Act in 1995 as the main driver. Keil would also have received updated information from all the usual sources, such as the Scottish Council of Independent Schools, teachers' unions as well as other bodies.[561]

Keil's approach to reporting was never consistently good.

He went on: 'Children did in practice raise their concerns in this way. My tutors and I routinely dealt with issues such as loneliness, missing property, or bullying, often referred by pupils outside our own tutor group.'[562]

558 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, pp.76–7.

559 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.44.

560 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.154.

561 Transcript, day 244: read-in statement of John McMurtrie (former maths teacher, 1984–2000; house tutor, 1985–92; housemaster, 1992–2000), at TRN-8-000000037, pp.72–3.

562 Transcript, day 244: read-in statement of John McMurtrie (former maths teacher, 1984–2000; house tutor, 1985–92; housemaster, 1992–2000), at TRN-8-000000037, p.71.

These changes were positive but they came too late and, as other evidence demonstrates, Keil's approach to reporting was never consistently good.

Documentation about reporting

Some limited documentation produced by Keil shows that concerns were occasionally reported. Complaints by parents to governors about issues of discipline – which must have been prompted by reports to them from their sons – led to changes in the housemaster and the regime at Mason House in 1990.[563] What is telling, however, is that pupils clearly did not feel able to report to anyone in the school itself. Given that parents went straight to the governing body, they do not appear to have had confidence that their concerns would be taken seriously by the headmaster.

As concerning was the failure to respond properly to a report of abuse in 1997, simply because it was made anonymously.[564]

Conclusions about reporting

John Cummings said: 'Being a small school with a tight-knit community little went unnoticed.'[565] I cannot agree. The evidence gives me no confidence that the Keil culture was one where causes for concern were noticed or reporting encouraged. Rather, evidence which I have accepted clearly indicates a norm of what should have been recognised as causes for concern not being reported, even when it was obvious.

John Cummings also said: 'It was not a vast campus and the mix of day and boarding pupils meant that boarders did not live in an isolated or remote bubble.'[566]

Again, I cannot agree. Children and staff at Keil were often isolated. Staff who were not involved with the boarding houses were actively discouraged from engaging in the lives of boarders by those who were. Yet the reality was the boarding staff were not sufficiently present in the boarding houses themselves.

As Rodger Harvey-Jamieson reported, the governing body relied on headmasters for information about abuse; they had little or no means of gaining direct knowledge. I accept that, on occasion, incidents of abuse were reported to the governing body and actions were at least discussed, if not always taken.[567]

In the main, I find that many of the children abused at Keil did not – and in reality could not – report what was happening to them. Its essential culture involved being tough and not showing weakness, and that never truly waned. Systems under which reporting was facilitated were always lacking. Only one section of the school population benefited from that, namely those who abused children. As Robert Evans said: 'I think things happened and a certain section of the pupils suffered because of it.'[568]

'Things' undoubtedly happened, and they were that many children suffered physical, sexual, and emotional abuse because of

563 Keil School, Minutes of meeting, 31 August 1989, at KSC-000000047, p.124, and Minutes of meeting, 22 November 1990, at KSC-000000047, pp.148–9.

564 Keil School, Minutes of meeting, 20 November 1997, at KSC-000000038, p.126.

565 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, p.42.

566 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, p.42.

567 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, p.71.

568 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.163.

The failure of Keil's senior leadership to take appropriate action demonstrates the poor quality of their management.

these failings. Abusers such as William Bain knew that 'they could get away with things which maybe they couldn't if … management had been more proactive in safeguarding the children'.[569]

When reports were made they were not adequately investigated or even taken seriously. The failure of Keil's senior leadership to take appropriate action and to maintain even basic record-keeping regarding the complaint made about William Bain demonstrates the poor quality of their management. That was but one example of many, for children at Keil were exposed to abuse well into the 1990s when the school had no meaningful systems of, let alone interest in, facilitating the reporting of concerns.

I have referred above to views expressed by John Cummings with which I cannot agree. I do, however, agree with some of the general observations John McMurtrie made on the subject of reporting, including that he could not be confident that the routes for abuse to be reported which were ultimately established would always be used, because 'children do not always report issues at the time, for various reasons. With everyday issues, they may see reporting as a form of weakness or be concerned about getting others into trouble. With regards to abuse, the abusers may bribe, threaten or otherwise discourage reporting.'[570]

The evidence of 'Herbert' makes that all too plain, and sums up how deficient Keil's systems were, even into the 1990s. Repeatedly abused by William Bain over the course of many years, 'Herbert'

> knew what he [Bain] was doing was wrong, but I didn't feel there was anyone around who I could speak to about it. I also didn't want it getting back to the seniors, like things seemed to do. I was already getting bullied constantly, so I didn't want to give them more ammunition. Instead I'd act up because I wanted to get myself out of that school. I did my best to get kicked out.[571]

Eventually, aged 16, he succeeded and left Keil in 1994, after being suspended three times in the previous two years with no apparent consideration by Keil as to why his behaviour had deteriorated so much. Unable to report, his torment had not been noticed.

569 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.163.

570 Transcript, day 244: read-in statement of John McMurtrie (former maths teacher, 1984–2000; house tutor, 1985–92; housemaster, 1992–2000), at TRN-8-000000037, p.72.

571 Written statement of 'Herbert' (former pupil, 1989–94), at WIT-1-000001489, p.10, paragraph 40.

7 Reflections

Witnesses offered many thoughtful and insightful reflections. Some of them are set out below.

Helping others

Neil Lightbody wanted to see

> an ongoing procedure whereby this little boy can in confidence complain to an outside individual person, institution or body that he has been bullied, [that] he has complained to the school and the school authorities and the school has not dealt with the problem. This outside authority could then get on to the headmaster and report what had happened and make it very clear indeed that if the headmaster did not attend to that matter, as a matter of importance, he might soon be seeing publicity about it … It's essential … that the outside regulator … is utterly and completely independent from the school and its governors and its teachers and is not open to any form of pressure, because the world of private boarding schools is a very small world and has shown itself extremely proficient at avoiding dealing with bullying in the past.[572]

Much has changed for the better since Neil Lightbody was at school in the 1960s, but his points remain valid.

Conditions that may have facilitated abuse

Reflecting on the Keil evidence and the accounts of witnesses, it is clear that abuse was facilitated by the particular conditions that existed unchallenged for decades. Children's most basic needs were often not met, and the following are examples that were conducive to abuse. These were red flags that were there to be seen but were missed or ignored because of the constant pressure to keep the school operating with inadequate resources and deficiencies in its leadership.

Abuse was facilitated by the particular conditions that existed unchallenged for decades.

Finances

Funds at Keil were always tight. The school was often run on a hand-to-mouth basis and, as governance minutes make very clear, the primary concern was keeping the school afloat, not child protection. Angus Dunn said:

> Mr Harvey-Jamieson in his evidence, I believe, talked about hand to mouth. I believe I do

572 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.44.

> too. It was run, yes, on a shoestring … That was very much it. We tried to keep the place presentable, tried to get people in the door. The entire focus, I think – not the entire focus, because obviously there was education going on, but a major focus was keeping the place open.[573]

Tom Smith said: 'From 1999 to 2000 I was the headteacher in overall charge of the school, but the school was facing a financial crisis and the concerns were principally trying to help Keil survive with cost-cutting, staff appointments, and promotional activity.'[574]

Lack of critical governance and false optimism

There was a general perception that, notwithstanding its poor comparison with other schools within the competitive environment in which it operated, Keil was somehow a good and happy school. While there is no question that there were some pupils who enjoyed their time there and the school inspired loyalty amongst some staff, there was a marked lack of willingness to view the establishment objectively or critically. Keil was simply Keil, and for too many that was enough. As a result the obvious was missed or ignored. Much abuse could have been prevented but a lack of vigilance and oversight at every level allowed it to persist. Scrutiny was needed. To say the least, it would have been 'very, very helpful,'[575] as Angus Dunn said.

Inadequate supervision

With hindsight, the need for scrutiny was obvious, but it was seriously lacking. A system whereby senior pupils exercised control over and imposed discipline on other pupils – seen as a novel and interesting proposition – did not work as the numbers increased. Brutality became normalised, and staff appear to have avoided taking responsibility. Martin Coombs said: 'And that's what I've said very clearly in my … statement, that particularly if you're going to give senior pupils responsibility, you've got to keep a very close watch on them, very close.'[576]

'Callum' said:

> When I think back to my time at Keil, I think to myself, there were never any teachers around. It's easy to see how the potential for sexual abuse of a minor could occur. I'm aware that seems somewhat contradictory. If there were no teachers around, then who was there to actually cause the abuse? The reason in my mind is clear. Mr Bain and Mr Gutteridge lived there alone and there were no other teachers around.[577]

He continued:

> I think if you ask a lot of young boys, 'Would you like to be in an environment where there are no adults?', their answer would be yes. It sounds amazing, but the reality of it is entirely negative. That has to be the biggest lesson to

573 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.22.

574 Transcript, day 245: read-in statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at TRN-8-000000038, p.67.

575 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.32.

576 Transcript, day 245: Martin Coombs (former geography teacher and housemaster, 1991–2000), at TRN-8-000000038, p.128.

577 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, p.20, paragraph 80.

> be learnt. Everything that happened at Keil School, whether it was emotional abuse, physical abuse, or sexual abuse, stemmed from the lack of adult supervision and lack of adult concern for our wellbeing.[578]

'Everything that happened at Keil School stemmed from the lack of adult supervision and lack of adult concern for our wellbeing.'

A succinct observation made by 'Angus' is worthy of repetition: 'I think it was insanity to give all that power to young boys.'[579]

Culture of silence

At Keil, boys learned quickly not to clipe; the consequences of doing so were likely to be worse than the abuse itself, and trusted adults were in short supply or wholly absent. Members of staff were content to keep matters to themselves or within a house. Even if a headmaster did investigate there was no guarantee the result would be shared. Angus Dunn, who continues to work as a teacher, drew a helpful comparison:

> In my current school we are trained and drilled never to promise confidentiality. Once a pupil has told you something, you have to pass it to the deputy head (pastoral), and that is the culture and I think it's disciplinary if you fail to. That's a hardwired culture of mutual responsibility, which exists now and existed at my previous school, but not at Keil.[580]

A similarly hardwired culture of mutual responsibility should have existed by at least the last decade of Keil's existence.

Static staff

A former chaplain to Keil noted that the 'staff was quite static'.[581] That was borne out by evidence from boys and some staff who complained that some of the older housemasters were stuck in their ways and resistant to change. Trevor Pack, for example, would not entertain criticism of what went on in his boarding house.[582]

No induction and a dearth of policies

There was no system of formal inductions at Keil until very late in the day. Children – and members of staff – were expected to pick up school and house rules and traditions as they went along. As Angus Dunn said, as a teacher you 'were expected to know what you were doing'.[583]

Appropriate systems and policies – including those relating to child protection – should have been in place for the benefit of both pupils and staff. However, Keil began to introduce such policies only in the 1990s, and even then only to a degree that was limited in comparison to the other boarding schools. The need for policies was recognised by headmasters, but the ever-present financial pressures and the pressure

578 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, p.25, paragraph 99.

579 Transcript, day 244: 'Angus' (former pupil, 1975–80), at TRN-8-000000037, p.48.

580 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.45.

581 Transcript, day 247: read-in statement of Ronald Boyd (former chaplain, 1993–8), at TRN-8-000000040, p.63.

582 See Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.117.

583 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.8.

to find ways of increasing the school roll diverted attentions.

Absence of meaningful risk assessments

Risk assessments were not carried out in any meaningful way. Lone staff, including William Bain, were permitted to take groups of pupils away overnight, such as on camping trips. Tom Smith said:

> When a teacher offered to provide a weekend outing, I was delighted and grateful and gave little thought to the composition of the group, for example were there two members of staff? With the benefit of hindsight, I accept that I should have been thinking of such matters at all times, although a requirement of more than one member of staff would have drastically reduced the number of outings possible.[584]

Once again, pragmatism and cost-saving took primacy over child protection which, it appears, was not even considered. Yet, as was astutely observed by John McMurtrie, 'It is imperative to appreciate that many potential abusers are cunning and possess many attributes that are desirable in a teacher, for example, charm, enthusiasm, and a sense of humour. All members of the community must be aware of this.'[585]

He had had no concerns about William Bain. The risk that he could be – and, in fact, was – a prolific sexual abuser of children appears never to have entered the minds of those who were so naively keen to take advantage of his willingness to 'go the extra mile'.

Absence of staff training or professional development

Staff training and professional development were not prioritised – not even for staff appointed to guidance teacher roles.[586] Richard Allen said: 'My knowledge of training and development at the school was that the management of the school were not especially proactive … They were encouraging of those staff that wanted to pursue some development.'[587]

Non-reporting of staff concerns

Some teachers may have harboured concerns about fellow staff members but these were generally not voiced. Red flags were seen but not acted upon. One example is the evidence of Martin Coombs about a female housemistress:[588]

> I was very, very wary indeed … I think probably right from that first encounter I thought this woman is dangerous, I want – for me as a member of staff, I'm going to stay out of her way, so to speak … I did not have anything concrete to make me think that she was acting in any way that could be pinned down as definitely inappropriate … I wouldn't have hidden it … it may have come up in conversation. But I certainly don't remember going to him [Tom Smith] intentionally with the purpose of saying, 'Look, I think there is a problem there.'[589]

Effective child protection practice demands a culture in which sharing of concerns is

584 Transcript, day 245: read-in statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at TRN-8-000000038, p.90.

585 Transcript, day 244: read-in statement of John McMurtrie (former maths teacher, 1984–2000; house tutor, 1985–92; housemaster, 1992–2000), at TRN-8-000000037, pp.74–5.

586 Transcript, day 244: read-in statement of Mary Duncan (former art teacher, 1975–2000), at TRN-8-000000037, p.57.

587 Transcript, day 244: Richard Allen (former primary teacher, 1991–2000), at TRN-8-000000037, p.89.

588 See Abuse by members of staff chapter.

589 Transcript, day 245: Martin Coombs (former geography teacher and housemaster, 1991–2000), at TRN-8-000000038, pp.133–6.

the norm, as Martin Coombs accepted in evidence.

Lack of monitoring and evaluation of pupils' experiences

The same shortcomings impacted on staff who did not have time and were not encouraged to adequately consider and review what life was like for pupils. Robert Evans said:

> Most of us were just single-person departments, apart from maths and English, and we basically just got on with teaching our subject and that was it, with really no input from the management. I may have made myself a department development plan. I mean, the major thing at that time was the introduction of Standard Grade, as O-Grade was being tailed out, so that was the thing that concerned most of us. But, no, we were never coordinated in producing policies and establishing monitoring and evaluation, no.[590]

Long hours

The life of the boarding master, as distinct from the day teacher, was particularly onerous, with very long hours.[591] The relentlessness of it, exacerbated by insufficient staff, would only grind down the enthusiasm of any teacher and, in the Keil context, encourage them to rely too much on the chiefs and deputies. That weakness should have been recognised. It should also have been obvious that it would present opportunities for an enthusiastic William Bain, whose propensity to be 'overgenerous with his time'[592] was gratefully accepted and relied on.

Educational needs not being met

David Gutteridge said:

> I'd come from a situation where I had been head of English and drama for six years in a prep school, and I'd had access to specialist assistant teachers who would come in and do work with people who were showing signs of dyslexia, for instance, and would offer the additional support in those sorts of ways, and no doubt there were people who had other sorts of learning difficulties, not concerned with language but concerned with numeracy or whatever, and they probably just ended up in the B stream for that sort of reason.[593]

The risk of those consigned to the B stream being given lesser regard, feeling they have been written off, being isolated, and thereby being vulnerable to abuse is all too common throughout the boarding schools case study.

Childhood vulnerability

Childhood is a period of vulnerability; children are vulnerable just because they are children. Children in residential care away from home – including those at boarding schools – are particularly vulnerable.

A lack of awareness of that vulnerability, a lack of empathy, and a lack of positive engagement with children was a consistent theme at Keil. What stood out, as neatly summarised by two former pupils, was:

590 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.142.

591 Transcript, day 246: William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at TRN-8-000000039, p.67.

592 Transcript, day 245: read-in statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at TRN-8-000000038, p.88.

593 Transcript, day 246: David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at TRN-8-000000039, p.156.

'Obviously things have happened at Keil and I don't think we can just say we didn't have any knowledge of it.'

'When I look back on the 80s and the environment at Keil, it's unreal to think that people had such control and power over children'[594] and 'I have forgiven all of the people who abused me. I have come to realise that they were a product of the environment at Keil School. They were shaped by the regime at the school.'[595]

Those observations accorded with reflections offered by a number of other applicants. The gravity of the school's failure was also inherent in some of the comments by former teachers. Robert Evans said:

> I've never been happy with my time professionally at Keil because I don't think it was doing what I came into teaching for in a lot of time, and so I felt that I would make a statement to the Inquiry about my experiences there, so it gave the Inquiry a better understanding. I mean, some kids had a good time there … but there was obviously vulnerable children there who … either suffered by the hands of their peers or, as we know, by … the hands of some of the staff.[596]

He went on:

> I just wanted to say my piece because, as I said, I felt guilty that I couldn't say anything or I didn't say anything at the time, and that pupils who have suffered should have, from us, an apology or an understanding that we are responsible for that … and obviously things have happened at Keil and I don't think we can just say we didn't have any knowledge of it.[597]

Contemporary discussions of bullying within a school community often focus on social media and the associated risk of abuse persisting beyond the end of the school day. 'Ferguson' said:

> People talk about social media and kids now. I have my own kids and I see people saying oh, fake accounts and people bullying – people talk about bullying now and I think: 'You have no idea what bullying is.' Social media you can turn off, you can delete Facebook, you can delete all that stuff, you can not get involved in that stuff. When you're somewhere where you're there 24 hours a day for six or seven years and no one's listening, what do you do?[598]

Round-the-clock bullying has been the lived experience of many boarding school pupils for a very long time. As 'Callum' said of life after Keil: 'I still faced bullies … but I could avoid them. That wasn't an option at Keil.'[599]

Listening to children

Children are often told by adults in charge of them to 'listen'. But it is as much if not

594 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, p.129.
595 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, p.122.
596 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, pp.176–7.
597 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, pp.178–9.
598 Transcript, day 243: 'Ferguson' (former pupil, 1988–95), at TRN-8-000000035, p.61.
599 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, p.24, paragraph 93.

more important for the adults to listen to the children. And to 'listen' with their eyes as well as their ears, not only taking account of what the children say but also of how they seem. Adults need to make a proper assessment of what it is that children are telling them through both their words and their behaviour. 'Jayden' said: 'Anyway, I am now able to talk about Keil and I have to say that the value in giving someone a platform just to be heard is absolutely massive. Just being able to share your story is probably the single most beneficial, healing part of the process.'[600]

'Jayden' was speaking as an adult but, reflecting on his experience as a child at Keil, where he did not feel he had an effective voice, did not feel that adults were interested and had no confidence that he would be listened to.

Creating a safe environment

Some witnesses who had been employed at Keil in the 1990s volunteered their thoughts on what could be done to promote a safe environment in schools.

Adrienne Smith said: 'Teaching children in very specific terms what they should not allow would be necessary, as well as education about the grooming process.'[601]

Robert Evans rightly thought clear boundaries were crucial: 'Yes, I was always very aware that there's a certain relationship between teacher and pupil, that they're not your friends or whatever … you have a certain relationship and there is always a division between you. You should never get too close.'[602]

Richard Allen suggested:

> In my view, there must be ongoing training of teachers and staff involved in the care of children. In this way, people will recognise patterns of behaviour on the part of children that may indicate abuse, and indeed on the part of the perpetrator. Also, it will encourage such staff to speak to those in authority when they suspect something may be wrong, as so often, without that training, people may feel that they are the only ones. There may also be a fear that they may be completely misreading the situation and in doing so have concerns that they may be ruining a colleague's career. Of course, the management will have to be very sensitive as to how they handle the situation, as there may be malicious allegations on the part of the staff and even children themselves.[603]

'Jayden' remarked:

> If you've got a young person who is distressed and is in any way vulnerable, on our scale of vulnerableness, they're going to be a prime target for predators. There needs to be joined-up working between services, sharing information and challenging, to help protect these obviously vulnerable young people. Help-seeking behaviour should be promoted and there should be neutral, independent ears that people can speak to if they have concerns.[604]

As a chaplain who, after working at Keil, went on to work in a boarding school where he

600 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, p.129.

601 Transcript, day 244: Adrienne Smith (former French and German teacher, 1989–2000; house mother, 1995–8; assistant housemistress, 1998–9; joint housemistress, 1999–2000), at TRN-8-000000037, p.86.

602 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.109.

603 Transcript, day 244: Richard Allen (former primary teacher, 1991–2000), at TRN-8-000000037, pp.103–4.

604 Transcript, day 242: 'Jayden' (former pupil, 1985–6), at TRN-8-000000033, p.130.

became a teacher and housemaster, Ronald Boyd rightly observed:

> Staff must be beyond reproach. Continual school training on the current government policies and updating and reminding staff of current protocols is vital. Promoted staff within the houses … must pick up on practice which requires attention, speak with staff and pass on any concerns they may have where appropriate. There must be continual reminders to pupils of what to expect. There must be confidentiality of reporting and sound and robust maintaining of records. Any information learned must be passed on to child protection officers.[605]

Tom Smith, Keil's final headmaster, said: 'Pupils should be made aware of what a grooming process might look like'[606] and 'Children must be aware of the nature of unacceptable approaches and have to be comfortable in reporting them.'[607]

John Cummings said: 'Well, certainly the ability of a pupil to come forward and explain or tell somebody that there was something going on, that would be the first thing. I suppose for him [William Bain] not to have been put into a position where he had the opportunities to do … what he could.'[608]

There must also be awareness of the risks inherent in assumption, complacency, and prioritisation of reputation. They all need to be avoided.

All these teachers worked with William Bain for years. Some teachers had suspicions about him but these were not acted on in circumstances where the school was subject to constant pressure to stay afloat and, it seems, ignorant of the risks I refer to above. Child protection seems to have been lost sight of all too often.

Child protection seems to have been lost sight of all too often.

The bystander problem

'Martin' provided helpful evidence about his time at Keil and shared his thoughts for the future. He continues to be troubled by the extent to which there were 'a lot of bystanders' but 'absolutely never' did anyone intervene to stop bullying, including himself; he too was 'a bystander. I knew it was wrong, I didn't take part in it myself but I didn't do anything to intervene.'[609]

A similar concern was voiced by other witnesses, including Robert Evans and Neil Lightbody, who said:

> You could say that the bullying was three different kinds of persons. The victim, that's normally one person. There's a bully, the leader of the bullies, who will normally have several accomplices. And there's everybody else. And everybody else doesn't see anything, doesn't hear anything. Now, if you, as a victim, having been selected as a victim by a bully, were to complain to anybody outside the group of boys, like to a member of staff, a teacher, the headmaster or anybody like that,

605 Transcript, day 247: read-in statement of Ronald Boyd (former chaplain, 1993–8), at TRN-8-000000040, p.67.

606 Transcript, day 245: read-in statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at TRN-8-000000038, p.90.

607 Transcript, day 245: read-in statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at TRN-8-000000038, p.91.

608 Transcript, day 247: John Cummings (former headmaster, 1993–9), at TRN-8-000000040, p.44.

609 Transcript, day 245: 'Martin' (former pupil, 1974–80), at TRN-8-000000038, pp.45-6.

Fear of becoming victims themselves caused children to be silent bystanders.

> you would find that, shall we say, the blind and deaf people, who did not participate in the bullying, would take the bully's side against you because everybody hates clipes. So that's what the effect would have been if you'd tried to speak to a teacher or the headmaster or somebody, you would turn all the other boys who were not participating against you because of this hatred of clipes.[610]

Such was the environment at Keil and, it has to be said, at other boarding schools in the case study. Fear of becoming victims themselves caused children to be silent bystanders rather than interveners or responders.

'Dan' was unhappy at Keil. One of the things that caused him upset was that he was picked on because of how he spoke. He offered some wise words in his reflection on that matter. It is a reflection which appropriately points to the fundamental need for a humane approach to providing residential care for children:

> I speak as I speak … They didn't like it because I didn't speak Glaswegian or whatever it was. I have no idea. I hate being put into a classification as to who or what I am, other than the fact that I'm a human being. I'm not above or below.[611]

Conclusion

The Keil motto was 'Persevere in Hope'. That could be seen as encapsulating what Keil did, but that was far from being enough; it is no basis on which to run a boarding school.

610 Transcript, day 242: Neil Lightbody (former pupil, 1960–4), at TRN-8-000000033, p.36.

611 Transcript, day 243: 'Dan' (former pupil, 1989–90), at TRN-8-000000035, p.79.

8 Records

Introduction

As part of the Inquiry's investigations, documents were recovered from a number of sources after the school was issued with notices under section 21 of the Inquiries Act 2005. After the closure of Keil School in 2000, many documents were simply destroyed. Rodger Harvey-Jamieson did, however, assist with the provision insofar as he was able to do so.

Keil School: records available

Records provided include:

- minute books from 1937 to 2000, which include minutes of meetings of the governors, of the House Committee, and of various subcommittees, and headmaster's reports[612]
- school magazines from 1929 to 2000[613]
- accounts covering 1938 to 1998, including funding proposals, appeals, details of bursaries, and salaries and teacher superannuation schemes[614]
- extracts of student registers from 1957 to 1992[615]
- two prospectuses, from the headships of Edwin Jeffs[616] and James Mason[617] respectively
- a booklet entitled 'School Discipline and Routine', revised August 1993.[618]

The Trust inferred that policy and procedure was adhered to, based on 'a general reading of all the Minutes of the proceedings of the Governors … and also from *The History of Keil School*, first published by a Keil Old Boy in 1993'.[619]

The minutes, however, mainly record high-level discussions relating to financial, staffing, and one-off matters that arose. On occasion, details in relation to individual pupils and staff members appear.

The Trust stated that 'termly reports were prepared for every student covering academic work, extracurricular activities, and pastoral comments, and copies were

612 Rodger Harvey-Jamieson said: 'A complete record of the minutes from 1915 onwards were retained by Murray Beith Murray, and I retained them for the purposes of this Inquiry.' SCAI has received records from 1937 to 1999.

613 West Dunbartonshire Council holds the magazines. SCAI has seen all 71 issues except numbers 24, 45, and 47, for the years 1952, 1973, and 1975 respectively.

614 Keil School, Accounts, 1938–98, at KSC-000000150 to KSC-000000223; Bursaries granted, at KSC-000000237 to KSC-000000280; Salaries and teacher superannuation scheme, at KSC-000000281 to KSC-000000320.

615 These are incomplete and do not include the details of all pupils in any given year.

616 Keil School, Prospectus, at KSC-000000233.

617 Keil School, Prospectus, at KSC-000000371.

618 This booklet was provided to the Inquiry by Robert Evans (former head of chemistry, 1989–95); see WIT-3-000000718.

619 Keil School, Parts C and D response to section 21 notice, at KSC.001.001.0010, p.2

sent to parents';[620] that, in relation to staff, 'employment files were maintained, and complaints and matters of discipline were recorded';[621] and that housemasters or mistresses met the headteacher 'formally each week, and full staff meetings occurred monthly … informal oversight was possible seven days a week'.[622] It also stated that:

> there were no formal interviews with children at any time, but there were ample opportunities for informal social exchange with the Governors, a number of [whom] were parents of the students, and had close contact with groups of them. Nothing emerged which necessitated any change to the organisation's policies, practice or procedures.[623]

However, in response to section 21 notices, the Trust has also stated variously that 'there are no extant records specifically demonstrating adherence' to policies and procedures and that 'no complete record or audit trail is now available' regarding procedures that affected children.[624] That being so, the lack of records means that it is difficult to reach any firm conclusion about the extent to which policy and procedures were in place and were adhered to, and what matters the school, staff, or others deemed as meriting recording. Given the oral evidence, it seems likely that written policies were not common and procedures were ad hoc.

The Trust stated that the 'school was led by the Head Teacher, supported by a deputy Head and Housemasters/mistresses',[625] that housemasters and housemistresses 'met the Head Teacher formally each week, and full staff meetings occurred monthly',[626] and that house staff 'were directly responsible to the Head Teacher'.[627] SCAI has seen no records of these meetings, and again oral evidence is not supportive of there having been such an organised regime.

Retention of records

The Trust stated that:

> There were no specific policies regarding record keeping by the Organisation or the Establishment, other than to observe statutory requirements, and a view that documents should generally be retained for ten years. The Establishment closed seventeen years ago, and there is now no comprehensive audit trail … It is believed that the Establishment maintained adequate record keeping until closure.[628]

In Keil's opening statement, Rodger Harvey-Jamieson stated that when the school closed

> the Headmaster requested advice and guidance for himself and the Bursar as to their duties in relation to the preservation of the records kept at the school. I was informed by the Headmaster that there was no single comprehensive index of the papers kept in the school's walk-in safe. In so far as relating to pupils, many consisted of handwritten notes

620 Keil School, Parts C and D response to section 21 notice, at KSC.001.001.0010, pp.5–6.
621 Keil School, Parts C and D response to section 21 notice, at KSC.001.001.0010, p.6.
622 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.8.
623 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.7.
624 Keil School, Parts C and D response to section 21 notice, at KSC.001.001.0010, p.2.
625 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.7.
626 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.7.
627 Keil School, Parts A and B response to section 21 notice, at KSC.001.001.0001, p.8.
628 Keil School, Parts C and D response to section 21 notice, at KSC.001.001.0010, p.5.

> which were normally retained only for the academic year to which they related.[629]

He added that the available guidance relating to personal records indicated that:

> pupil records should be passed to successor schools and other records, including personnel files, should be managed in accordance with the provision of the Data Protection Act 1998 … The conclusion was that most records should be kept for 10 years. The management of the storage and subsequent disposal of the general records was delegated to the Bursar, whilst I undertook the supervision of the preservation of Minute Books and associated material, all of which have been delivered to the Inquiry.[630]

Recording of complaints

The Trust stated that:

> Complaints were to be addressed at an appropriate level, depending on seriousness. Students could approach the Matron or their House staff in the first instance. Parents could approach the House staff or Head Teacher. Staff could approach the Deputy Head Teacher or Head Teacher. In the case of an initial failure to resolve the complaint, it could be escalated to the next level. The Head Teacher was expected to report on disciplinary matters at the regular meetings of the House Committee and the Governors. Records of the procedures and their comprehensive range can be inferred from the extant Minutes. Such records do not include specific reference to whistleblowing, the provision of external support, or external reporting.[631]

There is no extant document to indicate what formal recording procedures, if any, were in place when a complaint was raised. The Trust has stated that it has assumed, due to the small size of the school, that 'each child would be well known to a number of staff, and could approach any of them with a degree of confidence of a fair and reasonable outcome. The Head Teacher's written reports to the Governors recorded more serious complaints, whether related to staff or students.'[632]

Such an assumption was, as I have explained, misplaced, and records provided to SCAI contain few explicit references to serious complaints.

Pupils' recollections of record-keeping

Report cards

Applicants' recollections generally support the Trust's assertion that termly report cards were sent to parents. Neil Lightbody remembered that a 'report was done at the end of the school year and given to the parents', but there 'was no system in place where a parent could talk to a teacher about their child's progress in particular subjects'.[633] 'Martin' also confirmed that 'you got school reports for whatever worth they were. You took them home at school holidays, gave them to your parents and everything in the garden was rosy'.[634] Similarly, 'Ferguson'

> would get report cards to take back … with me and sometimes they made it to my parents, sometimes they didn't. The only time the

629 Keil School, Written Opening Submissions, at KSC-000000147, p.6.
630 Keil School, Written Opening Submissions, at KSC-000000147, p.7.
631 Keil School, Parts C and D response to section 21 notice, at KSC.001.001.0010, pp.4–5.
632 Keil School, Parts C and D response to section 21 notice, at KSC.001.001.0010, p.5.
633 Written statement of Neil Lightbody (former pupil, 1960–4), at WIT-1-000000328, p.14, paragraphs 99–100.
634 Written statement of 'Martin' (former pupil, 1974–80), at WIT-1-000000390, p.23, paragraph 81.

> school actually spoke to my parents was after I had run away one time because I refused to do languages and when I refused to play rugby.[635]

These statements indicate that pupils themselves were responsible for passing on reports to parents, confirming Neil Lightbody's perception that parent–teacher communication was limited. These pupils' evidence covered the period between the early 1960s and the 1990s, and suggests that little changed over three decades or so. The recollections of other applicants differed slightly but indicated a similarly minimalist approach to the recording of progress and engagement with pupils.

Discipline

The experiences of applicants suggest that records relating to discipline and to complaints were irregular or absent. 'John', who was at Keil from 1959, recalled that 'there was a big, hardback NH [Natural History] book kept in the school office and each boy had their own page. As any NH was given, it was entered in the book.'[636]

Neil Lightbody remembered that 'there was supposed to be a system whereby if a prefect observed a boy seriously misbehaving, he could record his name in a book, and then that boy would have to do some hour of outdoor work as a punishment'.[637] However, he added,

> from what I saw, this was very rarely deployed … The book was held by the senior chief … Other chiefs and deputies would go to him to put entries into it, but the chief could put whatever he wanted to in it. He had unquestionable right over the book and could put in or refrain from putting in whatever he wanted.[638]

'Martin', who joined Keil in 1974, said that 'punishments weren't recorded' in reports sent to parents, and that there 'was no punishment book'.[639] 'Ferguson', who was made a deputy during his time at Keil, suggested that the policy on discipline was not clear. He was 'never told what the rules might have been when I was made prefect. Nobody ever told me what I could or couldn't do, or what I could punish a boy for.'[640]

'Ferguson', remembering the late 1980s, thought that 'it was recorded if we were disciplined by a teacher, but I don't know where. It was certainly written in our report cards, which I was supposed to show my parents.'[641] Similarly, Craig Robertson, who was at Keil from 1991 to 1998, remembered that 'Tom Smith seems to have kept an eye on' the amount of Natural History given out by each teacher, implying that a record was kept of such punishment. He also recalled that 'all punishments were monitored by house staff for their impact on pupils although every teacher seemed to do that in their own way',[642] suggesting an absence of a clear policy and process.

635 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.21, paragraph 117.
636 Written statement of 'John' (former pupil, 1959–62), at WIT.001.001.8374, p.8, paragraph 39.
637 Written statement of Neil Lightbody (former pupil, 1960–4), at WIT-1-000000328, pp.9–10, paragraphs 68–9.
638 Written statement of Neil Lightbody (former pupil, 1960–4), at WIT-1-000000328, pp.9–10, paragraphs 68–9.
639 Written statement of 'Martin' (former pupil, 1974–80), at WIT-1-000000390, p.23, paragraph 81.
640 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.26, paragraph 145.
641 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.24, paragraph 132.
642 Written statement of Craig Robertson (former pupil, 1991–8), at WIT-1-000000122, p.35, paragraph 147.

Complaints

Former pupils indicated that complaints procedures were inadequate. For instance, Neil Lightbody felt that there 'was nobody you could speak to if you were being persecuted. If you did tell anybody then you would get bullied even more.'[643] 'Angus' agreed that 'there was no way you could report anything. You wouldn't dare report anything to a deputy or chief, no chance, and there were no teachers I would have gone to.'[644]

'Callum' did, at one point, report a concern to the headmaster about a friend being abused by William Bain, but the complaints process was inadequate:

> I remember speaking to Mr Tongue quite vividly. He never asked what I thought had happened, only what I saw. I remember thinking that was quite strange. During the interview, it was just me and Mr Tongue. There was nobody there witnessing what questions I was asked or what my answers were. I do remember Mr Tongue writing notes. I felt very out of my depth. It was all very formalised. I had no opportunity to speak to my parents before the formal investigation and I don't believe the school contacted them to let them know I would be interviewed.[645]

'Callum' was distressed to later read

> the transcript of an interview with one of the trustees of Keil School … It really got to me. It said that they found out, after Mr Bain left the school, that he had abused boys. It said there was no record of anything like that happening while Mr Bain was at the school. I remember giving a formal statement that was recorded in notes by Mr Tongue … I would have thought there would have been some formal process to record that information. Even if it was just to clear his teacher's name.[646]

It seems that a very serious allegation was allowed to disappear from the records.

As indicated above, the minute books do occasionally reflect particular issues. It is, however, striking that the Bain investigation carried out by Tongue was not reported to the governing body or, if it was, the details were not recorded whether in the minute books or elsewhere. The former seems more likely, but neither would be acceptable.

Staff recollections of record-keeping

Record-keeping generally

Tom Smith, deputy head at Keil from 1989 to 1999 and headteacher for Keil's final year, felt that 'it is fair to say that pupils would be comfortable to talk with quite a few of the teaching staff and matron was generally considered to be a sympathetic and compassionate ear'.[647] Applicant experiences do not support this, and there are few records to corroborate it due to the inadequacy of record-keeping practices and the destruction of records since Keil's closure.

Mary Duncan recalled that records were 'kept for all aspects of the school', though she 'did

643 Written statement of Neil Lightbody (former pupil, 1960–4), at WIT-1-000000328, p.21, paragraph 155.
644 Written statement of 'Angus' (former pupil, 1975–80), at WIT.001.001.8633, p.13, paragraph 66.
645 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, p.22, paragraph 87.
646 Written statement of 'Callum' (former pupil, 1988–91), at WIT-1-000001050, p.22, paragraph 89.
647 Written statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at WIT-1-000000439, p.13, paragraph 55.

not have full access to all those records'.[648] The idea that the school kept records in relation to all aspects of the school was not supported by the evidence of other former staff members. Robert Evans, who began working at Keil in 1989, did not

> remember there being a complaint procedure when I first started at Keil … After the HMI report stated there were 'Few formal written policies on matters relating to teaching and learning', I think a number of policies were written up. I found the document 'Keil School – School Discipline and Routine' dated August 1993 … This was a document for pupils. I am not sure how much this was used.[649]

Richard Allen said:

> The only records that were kept included plans of lessons, record of grades and marks attained by individual pupils, all kept by individual members of staff. There was a book in the staffroom where a record was kept of pupils having some sanction imposed. The records kept by members of staff must have been of a good or high quality because no negative comments were made by Her Majesty's Inspectorate. I do not recall there being a formal policy with regards to record-keeping.[650]

Martin Coombs recalled that the general attitude of the era was that 'no-one had the time or the apparent need to keep more than handwritten notes of the day-to-day running of small departments such as individual boarding houses', and did 'not recall noticing that policies or record-keeping on my arrival at Keil in 1991 were in any way more deficient than they had been' in a school he had previously taught at in London.[651] Nonetheless, he acknowledged that this attitude began to change in the 1990s, although it does not appear to have ever fully embedded at Keil. Angus Dunn said: 'I say in my statement that I have no recollection of any records being kept. That said, it could be that I did not have access to such records.'[652]

Complaints

There seems to have been little in the way of a formal complaints process. John McMurtrie did 'not remember a formal policy about recording anything regarding allegations of abuse'.[653] Likewise, Adrienne Smith, the wife of Tom Smith, who taught at Keil between 1989 and 2000, did not 'recall formal recording; any complaints were simply dealt with'.[654] David Gutteridge 'was not aware of any recording of complaints'.[655] Angus Dunn

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648 Written statement of Mary Duncan (former art teacher, 1975–2000), at WIT-1-000000465, p.6, paragraph 33.

649 Written statement of Robert Evans (former head of chemistry, 1989–95), at WIT-1-000000490, p.13, paragraph 59.

650 Transcript, day 244: Richard Allen (former primary teacher, 1991–2000), at TRN-8-000000037, pp.95–6.

651 Written statement of Martin Coombs (former geography teacher and housemaster, 1991–2000), at WIT-1-000000536, pp.6–7, paragraph 21.

652 Transcript, day 246: Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at TRN-8-000000039, p.7.

653 Written statement of John McMurtrie (former maths teacher, 1984–2000; house tutor, 1985–92; housemaster, 1992–2000), at WIT-1-000000574, p.12, paragraph 88.

654 Written statement of Adrienne Smith (former French and German teacher, 1989–2000; house mother, 1995–8; assistant housemistress, 1998–9; joint housemistress, 1999–2000), at WIT-1-000000443, p.8, paragraph 40.

655 Written statement of David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at WIT-1-000000604, p.7, paragraph 28.

did 'not know if complaints were recorded or where that would have been done'.[656] Ronald Boyd, chaplain at Keil from 1993 to 1998, was 'unaware of any complaints process, mainly due to my more external role with the school'.[657] Sarah Guy, who worked at Keil from 1995 to 2000, did not 'know whether there was a complaints or reporting process in place, should any child, or another person on their behalf, wish to make a complaint or report a concern'.[658] Tom Smith confirmed that 'complaints were simply dealt with and any recording would have been minimal. They were generally not of a serious nature and were often relatively trivial so that they were not worthy of a formal record.'[659] There is no indication of what determined whether a complaint was worthy of recording or who it was that made that decision.

Even when complaints were of a serious nature there was still no formal record, as indicated by the lack of proper recording of the William Bain investigation. Bain himself stated that he knew 'of no disciplinary process for dealing with complaints and allegations, or no route for whistle-blowers, or of any record keeping'.[660] He said, when a complaint was made by a parent 'during the last term of Chris Tongue's headmastership [1992] about my sexual behaviour … there were some investigations within the school and the complaint was withdrawn'.[661] That was at odds with the information given to the parent involved. In all the circumstances, I conclude that there was no proper or appropriate system for the treatment of complaints at Keil.

The absence of a formal complaints recording process means that it is not possible to say with complete certainty who knew or ought to have known of any complaint. Tom Smith, despite being deputy head at the time and reportedly someone who worked extremely closely with the headmaster, said he was 'not aware of any serious concerns having been raised. If there had been any I was unaware of, I don't know what records the headmaster might have kept.'[662]

John McMurtrie believed that individual teachers kept their own records of incidents. 'Significant complaints, and the responses to them, would be recorded, as it is normal practice for teachers to keep written records. The form can vary to suit the individual, except where the form is for some specific purpose, such as registers of attendance and marks books.'[663] Martin Coombs, when he received a complaint from the parents of

656 Written statement of Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at WIT-1-000000515, p.10, paragraph 53.

657 Written statement of Ronald Boyd (former chaplain, 1993–8), at WIT-1-000000424, p.8, paragraph 44.

658 Written statement of Sarah Guy (former history teacher, 1995–2000; assistant housemistress, 1996–2000), at WIT-1-000000518, p.4, paragraph 18.

659 Written statement of Thomas Smith (former deputy head, 1989–99, headmaster, 1999–2000), at WIT-1-000000439, p.13, paragraph 57.

660 Written statement of William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at WIT-1-000000508, p.2, paragraph 9.

661 Written statement of William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at WIT-1-000000508, p.13, paragraph 67.

662 Written statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at WIT-1-000000439, p.13, paragraph 55.

663 Written statement of John McMurtrie (former maths teacher, 1984–2000; house tutor, 1985–92; housemaster, 1992–2000), at WIT-1-000000574, p.9, paragraphs 63–4.

one pupil in the mid-1990s, did not 'think it merited more than a note in the diary to help me remember date, time, names, and topic'.[664] Mr Coombs thought that the decision to record complaints

> depended upon the degree of seriousness, and the likelihood that outsiders would need to be involved or that there would be a need for events to be recorded for later examination. Even then the formal process would in earlier days have been limited to informing senior management, involving outside agencies and parents, and recording what had gone on.[665]

Altogether, these recollections indicate that complaints procedures and recording were idiosyncratic and personal to each staff member, and there were no proper systems at all.

Similarly, Richard Allen stated that he did 'not know the procedures for the recording of complaints as I was not involved in such situations'.[666] He was the subject of an allegation of inappropriate behaviour, but

> did not know the exact nature of the complaint until 24 November 2020 when the Inquiry sent me details … I do not know if there was any record kept of this complaint but my only thought is if I were a headmaster I would want this recorded and kept in my file.[667]

This confirms that complaints were also not always fully investigated, recorded, or even dealt with.

Pupils' progress

Staff recalled that records were kept about pupils' progress, though it appears that these records were not always centralised in one location. John Cummings, on arrival at Keil in 1993, introduced 'an enhanced grading, assessment, and reporting process', which included

> monthly meetings for all staff at which each pupil's progress was discussed. There were termly reports on each pupil which covered academic work, a pastoral report from House Staff and reports on the extra-curricular activities. There was greater accountability and progress could be readily charted.[668]

Tom Smith reflected that 'pupil reporting was improved considerably over the years and provided greater detail from staff than in the past, and the quality of staff comments was upgraded'.[669] He explained that 'tutors kept records and reported each term to parents as part of the written report'[670] and that, within the school, 'the full staff met every month for a lengthy meeting to discuss the monthly pupil reports. Every child would feature, and their academic and social progress would be debated. House staff would note decisions

664 Written statement of Martin Coombs (former geography teacher and housemaster, 1991–2000), at WIT-1-000000536, p.22, paragraph 66.

665 Written statement of Martin Coombs (former geography teacher and housemaster, 1991–2000), at WIT-1-000000536, p.22, paragraph 64.

666 Written statement of Richard Allen (former primary teacher, 1991–2000), at WIT-1-000000555, p.7, paragraph 34.

667 Written statement of Richard Allen (former primary teacher, 1991–2000), at WIT-1-000000555, p.14, paragraphs 57–8.

668 Written statement of John Cummings (former headmaster, 1993–9), at WIT-1-000000491, p.6, paragraph 27.

669 Written statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at WIT-1-000000439, p.17, paragraph 73.

670 Written statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at WIT-1-000000439, p.10, paragraph 46.

regarding their specific pupils.'[671] Several former staff confirmed that 'the school had a big walk-in safe' where pupil files were kept, although Martin Coombs noted that 'what they contained I rarely had cause to discover'.[672]

Robert Evans did 'not know if there was any record-keeping policy or if any record-keeping was done. I kept academic records for my pupils and recorded what I taught and attendance records.'[673] William Bain, likewise, stated that he had 'no knowledge of the school's policy on record-keeping, apart from the filing of the termly reports for each child. I never saw or had access to any such records, if they existed, even when appointed as House Master.'[674] 'David Gutteridge recalled 'no record-keeping policy' relating to children's personal files.[675]

Angus Dunn described how

> in these days of GIRFEC[676] and SHANARRI[677] it is hard to recall just how instinctual our behaviour was, how little guidance there was, and how few records we had – or, at least, to how few I had access. I honestly do not know of any policies.[678]

These accounts suggest that any improvement in the keeping of pupil records was made very late in the day.

Discipline

Policies relating to discipline and punishment existed. Tom Smith said that when staff were appointed, they received 'a school handbook entitled "School Discipline and Routine", which covered rules, routines, punishment, rewards, reporting of problems etc.'[679]

Natural History does appear to have been recorded in a book.[680] Mary Duncan also recalled that 'there were records kept for detention and NH and both were filled in by the member of staff involved on the day'.[681] These records would be kept by senior management. John Cummings stated that:

> detention lists and NH rotas were drawn up by the Deputy Head and satis cards[682] by individual teachers and Heads of Department.

671 Written statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at WIT-1-000000439, p.3, paragraph 11.

672 Written statement of Martin Coombs (former geography teacher and housemaster, 1991–2000), at WIT-1-000000536, p.13, paragraph 34.

673 Written statement of Robert Evans (former head of chemistry, 1989–95), at WIT-1-000000490, p.16, paragraph 73.

674 Written statement of William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at WIT-1-000000508, p.9, paragraph 42.

675 Written statement of David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at WIT-1-000000604, p.8, paragraph 35.

676 GIRFEC (Getting It Right For Every Child) is a Scottish Government policy that seeks to improve outcomes for children and young people by placing the child at the centre. It was first introduced in 2006.

677 SHANARRI (Safe, Heathy, Achieving, Nurtured, Active, Respected, Responsible, Included) is part of the GIRFEC policy centred on children's wellbeing.

678 Written statement of Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at WIT-1-000000515, p.6, paragraph 26.

679 Written statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at WIT-1-000000439, p.7, paragraph 32. For an example from 1993 see Keil School, School Discipline and Routine, at WIT-3-000000718.

680 Written statement of Richard Allen (former primary teacher, 1991–2000), at WIT-1-000000555, p.6, paragraph 25; Written statement of David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at WIT-1-000000604, p.6, paragraph 25.

681 Written statement of Mary Duncan (former art teacher, 1975–2000), at WIT-1-000000465, p.4, paragraph 19.

682 A satis card was a card to be signed or initialled by staff to confirm that a pupil had behaved satisfactorily.

> Suspension and expulsion were overseen by the Deputy Head and Head who would be in contact with the parents and additionally with the Chair of Governors in regard to expulsions. Records of expulsions would be kept on a pupil's individual file.[683]

Disciplinary incidents would also be recorded in a letter to the parents of the boy concerned.[684] Angus Dunn recalled that for 'academic problems, there were detentions run in the evenings … recorded in a file in the Staff Common Room'.[685]

David Gutteridge stated that 'the Housemasters, not the Tutors, had oversight of the Chiefs' and Deputies' disciplinary roles'.[686] This indicates some division between punishments issued by academic staff and punishments issued by 'chiefs' in the houses, with the former being recorded and the latter overseen less formally.

Robert Evans did 'not know what records were kept of punishments issued. Other than the booklet[687] [referred to by Tom Smith], I do not remember seeing a policy and discussing how it was intended to work in practice.'[688] William Bain 'was not aware of there being any formal policy in relation to discipline and punishment. As there was no policy, the only record kept was the weekly list of those due to report for Natural History, which may or may not have been subsequently retained.'[689] This confirms that beyond Natural History, punishments were not always recorded.

In Keil's final year, Martin Coombs

> was in charge of supervising the punishment system and can confirm that I watched carefully over the reasons for its imposition, the tasks to be done, and the patterns of misbehaviour that the weekly records revealed. I recall there being lists filed in ring-binders, which Tom Smith would have maintained before I took over.[690]

He noted that 'there was a log kept in my boarding house of any House NH imposed by Chief or Deputies'.[691] The reference to 'my' house indicates that practice between the houses may have differed, leaving some punishments imposed by chiefs in the boarding houses unrecorded, as suggested in other witness statements.

Staff records

Records pertaining to staff, including application forms and evaluations, 'were retained by the bursar in the school office'.[692]

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683 Written statement of John Cummings (former headmaster, 1993–9), at WIT-1-000000491, p.12, paragraph 65.

684 Written statement of John Cummings (former headmaster, 1993–9), at WIT-1-000000491, p.15, paragraph 82.

685 Written statement of Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at WIT-1-000000515, p.8, paragraph 40.

686 Written statement of David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at WIT-1-000000604, p.6, paragraph 25.

687 Keil School, School Discipline and Routine, at WIT-3-000000718.

688 Written statement of Robert Evans (former head of chemistry, 1989–95), at WIT-1-000000490, p.11, paragraph 50,

689 Written statement of William Bain (former head of physics, 1987–2000; house tutor, 1987–99; housemaster, 1999–2000), at WIT-1-000000508, p.6, paragraph 27.

690 Written statement of Martin Coombs (former geography teacher and housemaster, 1991–2000), at WIT-1-000000536, pp.12–13, paragraph 32.

691 Written statement of Martin Coombs (former geography teacher and housemaster, 1991–2000), at WIT-1-000000536, p.19, paragraph 55.

692 Written statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at WIT-1-000000439, p.17, paragraph 72.

Former staff had varying recollections about the recording of their own performances. John Cummings noted that contracts were retained by the bursar, though 'staff records were kept securely by the Head's secretary'.[693] Tom Smith stated that 'all staff completed self-evaluation returns for the head teacher, [which] would have included their own review of the year and their ambitions for their future progression'.[694] In later years, 'records would have contained staff appraisals'.[695]

Robert Evans said Christopher Tongue 'gave me my yearly appraisal. This involved filling out two sides of A4 with responses to the three headings of: what I have achieved this year; what do I hope to achieve in the coming year; how can the school help me achieve this?'[696]

David Gutteridge's recollections differed. He recalled that 'department liaison was informal and on a day-to-day basis … There was no formal process of monitoring and appraisal.'[697] John Cummings, similarly, stated that 'there was no formal system of appraisal that I can recall'.[698] Angus Dunn remembered that 'the school had no established monitoring or appraisal process and minimal review'.[699] There were some ad hoc appraisals, but he stated that 'the most really was a quick chat every August after exams'.[700]

Records relating to staff performance appear to have been as inconsistent and variable as other records. Since most records, including staff files, were destroyed ten years after the school's closure, it is impossible to say more.

Response to evidence about records

No formal closing submission was provided to the Inquiry; however, Rodger Harvey-Jamieson offered some concluding remarks based on the evidence.

In relation to William Bain's abuse he agreed that information was not properly recorded and shared. There is no doubt that Christopher Tongue undertook an investigation, of sorts, into a complaint about Bain's behaviour, but no record of this investigation – which could have confirmed who knew of it – was retained by the school. Rodger Harvey-Jamieson could not confirm with certainty that no record of the investigation was made, 'due to the lack of the school's own records, which were contained in a – what I'm told is a walk-in safe and may or may not have included personal records of that nature'.[701] He continued: 'One would have expected that information to

693 Written statement of John Cummings (former headmaster, 1993–9), at WIT-1-000000491, p.4, paragraph 20.

694 Written statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at WIT-1-000000439, p.7, paragraph 33.

695 Written statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at WIT-1-000000439, p.17, paragraph 73.

696 Written statement of Robert Evans (former head of chemistry, 1989–95), at WIT-1-000000490, p.5, paragraph 20.

697 Written statement of David Gutteridge (former English teacher, 1989–90; house tutor, 1990–1), at WIT-1-000000604, p.2, paragraph 6.

698 Written statement of John Cummings (former headmaster, 1993–9), at WIT-1-000000491, p.2, paragraph 9.

699 Written statement of Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at WIT-1-000000515, p.2, paragraph 9.

700 Written statement of Angus Dunn (former modern languages teacher, 1992–2000; housemaster, 1996–2000), at WIT-1-000000515, pp.5–6, paragraph 25.

701 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, p.86.

have been passed to any future employer of Mr Bain … and it was to me inexplicable how that did not happen.'[702]

Rodger Harvey-Jamieson also noted that when Robert Evans witnessed the incident between William Bain and a pupil on Ben Ledi, 'he took a conscious decision not to report that to the Senior Management Team … presumably because relationships with the Senior Management Team had broken down'.[703] He accepted that one reason for this was the culture of silence, which included staff, at Keil. 'The evidence points in [the] direction [that] communication at all levels … [was] deficient'.[704]

Conclusions about records

What emerges from the evidence is a picture of record-keeping that was not conducted according to any particular policy, but rather on an ad hoc basis according to individual staff members' attitudes, and from information provided by those few pupils who did raise concerns. Applicants recalled very little record-keeping beyond termly reports that were relatively brief overviews of their respective lives at Keil. That remained the position from the 1960s through to the school's closure in 2000.

The lack of record-keeping meant, in particular, that complaints made about William Bain were forgotten, and he was able to continue his teaching career after leaving the school without the inquiry other schools should have been allowed to make. As Rodger Harvey-Jamieson noted in hearings, it is possible that what has been discovered about Bain is 'the tip of the iceberg'.[705]

John Cummings believed that 'serious incidents would be recorded' in pupils' files, and 'had there been an allegation of abuse, reference would have been made here'.[706] However, the fact that records were not 'kept for more than ten years after closure' means that this cannot be confirmed.[707]

Poor record-keeping also related to abusive behaviour by children within Keil. Evidence indicates that records, particularly in relation to punishment and discipline, even if retained, would not reliably identify its true extent. These are all systemic failings.

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702 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, p.87.

703 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, p.87.

704 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, p.89.

705 Transcript, day 247: Rodger Harvey-Jamieson (former clerk (late 1970s–2000) to and trustee (2000–present) of the Mackinnon-Macneill Trust), at TRN-8-000000040, p.90.

706 Written statement of John Cummings (former headmaster, 1993–9), at WIT-1-000000491, p.19, paragraph 101.

707 Written statement of Thomas Smith (former deputy head, 1989–99; headmaster, 1999–2000), at WIT-1-000000439, p.17, paragraph 72.

9 Inspections

Introduction

Until Part V of the Education (Scotland) Act 1946 came into force in 1957, there was no statutory control of either the setting up or the running of independent boarding schools by private individuals, organisations, or religious groups.[708] Thereafter, and until 1995, the regulation that did exist afforded the state little oversight of how independent boarding schools operated, or any real power to provide effective protection of children resident there.

Inspection of boarding facilities: background

While there was no formal requirement to inspect independent schools prior to 1946, archived Scottish Education Department files released to SCAI confirm that inspections of boarding schools were taking place regularly from at least the 1920s and, in the case of Keil School, from 1923. The initial inspection was in fact of Keil's predecessor, Kintyre Technical School. Records made available to SCAI show an inspection of Kintyre Technical School in May and June 1923,[709] in May 1924,[710] and in July 1925.[711] The report of the 1925 inspection states that it had been 'conducted under the Secondary Schools (Scotland) Regulations, 1923, and Schools examined in accordance with the provisions of Section 19 of the Education (Scotland) Act, 1878'.[712] The first report of an inspection of Keil is dated August 1927.[713]

Education (Scotland) Act 1946

The Education (Scotland) Act 1946 introduced a number of significant changes to the inspection of schools generally and, in particular, to the oversight of independent schools. Section 61 of the 1946 Act placed a duty on the Secretary of State for Scotland to arrange for the inspection of every educational establishment.[714] The Secretary of State had discretion as to the frequency and focus of such inspections.

Section 62 of the 1946 Act allowed independent schools to request an inspection, with the cost of the inspection being met by the school. Whilst section 61 theoretically applied to both state and independent schools, in practice it was section 62 of the 1946 Act that applied to independent schools.[715]

708 Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.318.

709 Scottish Education Department, Report, Keil School, June 1923, at SGV-000067151, pp.2–3.

710 Scottish Education Department, Report, Keil School, May 1924, at SGV-000067151, pp.4–5.

711 Scottish Education Department, Report, Keil School, July 1925, at SGV-000067151, pp.7–9.

712 Scottish Education Department, Report, Keil School, July 1925, at SGV-000067151, p.7.

713 Scottish Education Department, Report, Keil School, August 1927, at SGV-000067151, pp.10–11.

714 Education (Scotland) Act 1946, sections 61 and 62.

715 NRS, ED48 1377, Registration of Independent Schools: General Policy, 1953–67, Minutes, 6 October 1955, at SGV-000007325, pp.41–2.

Part V of the 1946 Act required independent schools to register with the newly created Registrar of Independent Schools in Scotland; failure to do so was a criminal offence. However, it was only with the Registration of Independent Schools (Scotland) Regulations 1957 that the relevant provisions came into force. The 1957 Regulations detailed the registration procedure and the information required. Whilst the 1957 Regulations did not establish standards for the care or education of pupils, they bolstered the inspection provisions outlined in Part V of the 1946 Act, by bringing into effect a complaints mechanism. Professor Kenneth Norrie, in his report for SCAI, said the 1957 Regulations

> added teeth to the inspection process that had existed by then for the previous ten years. Under this mechanism the Secretary of State could specify in a Complaint shortcomings that required to be rectified (having presumably been identified at inspections), in terms of the efficiency and suitability of the education being provided; the suitability of the school premises; the adequacy or suitability of the accommodation provided; the Secretary of State could also conclude that the proprietor of the school or any teacher was not a proper person to be such proprietor or teacher.[716]

The Secretary of State or the Scottish Education Department could strike a school off the register, or disqualify a proprietor or teacher. No further details were provided as to the criteria to be applied when considering whether or not to do so.

The 1957 Regulations remained in place until their revocation by the Registration of Independent Schools (Scotland) Regulations 2005, which were in turn replaced by the Registration of Independent Schools (Scotland) Regulations 2006.[717] The 2006 Regulations continue to apply.

Keil has been registered as an independent school since November 1957.[718]

Education (Scotland) Acts 1962 and 1980

Section 61 of the 1946 Act was replaced, unaltered, by section 67 of the Education (Scotland) Act 1962, which in turn was replaced by section 66 of the Education (Scotland) Act 1980.[719] Section 62 of the 1946 Act was not repeated in the 1962 Act. This meant that, from 1962, independent schools were no longer able to request an inspection themselves, and – like state schools – were subject to inspection only at the discretion of the Secretary of State for Scotland.

The 1980 Act remains in force today, though substantially amended.[720] One significant amendment was made by the Children (Scotland) Act 1995. It altered section 125 of the 1980 Act, making it a duty of local authorities and schools' managers or boards to safeguard and promote the welfare of

716 Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.319.

717 The Registration of Independent Schools (Scotland) Regulations 2005; The Registration of Independent Schools (Scotland) Regulations 2006.

718 Notice of Keil being registered in the Register of Independent Schools, 29 November 1957, at SGV-000067149, p.1.

719 Education (Scotland) Act 1962, section 67; Education (Scotland) Act 1980, section 66.

720 The current provisions on the registration of independent schools can be found in the Education (Scotland) Act, 1980 (as amended), and The Registration of Independent Schools (Scotland) Regulations, 2006.

children and young people whilst resident at a school.[721] It also gave HM Inspectors of Schools (HMIs) the power to inspect a school in order to determine whether pupils' welfare was being adequately safeguarded and promoted. Until 2001 it was the responsibility of HM Inspectorate of Education (HMIe) to inspect the boarding facilities within a school.

Keil was last inspected by HMIe in June 1998. The inspection report recommended certain improvements including in relation to updating child protection policies and procedures, the quality of its accommodation, security, and staff development. It was published in September 1998.[722] Although it was stated in the report that the inspectorate would return between one and two years after its publication to assess the school's progress in meeting its recommendations, the school was not inspected again before it closed in July 2000.

The Regulation of Care (Scotland) Act 2001

The Regulation of Care (Scotland) Act 2001 provided for the establishment of the Scottish Commission for the Regulation of Care. On its establishment in 2002, the Care Commission took over the regulation and inspection of care services, including boarding facilities at independent schools. Keil closed in 2000 and so was never subject to the Care Commission scheme of inspection.

Inspection records

As noted, available records confirm that the Scottish Education Department inspected Kintyre Technical School on several occasions in the 1920s, that it first inspected Keil School in 1927, and that Keil was inspected on multiple occasions in the period up to 1998, when the school was inspected for the final time. Details of inspections carried out at Kintyre Technical School and Keil School, to the extent known to the Inquiry, are set out in Tables 5 and 6 in Appendix C.

It is clear that there were regular inspections from the 1920s to 1942, including consideration of boys' living accommodation. One inspection of the residential arrangements was carried out in 1941[723] and related to Balinakill, Clachan, the premises to which Keil evacuated during the Second World War. These reports paint a good picture of the school as a whole.

After the Second World War, however, and no doubt partly because of it, there was no inspection until 1956, and this was possibly carried out for the purpose of registering Keil as an independent school. The next inspection was in 1961, after which Keil was not inspected again until 1972. These inspections focused on educational provision and on the management and tone of the school. In the 1960s it was deemed to be excellent: 'There is a very good tone in the school. Initiative and responsibility are encouraged and the prefect system appears to function successfully. The bearing

721 Children (Scotland) Act 1995, section 35; Education (Scotland) Act 1980, section 125A.

722 HMIe, Inspection of Keil School, 8 September 1998, at SGV-000007300.

723 NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267, p.77; Keil School, Minutes of meeting of House Committee, 1 December 1941, at KSC-000000030, p.24.

and conduct of the boys impressed very favourably.'[724]

Similarly, the 1972 inspection report concluded:

> Credit is due to the headmaster for an enlightened school organisation which encourages a sense of personal responsibility on the part of the boys and shows concern for their personal and educational development. The increasing provision made for the wider education of the boys by stimulating their interest in cultural activities and in a wide range of athletic and recreative pursuits is to be commended. HM Inspectors were favourably impressed by the demeanour and courtesy of the boys, the co operation they received from the headmaster and his staff, and the pleasant tone of the school.[725]

What is of greater interest is that the headmaster's report dated 27 June 1972 to the governors of Keil School is much more expansive. He wrote:

> The verbal report on the Inspection was communicated to me on 22 June by the Chief Inspector, Mr MacDonald. There was special praise for the teaching of Physics, English and Technical subjects, Arts and Music; for the careers organisation; for the large variety of activities undertaken by the boys, and for their active participation in the running of the school. The Chief Inspector, however, made his main criticisms (not unexpected) on the following points:
>
> The accommodation for academic and technical subjects was completely below that of the State Schools … He referred to the poor state of decoration of some of the classrooms. Boarding accommodation, in very few cases, came up to the standard of the 'hostels'. Here again there was poor decoration, lack of floor covering, poor furniture and a 'chilly atmosphere in many rooms which was in contrast to the cheerfulness of the boys'. He recommended a reduction in the number of boys sharing dormitories, more single study bedrooms, better washroom accommodation and an improvement in the sickroom.
>
> …
>
> Staffing and Teaching. There were, he said, too many unqualified teachers and that, in some subjects, the teaching was too 'traditional' in approach. He recommended more in service training of staff, though he recognised the difficulties in a small school of releasing staff in term time.
>
> Catering. Breakfast and lunch very satisfactory but evening meals lacked quantity and variety. We recommend the advantages of the cafeteria system as giving greater choice and reducing waste.
>
> The Organisation was enlightened to allow ample scope for pupil participation. The guidance given tended to be informal but showed concern for the welfare and development of the boys. While discipline was firm it was not restrictive.
>
> While the inspection has been most valuable, and the individual inspectors most helpful, the majority of the criticisms could be readily dealt with if the School received a substantial grant for immediate use and an annual allowance, from the Scottish Education Department. We must, however, continue to rely upon our own resources and I am confident that we can succeed.[726]

724 Scottish Education Department, Report, Keil School, session 1961–62, at SGV-000067149, p.8.

725 Keil School, Report by HM Inspector, 6 October 1972, at KSC-000000333.

726 Keil School, Report to Governors from Edwin Jeffs, 27 June 1972, at KSC.001.001.0084, pp.6–7.

Some of what was inspected, in this case the boarding accommodation, did not make it into the detail of the inspection report. It is impossible to know what, if anything, was said to the inspectors by pupils in 1972 and whether any reports of abuse, from whatever source, were shared. It is also striking to note that the school was provided with approximately three months' advance notice of the inspection. Yet the best they could display when the inspection took place was below standard in significant respects.[727]

Accommodation again came to the fore in 1973, when the headmaster noted in a report the verbal remarks made by the chief inspector during a recent inspection. They 'showed that, compared with the State system, Keil was below standard in its teaching, its boarding and its medical facilities'.[728]

Despite the negative findings in the 1972 report, 20 years passed before the next inspection which 'was carried out in March and April 1992, as part of a national sample of education in independent schools … [and] also covered pastoral care and guidance, a wide range of extracurricular activities, boarding provision and the management of the school'.[729] Pastoral care and boarding provision was no longer the subject of verbal reports but was now explicitly set out in the findings: 'Boarding accommodation overall was satisfactory … Improvements to the boarding accommodation, some of which were effected during the period of inspection, were an ongoing priority of the school.'[730] Further,

> Keil School aimed to provide a family atmosphere within which pupils could achieve their full academic potential and, in a wider context, develop interests, skills, maturity and self confidence that would enable them to make a worthwhile contribution to society when they left school. Staff at all levels worked hard to pursue these aims which were achieved with a very commendable degree of success … The house staff's commitment to the pastoral care of all pupils played a key role in promoting social cohesion and in liaising with parents … The welfare of boarders was closely monitored.[731]

The report of the 1992 inspection is considerably more detailed than any earlier report and was overall positive. A review visit took place on 9 December 1993. The school, as before, was provided with advance notice of the visit and was able to outline to the governors of the Trust the presentations the headmaster, deputy headmaster, and bursar would be making to senior inspectors during the review visit, which would emphasise

> the school's determination to continue to strengthen its academic results and the fact that any necessary learning support would be integrated with this aim. The distinction between bursaries and scholarships would be retained and competition encouraged for the latter, although the financial implications of such awards would have to be carefully considered. The thrust of the Children Act was

727 Keil School, Minutes of meeting of House Committee, 8 November 1971, at KSC-000000045, p.2.
728 Keil School, Minute Book 10, Headmaster's report, summer 1973, at KSC-000000391, p.80.
729 HM Inspector of Schools, Report, Keil School, 1992, at KSC-000000087.
730 HM Inspector of Schools, Report, Keil School, 1992, at KSC-000000087, p.2.
731 HM Inspector of Schools, Report, Keil School, 1992, at KSC-000000087, p.3.

> to be entirely accepted in anticipation of the adoption of similar legislation in Scotland.[732]

The final inspection of Keil took place in June 1998 and focused on the welfare of residential pupils, not on educational provision. The subsequent report, referred to above, was dated 8 September 1998. It stated:

> The overall quality of residential care was good. There was a clear sense of community in the residential houses. Relationships among pupils and between pupils and staff were very open and friendly … Residential staff demonstrated concerns for the pastoral needs of pupils. The overall quality of the accommodation was fair.[733]

However, the need for the school to review and update its child protection policies was highlighted. Sector-wide, child protection had come to the fore in the mid-1990s, so should have been identified by Keil before 1998. Other aspects of the school were also identified as needing attention. The report made a number of recommendations, as outlined above, one being to 'continue to take steps to improve the overall quality of residential accommodation'.[734]

Key strengths that were identified included the school's ethos; the very open relationships among pupils and between them and the staff; the staff's strong commitment and concern for the general welfare of residential pupils; and the contribution of senior pupils to the life of the school.

The available records also confirm that the Scottish Education Department, at various times, engaged with Keil, including visiting the school, to discuss and assess preparedness for changes to examinations; changing over to the Scottish Leaving Certificate in 1961;[735] examination arrangements in 1963 and 1964;[736] inspection of the provision of maths and modern studies in 1980;[737] and the school's plan for making the school fully co-educational in 1989, including the boarding accommodation for girls.[738] Table 6 in Appendix C sets out the detail of such engagement and discussions, to the extent known to the Inquiry.

Evidence from applicants about inspections

Few applicants recalled external inspections, which is unremarkable given that there were only three full visits in the 31 years between 1961 and 1992. That was a source of concern of applicants from that period. 'Tony' said:

> I think there needs to be inspections of boarding schools. I don't remember any inspector coming into Keil School and speaking to us. There should be someone from a regulatory body coming in and speaking to pupils. There needs to be

732 Keil School, Minutes of meeting of Governors, 2 December 1993, at KSC-000000129, pp.2–3.

733 HMIe, Inspection of Keil School, 8 September 1998, at SGV-000007300, pp.2–3.

734 HMIe, Inspection of Keil School, 8 September 1998, at SGV-000007300, p.5.

735 Keil School, Minutes of meeting of House Committee, 13 February 1961, at KSC-000000026, p.1.

736 Keil School, Minute Book 6, Minutes of meeting of Governors, 20 May 1963, at KSC-000000392, p.65; and Keil School, Minute Book 6, Minutes of meeting of House Committee, 27 April 1964, at KSC-000000392, p.183.

737 Keil School, Minutes of meeting of House Committee, 20 October 1980, at KSC-000000145, p.106.

738 KWH 82 1 Part 2, Keil School Registration, 31 October 1989, at SGV-000007215, p.222.

> someone responsible for keeping an eye on these places, not just a box-ticking exercise.[739]

Two applicants from the school's final decade did recall inspections; their evidence had a common theme, namely that the school was very keen to present a good image. 'Ferguson' said: 'We were all prepped on what to say and how to act if an inspector approached us.'[740]

Craig Robertson recalled the inspections of 1992 and 1998. Of the latter he said:

> There was also an inspection … which specifically looked at boarding. I think the inspectors spent a lot of time interviewing the boarders, but I was interviewed in a group as part of the student council. They asked us about the headmaster, John Cummings, and we were able to give honest answers to our opinions about his leadership. The results seemed to be alright when they came back, although I believe they did comment on the boarding accommodation, including the showers in the cellar of Islay Kerr … We were expected to be on our best behaviour as we always were when visitors came in, although my natural reaction would have been to give a good presentation of the place anyway. There was never anything that I felt I did not want to say. We did try and keep troublemakers away … because we knew some would present the wrong face. That was about not giving somebody a platform rather than hiding anything. Had I wanted to say anything about the school, I think I would have been able to do so.[741]

Evidence from staff about inspections

Some staff members did recall the inspections that took place in the 1990s.[742] Robert Evans recalled the 1992 inspection, and his evidence was in line with 'Ferguson's'. He said:

> I mean, when you're inspected, it's all hands on deck, all stops pulled out, because you – this will be a document which reflects on the school for a number of years because I think it's once every ten years – no, once every six years they were looking at inspecting schools. So every pupil at one point in their school career would have been inspected. So this is something that parents and the community look at, so you make sure that you dust everything off and make sure the school is looking its best. A quick coat of paint in places, and you make sure the pupils know what they should be saying and are on their best behaviour.[743]

On being probed as to what he meant by 'you make sure the pupils know what they should be saying and are on their best behaviour', he said:

> I've always found that the pupils, when they come to be inspected, they always are on the side of the school rather than management … if you've got an inspector in the room, they will – because you're their teacher, they will make you try and look as good as possible for the inspector. I don't know why. It becomes 'us against them' in sort of the mentality … 'Us' being the school and the HMI being 'them'.[744]

739 Transcript, day 243: read-in statement of 'Tony' (former pupil, 1988–90), at TRN-8-000000035, p.123.
740 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.19, paragraph 106.
741 Written statement of Craig Robertson (former pupil, 1991–8), at WIT-1-000001222, pp.32–3, paragraphs 136–8.
742 See, for example, Transcript, day 244: Richard Allen (former primary teacher, 1991–2000), at TRN-8-000000037, p.90.
743 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.142.
744 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.143.

Robert Evans accepted that children may support the school on an occasion when they in fact have the opportunity to report concerns to an independent body.[745]

Conclusions about inspections

In the period 1942–92 inspections were infrequent. When they did occur, they were announced. Advance notice was given and, until the 1990s, inspections did not focus on the pastoral needs of the children. 'Expectations about how to behave', 'keeping troublemakers away', 'presenting the wrong face', and 'not giving someone a platform' are all the more interesting when considered in the context of so much other evidence that reflected Keil's cultural impediments to children's reporting of their concerns[746] and the resultant failures to record.[747]

Robert Evans questioned positive aspects of conclusions the inspectors came to during the 1992 inspection. The report from this inspection said:

> Keil School aimed to provide a family atmosphere within which pupils could achieve their full academic potential and in a wider context develop interests, skills, maturity and self-confidence that would enable them to make a worthwhile contribution to society when they left school. Staff at all levels worked hard to pursue these aims which were achieved with a very commendable degree of success.[748]

Robert Evans commented: 'I can't see why they came to that sort of conclusion because it wasn't always the case.'[749] The explanation could be that the inspectors were presented with a school where pupils knew what 'they should be saying and [were] on their best behaviour'[750] or were 'all prepped on what to say and how to act if an inspector approached us',[751] and with 'troublemakers' kept away.

745 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.143.
746 See Reporting chapter.
747 Discussed in the Records chapter.
748 HM Inspector of Schools, Report, Keil School, 1992, at KSC-000000087, pp.2–3.
749 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.146.
750 Transcript, day 244: Robert Evans (former head of chemistry, 1989–95), at TRN-8-000000037, p.142.
751 Written statement of 'Ferguson' (former pupil, 1988–95), at WIT-1-000000440, p.19, paragraph 106.

Appendix A – Terms of Reference

Introduction

The overall aim and purpose of this Inquiry is to raise public awareness of the abuse of children in care, particularly during the period covered by SCAI. It will provide an opportunity for public acknowledgement of the suffering of those children and a forum for validation of their experience and testimony.

The Inquiry will do this by fulfilling its Terms of Reference which are set out below.

1. To investigate the nature and extent of abuse of children whilst in care in Scotland, during the relevant time frame.

2. To consider the extent to which institutions and bodies with legal responsibility for the care of children failed in their duty to protect children in care in Scotland (or children whose care was arranged in Scotland) from abuse, regardless of where that abuse occurred, and in particular to identify any systemic failures in fulfilling that duty.

3. To create a national public record and commentary on abuse of children in care in Scotland during the relevant time frame.

4. To examine how abuse affected and still affects these victims in the long term, and how in turn it affects their families.

5. The Inquiry is to cover that period which is within living memory of any person who suffered such abuse, up until such date as the Chair may determine, and in any event not beyond 17 December 2014.

6. To consider the extent to which failures by state or non-state institutions (including the courts) to protect children in care in Scotland from abuse have been addressed by changes to practice, policy or legislation, up until such date as the Chair may determine.

7. To consider whether further changes in practice, policy or legislation are necessary in order to protect children in care in Scotland from such abuse in future.

8. To report to the Scottish Ministers on the above matters, and to make recommendations, as soon as reasonably practicable.

Definitions

'Child' means a person under the age of 18.

For the purpose of this Inquiry, 'Children in Care' includes children in institutional residential care such as children's homes (including residential care provided by faith-based groups); secure care units including List D schools; Borstals; Young Offenders' Institutions; places provided for Boarded Out children in the Highlands and Islands; state,

private, and independent Boarding Schools, including state-funded school hostels; healthcare establishments providing long-term care; and any similar establishments intended to provide children with long-term residential care. The term also includes children in foster care.

The term does not include children living with their natural families; children living with members of their natural families; children living with adoptive families; children using sports and leisure clubs or attending faith-based organisations on a day-to-day basis; hospitals and similar treatment centres attended on a short-term basis; nursery and daycare; short-term respite care for vulnerable children; schools, whether public or private, which did not have boarding facilities; police cells and similar holding centres which were intended to provide care temporarily or for the short term; or 16- and 17-year-old children in the armed forces and accommodated by the relevant service.

'Abuse' for the purpose of this Inquiry 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.

Appendix B – Corporal punishment in Scottish schools and related matters

The parental right of chastisement

The common law of Scotland granted parents the right to inflict corporal punishment upon their children.[752] This right was statutorily acknowledged in 1889 by the Prevention of Cruelty to, and Protection of, Children Act, and repeated by its successors – including the Children Act 1908 and the Children and Young Persons (Scotland) Act 1937.[753] However, corporal punishment was only lawful if it was '(i) aimed at chastisement, in the sense of educative punishment, and (ii) within a moderate and reasonable level of severity. Acting in a manner beyond "reasonable chastisement" has long been a legal wrong.'[754] Although the concept of 'reasonableness' has changed over time according to society's changing views on the rights of children and their parents, 'cases from the earliest period indicate a judicial awareness of the dangers to vulnerable children of excessive physical punishment'.[755] Therefore, although parents did have the right to punish their children, this parental right was not without limits – it had to have a purpose and had to be reasonable.

Corporal punishment in Scottish schools and the views of the courts

Throughout much of the period examined in this case study, corporal punishment was permitted in Scottish schools. Traditionally, in state schools, it took the form of striking the palm of the pupil's hand with the Lochgelly tawse.[756]

A teacher's power to chastise was not delegated by parents 'but was a self-standing privilege arising from the obligation of the teacher to maintain school-room discipline' which in the boarding schools extended to the residential side. Nineteenth-century court cases involving teachers emphasised that corporal punishment had to be 'without any cruel or vindictive feeling or passion',[757] and that a 'schoolmaster is invested by law with the power of giving his pupils moderate and reasonable corporal punishment, but the law will not protect him when his chastisement is unnatural, improper, or excessive'.[758]

Little changed for much of the twentieth century. In Gray v Hawthorn,[759] in 1964, the

752 See Alexander Birrell Wilkinson and Kenneth McK. Norrie, *The Law Relating to Parent and Child in Scotland*, 3rd edn. Edinburgh: W. Green (2013). See also Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.346.

753 See Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.346.

754 See Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.346.

755 See Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.347.

756 See 'How the Tawse Left its Mark on Scottish Pupils', *BBC News*, 22 February 2017. The Lochgelly tawse was so called because most teachers preferred tawses manufactured by a leather business based in Lochgelly, Fife.

757 Muckarsie v Dickson (1848) 11 D 4, p.5.

758 Ewart v Brown (1882) 10 R 163, p.166.

759 Gray v Hawthorn (1964) JC 69.

Court of Appeal emphasised the importance of discretion when it affirmed a teacher's conviction for assault:

> There is no doubt that a school teacher is vested with disciplinary powers to enable him to do his educational work and to maintain proper order in class and in school, and it is therefore largely a matter within his discretion whether, and to what extent, the circumstances call for the exercise of these powers by the infliction of chastisement … If what the schoolmaster has done can truly be regarded as an exercise of his disciplinary powers, although mistaken, he cannot be held to have contravened the criminal law. It is only if there has been an excess of punishment over what could be regarded as an exercise of disciplinary powers that it can be held to be an assault. In other words the question in all such cases is whether there has been dole[760] on the part of the accused, the evil intent which is necessary to constitute a crime by the law of Scotland. The existence of dole in the mind of an accused person must always be a question to be decided in the light of the whole circumstances of the particular case … such matters as the nature and violence of the punishment, the repetition or continuity of the punishment, the age, the health and sex of the child, the blameworthiness and the degree of blameworthiness of the child's conduct, and so on, are all relevant circumstances in considering whether there was or was not that evil intent on the part of the accused at the time of the alleged offence.[761]

The child was 11 and was belted eight times in the space of two hours for being dirty, having an untidy schoolbag, performing poorly in schoolwork, making spelling mistakes, and having poor handwriting, a factor exacerbated by the injuries caused by the repetitive belting. From today's perspective, aspects of the sheriff substitute's reasoning seem surprising:

> [I] found no fault with the appellant regarding the punishments inflicted for having dirty hands and knees. I attached no importance to the total number, as such, of strokes delivered on the morning in question. What I found fault with was the succession of punishments and reasons (or lack of just reasons) therefore, as narrated in my findings. At some stage their repetition amounted to what I can only describe as a degree of unjust persecution. I inferred dole only from the excess of punishment in the circumstances narrated.[762]

I would not have considered it appropriate to belt a child for any of the reasons set out. I would consider it abusive.

The reasoning in Gray v Hawthorn was followed in the 1980 case of Stewart v Thain,[763] which involved a headteacher smacking a 15 year old on the buttocks, apparently with parental approval. The Court remained loath to interfere in school discipline which was still very much a matter of educational discretion, where 'each case must be considered in the light of the whole circumstances relevant to it'.[764]

Corporal punishment in boarding schools

In the boarding sector, the use of the cane by both staff and senior pupils was common, as

760 In Scots law 'dole' means corrupt, malicious, or evil intention.
761 Gray v Hawthorn (1964) JC 69.
762 Gray v Hawthorn (1964) JC 69, p.72.
763 Stewart v Thain (1980) JC 13.
764 Stewart v Thain (1980) JC 13.

was the use of other implements, particularly the slipper or gym shoe.

Outwith the classroom, teachers' powers to use corporal punishment were commonly delegated, especially in the boarding houses, to senior pupils, usually school or house prefects.

That may have always been the norm given staffing numbers but might also reflect the language of both section 37 of the Children Act 1908 and section 12(7) of the Children and Young Persons (Scotland) Act 1937, both of which concerned cruelty to persons under 16. The 1937 provision, for example, which concerned behaviour of persons who had 'attained the age of sixteen years' stated: 'nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to him'.[765]

This case study has demonstrated that there was inadequate, if any, consideration given by schools to the legal position. Individual institutions followed their own traditions and styles although there was a general understanding from witnesses that the maximum number of blows that could be given was six, even if that was not infrequently disregarded. As for the delegation of corporal punishment to pupils – as happened in most of the schools - it was simply the way that things were done and was often ill considered and inadequately supervised. And the lack of supervision exposed children to a risk of abuse; serious harm could obviously ensue.

Societal change in the approach to corporal punishment

While the courts and the boarding schools may have thought corporal punishment acceptable as a means of maintaining order until relatively recently, that was not the case in other areas of society.

Curtis Report

In September 1946, the Secretary of State for the Home Department, the Minister of Health, and the Minister of Education presented a report to Parliament from the Care of Children Committee, chaired by Miss Myra Curtis. It was the result of detailed inquiry into the provision for children in care and its recommendations, strongly urged on the government, included:

> We have given much thought to this question and have come to the conclusion that corporal punishment (i.e., caning or birching) should be definitely prohibited in children's Homes for children of all ages and both sexes, as it already is in the Public Assistance Homes for girls and for boys of 14 and over. We think that the time has come when such treatment of boys in these Homes should be unthinkable as the similar treatment of girls already is and that the voluntary Homes should adopt the same principle. It is to be remembered that the children with whom we are concerned are already at a disadvantage in society. One of the first essentials is to nourish their self-respect; another is to make them feel that they are regarded with affection by those in charge of them. Whatever there is to be said for this form of punishment in the case of

765 Children and Young Persons (Scotland) Act 1937, section 12(7) as originally enacted.

> boys with a happy home and full confidence in life, it may, in our opinion be disastrous for the child with an unhappy background. It is, moreover, liable to … abuse. In condemning corporal punishment we do not overlook the fact that there are other means of enforcing control which may have even more harmful effects. We especially deprecate nagging, sneering, taunting, indeed all methods which secure the ascendancy of the person in charge by destroying or lowering the self-esteem of the child.[766]

This showed remarkable insight and boarding schools should have had regard to it; they provided residential care for children living away from home – some from an early age – whose circumstances made them vulnerable. Had the Committee addressed the punishment practices at Keil School, I conclude that it is likely that their criticisms of corporal punishment would have applied to them with equal force.

The Administration of Children's Homes (Scotland) Regulations 1959

Although not applicable to boarding schools, the Administration of Children's Homes (Scotland) Regulations 1959, which applied to both local authority and voluntary homes from 1 August 1959, reflected a shift in social attitudes to the punishment of children in any institution.

The Regulations 'contained rules for the administration of homes, the welfare of children accommodated therein, and for oversight of both these matters'.[767] Regulation 1 required those responsible for the administration of the home to ensure that it was 'conducted in such manner and on such principles as will secure the well-being of the children of the home'.[768] Regulation 11 provided that corporal punishment may 'exceptionally be administered'.[769]

Approved Schools (Scotland) Rules 1961

Again, though not applicable to boarding schools, the standards noted in the Approved Schools (Scotland) Rules 1961 should have had an impact on the thinking of boarding schools in relation to their use of corporal punishment.

Rule 31 dealt specifically with corporal punishment. Some of the conditions referred to were apt for all boarding schools in Scotland at that time:

> (a) for an offence committed in the course of ordinary lessons in the schoolroom the principal teacher may be authorised by the Managers to inflict on the hands not more than three strokes in all;
>
> …
>
> (c) except when the punishment is inflicted in the presence of a class in a schoolroom, an adult witness must be present;
>
> (d) no pupil may be called upon to assist the person inflicting the punishment;
>
> …
>
> (f) for boys under 14 years of age, the number of strokes may not exceed two on each hand or four on the posterior over ordinary cloth trousers;

766 The Curtis Report (1946), at LEG.001.001.8722, pp.168–9, paragraph xviii.

767 Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.204.

768 The Administration of Children's Homes (Scotland) Regulations (1959), regulation 1, at LEG.001.001.2719.

769 The Administration of Children's Homes (Scotland) Regulations (1959), regulation 11, at LEG.001.001.2723.

(g) for boys who have attained the age of 14 years, the number of strokes may not exceed three on each hand or six on the posterior over ordinary cloth trousers;

(h) only a light tawse may be used: a cane or other form of striking is forbidden … and any person who commits a breach of this Rule shall be liable to dismissal or other disciplinary action.[770]

Rule 32 provided that full particulars of any corporal punishments should be recorded in a punishment book by the headmaster.

It is not obvious that much regard was had to these rules in the operation of the boarding schools considered in this case study, and the approach taken to corporal punishment, just as with the recording of punishments, was variable. The tone of each school very much depended, for decades, on the outlook of the headmaster. Some were progressive, others not. Far too much was left to the discretion of individual teachers, some of whom had dreadful reputations amongst pupils for their excesses, which only demonstrates an absence of necessary oversight.

The position was even worse when corporal punishment by senior pupils is considered. While there was evidence of a change of outlook from pupils in some schools in the sector during the 1960s,[771] there was often no oversight by those schools, on occasion, consciously.

Elimination of corporal punishment in state schools

By the late 1960s, following agreement in principle that the teaching profession should be encouraged to move towards the gradual elimination of corporal punishment, a consultative body – the Liaison Committee on Educational Matters – issued a booklet entitled *Elimination of Corporal Punishment in Schools: Statement of Principles and Code of Practice*.[772] It set out rules designed to limit the use of corporal punishment including:

> It should not be administered for failure or poor performance in a task, even if the failure (e.g., errors in spelling or calculation, bad homework, bad handwriting, etc.) appears to be due not to lack of ability or any other kind of handicap but to inattention, carelessness or laziness. Failure of this type may be more an educational and social problem than a disciplinary one and may require remedial rather than corrective action.
>
> Corporal punishment should not be inflicted for truancy or lateness unless the head teacher is satisfied that the child and not the parent is at fault.
>
> Where used, corporal punishment should be used only as a last resort and should be directed to punishment of the wrong-doer and to securing the conditions necessary for order in the school and for work in the classroom.

770 Approved Schools (Scotland) Rules (1961), rule 31, at LEG.001.001.2696, pp.9–10.

771 See, for example, Transcript, day 220: Kenneth Chapelle (former pupil, Loretto School, 1961–6), at TRN-8-000000011, p.74.

772 See Corporation of Glasgow, Education Department, Meeting of Schools and School Welfare Sub-Committee, 6 May 1968, at GLA.001.001.0703. The booklet was sent to all education authorities in February 1968.

> It should normally follow previous clear warning about the consequences of a repetition of misconduct.
>
> Corporal punishment should be given by striking the palm of the pupil's hand with a strap and by no other means whatever.[773]

The Secretary of State for Scotland welcomed the issue of this booklet. The thinking as to what was acceptable even in the school setting had begun to shift significantly.

Further developments

In 1977 the Pack Committee, chaired by Professor D.C. Pack, and set up by the Secretary of State for Scotland, reported on indiscipline and truancy in Scottish schools. It reported that 'corporal punishment should, as was envisaged in 1968, disappear by a process of gradual elimination rather than by legislation'.[774]

A working group appointed by the Convention of Scottish Local Authorities reviewed that process and produced a report entitled *Discipline in Scottish Schools* in 1981. The Secretary of State for Scotland considered the report and concluded, in a letter of 9 February 1982, 'that the way is now open for progress leading to the elimination of corporal punishment in Scottish schools within the foreseeable future'.[775]

The case of Campbell and Cosans v UK[776] was held just three weeks after the Secretary of State's conclusions. In its decision, the European Court of Human Rights, while rejecting an argument that the use of corporal punishment in Scottish schools was contrary to Article 3, 'found the United Kingdom in breach of Article 2 Protocol 1 for failing to respect the parents' philosophical conviction against corporal punishment. The Government … considered it impractical to prohibit corporal punishment only of children whose parents objected, and so instead, all pupils at public schools were granted protection from corporal punishment by their teachers.'[777]

Consequently, section 48 of the Education (No. 2) Act 1986 introduced a new section 48A to the Education Act (Scotland) 1980 which came into force on 15 August 1987 and abolished corporal punishment for some pupils. Section 48A(5)(a) provided that a 'pupil' included a person for whom education was provided at

> (i) a public school,
>
> (ii) a grant-aided school, or
>
> (iii) an independent school, maintained or assisted by a Minister of the Crown, which is a school prescribed by regulations made under this section or falls within a category of schools so prescribed.

Although the legislation did not apply to independent schools and Queen Victoria School at Dunblane was an independent school, specific provision was made to prescribe Queen Victoria School as a

773 Liaison Committee on Educational Matters, Elimination of Corporal Punishment in Schools: Statement of Principles and Code of Practice, February 1968, at GLA.001.001.0706.

774 Scottish Council of Independent Schools, Corporal Punishment in Scottish Schools, at SCI-000000009, p.2.

775 Scottish Council of Independent Schools, Corporal Punishment Abolition in Scotland – Timeline, at SCI-000000007, p.1.

776 Campbell and Cosans v United Kingdom (1982) 4 EHRR 293.

777 Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart from their Parents (November 2017), p.354.

school covered by the abolition of corporal punishment provided for by section 48A(5)(iii) on 15 August 1987.[778]

In general guidance issued by the Scottish Education Department on 17 June 1987, corporal punishment was defined as 'any act which could constitute an assault. This covers any intentional application of force as punishment and includes not only the use of the cane or the tawse, but also other forms of physical chastisement, e.g., slapping, throwing missiles such as chalk, and rough handling.'[779]

Other than in the case of Queen Victoria School, the legislation did not prevent boarding schools from continuing with corporal punishment, although that would have led to a two-tier approach given the prohibition of its use for pupils on assisted places. However, consistent with the change in society, many independent boarding schools, as well as day schools, were either thinking of abolishing it or had already done so.

The Independent Schools Information Service (Scotland), the forerunner to the Scottish Council of Independent Schools (SCIS), surveyed its members in 1984 and found that 36 no longer had corporal punishment while 24 retained it, although half of them were considering abolition. Looking to the schools in the case study, only Fettes Prep School had stopped using corporal punishment. Keil School, Loretto Junior School, Merchiston Castle School, Morrison's Academy, and Queen Victoria School retained it although were contemplating abolition, while Loretto senior school and Gordonstoun were not. The Edinburgh Academy did not feature in that survey.[780]

A similar survey in October 1988 revealed that only five prep schools and two senior schools retained corporal punishment, though four either had unofficially abolished it or were phasing it out. That included The Edinburgh Academy. The only senior school to retain it was Loretto,[781] although by 1991 a further SCIS survey confirmed that it was no longer used by any of its member schools.[782] Loretto, it appears, had stopped the use of the cane in 1990.[783]

Finally, section 16 of the Standards in Scotland's Schools etc. Act 2000 extended the prohibition against corporal punishment to all schools and repealed section 48A of the 1980 Act.

778 The Education (Abolition of Corporal Punishment: Prescription of Schools) (Scotland) Order 1987, paragraph 2.

779 Scottish Council of Independent Schools, Corporal Punishment Files, at SCI-000000023, p.8.

780 Independent Schools Information Service (Scotland), at SCI-000000038.

781 Independent Schools Information Service (Scotland), at SCI-000000039.

782 Scottish Council of Independent Schools, at SCI-000000025.

783 Loretto School, note on a comparison of witness observations/recommendations with Loretto School today, at LOR-000000771, p.6.

Appendix C – Inspection reports relating to Keil School between 1923 and 1999

Table 5: HMI reports

Date of inspection/report: May–June 1923[784]
Focus of inspection Education and wellbeing
Key findings/conclusions **Positive** • The school is under kindly and competent managements, and the three assistant teachers are all well qualified. The general tone of the school is admirable, the boys being bright, frank, and evidently happy. In respect of material equipment the premises leave nothing to be desired • English teaching favourable • Maths capably taught • Science and mechanics labs are well-equipped and well-taught • Educational handwork very good indeed • Physical wellbeing is admirably cared for

Date of inspection/report: May 1924[785]
Focus of inspection Education
Key findings/conclusions **Positive** • Favourably impressed with the management of the school • Judicious allotment of duties in connexion with household and garden • English teaching good • Latin reasonable • Maths good • Experimental science wide and varied • Handwork and technical drawing department in very healthy condition

784 NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267, p.3; SGV-000067151, pp.2–3.

785 NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267, p.6; SGV-000067151, pp.4–5.

Date of inspection/report: July 1925[786]

Focus of inspection

Education

Key findings/conclusions

Premises in Kintyre burned down in late 1924. School transferred to a new site shortly thereafter and resumed work on the same scale and programme as formerly. The English and Latin Master is leaving.

Positive

- General health very good
- Tone admirable
- Value of training is unquestionable
- History and geography intelligent and interesting
- Latin fair
- Maths good
- Despite premise moves, experimental science well carried on
- Instruction in AA, handwork, and technical drawing sound and effective

Negative

Attainments in English less uniform than usual

Date of inspection/report: July 1927[787]

Focus of inspection

Education

Key findings/conclusions

Positive

- Success in sports matches
- Wise and kindly management
- English teaching rigorous and effective, particularly for oral answering
- Latin good
- Maths thoroughly sound
- Science very good. New laboratory very suitable
- Handwork and art saw notable progress. New premises capably designed and suitably equipped

contd on next page

786 NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267, p.9; SGV-000067151, pp.7–9.

787 NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267, p.13; SGV-000067151, pp.10–11.

Date of inspection/report: July 1927

Negative

- English still a little uneven in class 2. Handwriting could be neater
- AA work less successful

Date of inspection/report: January 1930[788]

Focus of inspection

Education

Key findings/conclusions

Positive

- General organisation is sound and under capable and kindly direction of headmaster and staff
- Admirable games conditions
- English good
- History and geography effective
- Latin good
- Maths very effective instruction
- Art satisfactory
- Benchwork and technical drawing high standard

Date of inspection/report: July 1930[789]

Focus of inspection

General

Key findings/conclusions

Positive

- Fine grounds; good tennis lawn; good rugby and cricket fields; beautiful hot house
- Helenslee is a good mansion house with dormitories, dining room, 2 classrooms and a gym
- Stables converted into dormitories. Good manual work room but too small
- Fine tone, fine staffing fellows, and courteous pupils

788 NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267, p.18; SGV-000067151, pp.12–13.

789 NRS, ED13 504, Keil School inspection report, 16 July 1930, at SGV-000007266, p.62.

Date of inspection/report: July 1930

Negative

- Gym floor very bad
- Workroom too small for 24 or 25 boys
- Headmaster admitted they need more classroom accommodation

Date of inspection/report: June 1933[790]

Focus of inspection

Education

Key findings/conclusions

Positive

- Premises have great amenity
- Health of boys excellent
- Sports successful
- English teaching good
- History and geography good
- Latin generally good
- Maths good
- Science good
- Technical subjects good
- The staff deserve credit for the admirable tone and spirit which pervade the school, and the prefect and House system function with marked success … The corporate life of the institution owes much to the ability and the personality of the Headmaster.

Date of inspection/report: June 1938[791]

Focus of inspection

Education

Key findings/conclusions

Positive

- Health generally good (expect an epidemic early in the session)
- Attendance very good

contd on next page

790 NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267, p.29; SGV-000067151, pp.16–18.

791 HM Inspector of Schools, Report, Keil School, 1938, at KSC-000000036; NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267, p.40; SGV-000067151, pp.19–20.

Date of inspection/report: June 1938

- Varied extra-curriculars
- Excellent tone of school, happy atmosphere, manly bearing of boys
- Kindly, loyal and devoted staff
- Maths and science excellent
- Technical subjects comprehensive

Negative

In English, too much reliance is placed on memory and too little on discovery.

Recommendations

- Improvement in workshop practice conditions is desirable, particularly in respect of heating, provisions of hand basins, and replacing of older machinery

Date of inspection/report: October 1938[792]

Focus of inspection

Residential arrangements

Key findings/conclusions

Positive

- Adequate diet
- The premises are suitable and well planned. Residential – general tone is good
- Social, moral and physical welfare provided for
- Physical condition of boys outstandingly good

Negative

- In the main building serious deficiencies are apparent in regard to arrangements for escape in the event of fire[793]
- In the main building the numbers of [water] closets is somewhat meagre and might be increased as the opportunity arises

792 NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267, p.53.

793 In response to this inspection, the House Committee instructed Mr Evans (consulting engineer) to ascertain costs of alternative plans: a) construction of alternative fire escape stair; b) provision of automatic fire escape rope of the Davy type (p.75). At a later meeting, 'The Governors considered the question of Fire Escapes. The cost of the external fire escape stair would be about £75 and of two ropes of the Davy type about £20. One of such ropes would satisfy the Government Inspector's requirements, but it was decided to install two.' See Keil School, Minute Book 1, Minutes of meeting of Governors, 5 December 1938, at KSC-000000143, p.82.

Date of inspection/report: July 1941[794]

Focus of inspection

Residential arrangements

The school had been evacuated from Dumbarton to Balinakill, Clachan.

Key findings/conclusions

Positive

- Layout convenient; general accommodation adequate; sanitary, sleeping, and cooking arrangements satisfy modern requirements
- Fire escape routes sufficient
- Sickroom adequate and suitable in normal conditions
- Diet varied and balanced, nourishing and sufficient quantity
- Homelike atmosphere and natural and friendly attitude of boys to staff
- Alert, gentlemanly bearing and fine co-operative spirit among the boys
- Prolonged epidemic of mumps marred the fine health records and upset the daily routine of the school, though those affected have made a good recovery

Date of inspection/report: June 1942[795]

Focus of inspection

Education

Key findings/conclusions

Positive

- English instruction generally good
- Latin and Gaelic generally good
- Maths generally good given war-time shortage of staff
- Science standards maintained despite war-time constraints
- Technical subjects successful
- A visit to the school leaves a most favourable general impression. It is obvious that habits of industry and self-reliance have been successfully fostered. The manners and behaviour of the boys are admirable

794 NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267, p.77; Keil School, Minutes of meeting of House Committee, 1 December 1941, at KSC-000000030, p.24.

795 NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267, p.104; Keil School, Minute Book 2, Minutes of meeting of Governors, 7 December 1942, at KSC-000000390, p.89.

Date of inspection/report: January and February 1956[796]

Focus of inspection

General

Key findings/conclusions

Positive

- Grounds afford good facilities for sports
- Teaching accommodation other than workshop and labs satisfactory
- Frank and lively response to oral examination, and boys' work satisfactory
- History and geography generally satisfactory
- Maths teaching very sound
- Good progress in technical drawing and woodwork
- Very good tone in the school. Good prefect system. Bearing and conduct of boys impressed

Negative

- Floor of the gymnasium in very poor condition
- Workshop and lab rather cramped for the classes of 25
- Lack of continuity in instruction due to teacher turnover has adversely affected progress in English, Latin, and Science
- Common course for pupils of a wide range of abilities poses problems
- English had gaps in knowledge and poor handwriting and spelling
- Third and fourth year science performance uneven. Limited grasp of chemistry
- Provision not made for art education as understood in modern secondary schools

Date of inspection/report: November 1961[797]

Focus of inspection

Education

Key findings/conclusions

Positive

- Food sufficient, dining routine efficient
- Boys enjoyed history lessons

796 NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267, pp.154–6.

797 NRS, ED32 247, Inspectors' Reports: 1957–69, at SGV-000007273, p.19; Keil School, Minute Book 10, Minutes of Inspection, 1961–62, at KSC-000000391, p.26.

Date of inspection/report: November 1961

- Technical subjects
- Great emphasis is laid on the physical development of the boys, who are expected to participate in games. Rugby, cricket and athletics are prominent among the outdoor activities practised
- There is a very good tone in the school. Initiative and responsibility are encouraged and the prefect system appears to function successfully. The bearing and the conduct of the boys impressed very favourably

Negative

- Teaching space for practical subjects is rather restricted
- In English, reading of suitable texts was restricted and written composition had been neglected
- History was academic in nature and would benefit from a more liberal approach
- Achievement variable, particularly in Latin, Maths, and Science. Gaelic had inadequate time allocation
- Shortage of equipment for senior science classes

Recommendations

- Group methods of instruction to cater for varying abilities at each age should be considered
- The main problem facing the school from the point of view of attainment arises from the wide range of ability within most of the classes, and some positive action should be taken to meet the problem thus posed

Date of inspection/report: September 1972[798]

Focus of inspection

General

Key findings/conclusions

Positive

- Since the previous inspection in 1962, considerable improvements had been made to accommodation
- Staff were well qualified academically
- Organisation encourages a sense of personal responsibility on the part of the boys.
- Increasing provision for wider education of boys by stimulating interest in cultural and athletic pursuits to be commended

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798 NRS, ED18 3681, Inspectors' Reports: 1971–72, at SGV-000007261, p.15; Keil School, Report by HM Inspector, 6 October 1972, at KSC-000000333.

Date of inspection/report: September 1972

- H.M. Inspectors were favourably impressed by the demeanour and courtesy of the boys, the co-operation they received from the headmaster and HSI staff, and the pleasant tone of the school

Negative

- Deficiencies in accommodation persist with a restrictive effect on developments in the curriculum
- The supply of textbooks required to be increased, especially in England, maths, and modern language
- In most subjects insufficient consideration had been given to modern curricular developments and the changing structure of examinations
- No qualified teachers of geography or PE at time of inspection

Recommendations

- Attendance at national and regional programmes of in-service training would enable teachers to become familiar with the latest developments in curriculum and current classroom practices
- More textbooks required

Date of inspection/report: March and April 1992[799]

Focus of inspection

Education, pastoral care, boarding provision, management

Key findings/conclusions

Positive

- The quality of learning and teaching was underpinned by the positive atmosphere and excellent relationships that were seen in almost every classroom
- The school was characterised by a strong sense of community, a friendly atmosphere and a concern for the overall development of pupils as individuals … The brochure's claim that the school 'enjoyed the atmosphere of an extended family', was amply fulfilled
- Headmaster and depute provided strong leadership; their complementary strengths and close co-operation contributed greatly to the many positive features of the management of the school

Negative

- In many cases [departmental] reliance on informal discussion among staff outweighed more systematic arrangements for organisation and administration

799 HM Inspector of Schools, Report, Keil School, 1992, at KSC-000000087.

Date of inspection/report: March and April 1992

Recommendations

1 – Curriculum

- A review of the curriculum in Transitus was necessary and should be accorded considerable priority
- At senior stages, arrangements to extend the range of modular courses on offer should be continued

2 – Teaching

- The examples of good teaching should be disseminated in an effort to improve the relatively few areas of weakness
- Current efforts to meet more fully the needs of all pupils by developing materials and methods to provide different levels of tasks within classes should be continued, including organisation of support for pupils experiencing learning difficulties

3 – Policies and communication

- Policies on key areas such as learning and teaching should be developed
- Department heads should produce more sharply focused policies and establish more rigorous monitoring and evaluation of pupils' experience
- More time should be made available to staff to participate in management and policy formation and engage in curricular development

4 – Quality assurance

- Headmaster in annual discussion with departments on pupils' attainments should use analysis of SCE results to explore ways of improving standards
- Head and depute should establish links with specific departments to enhance effectiveness of monitoring and communications
- Self-evaluation initiative should be further enhanced to focus more on issues relating to curriculum, learning and teaching
- Development plan should be prepared to add clarity to continuing pursuit of quality

Date of inspection/report: December 1993[800]

Focus of inspection

Review visit

Key findings/conclusions

Positive

They were most complimentary[801]

800 Keil School, Minutes of meeting of Governors, 2 December 1993, at KSC-000000129.

801 Keil School Magazine, no. 65 (1993–4), at WDC-000000040, p.4.

Date of inspection/report: September 1998[802]

Focus of inspection

Residential arrangements

Positive

- Parent questionnaire indicated that the school had explained policy and rules for pupils to parents; boarding house staff knew pupils well and were helpful; pupils were given good support if they had difficulties; boarding house staff allowed pupils appropriate freedom
- Overall quality of residential care was good
- Clear sense of community in residential houses
- Relationships among pupils and between pupils and staff were open and friendly
- Pupils were polite, supportive, and well-behaved
- Residential staff demonstrated concern for the pastoral needs of pupils; the Matron's contribution was highly valued
- Staff respected pupils' individuality
- Residential pupils had good opportunities for homework and study, and could choose from a range of leisure and rec activities
- Good access to telephones
- Staff gave good attention to pupils' personal and social development
- Staff reported to parents on contribution children made to the school
- Good relationship with church, senior citizens' groups, local schools, other independent schools, and outside agencies
- Staff levels in boarding houses were good
- Staff were flexible and co-operative

Negative

- Parents expressed concern about food provided and general security of the school
- Parents expressed reservations about aspects of accommodation including toilet and laundry facilities
- Boarding pupils expressed some concern about personal safety

Recommendations

- School should continue to monitor and address matters relating to security
- Scope to develop better links between boarders' residential experiences and classroom lessons on PSHE

802 HMIe, Inspection of Keil School, 8 September 1998, at SGV-000007300.

Date of inspection/report: September 1998

- The school should consider how catering arrangements could be improved, including further consideration of current dietary advice
- Overall quality of accommodation fair, but school should continue to review and upgrade pupils' living areas with a view to improving the overall quality of residential provision. In particular: standard of cleaning of key areas, such as showers and toilets; and the monitoring of laundry to ensure clothes are properly cleaned
- Need to update safety checks on electrical equipment
- More effective communication among staff should be developed
- There should be clear, written remits for all staff
- School policies on resource managements required to be shared more openly with staff
- School needed to make more systematic use of its aims to further develop policies and procedures, in particular the child protection policy
- Handbooks for parents and pupils should be reviewed.
- Senior management should review school's procedures for monitoring overall quality of provision for residential pupils
- Each house should produce a development plan linked closely to the school development plan
- Scope to extend staff development opportunities

Table 6: HMI discussions relating to Keil School between 1944 and 1990

Date of inspection/report: January 1944[803]
Focus of inspection Residential arrangements
Key findings/conclusions The Scottish Education Department had written intimating that arrangements for the inspection of the residential side of Keil School were in progress, and had asked if the Governors would also desire an inspection of the educational side of the School. In view of the fact that an educational inspection had been made in June 1942, the Committee decided that a similar inspection need not be made this year.

Date of inspection/report: February 1961[804]
Focus of inspection Certification
Key findings/conclusions The Headmaster reported that, at his invitation, he had received a visit from Mr J. Bennett, Her Majesty's Inspector of Schools. The purpose of this visit was to discuss the matter of changing over to the Scottish Leaving Certificate … The Committee agreed that the change should be made.

Date of inspection/report: May 1963[805]
Focus of inspection Examination arrangements

Date of inspection/report: November 1963[806]
Focus of inspection Mathematics

803 Keil School, Minutes of meeting of House Committee, 20 January 1944, at KSC-00000024, p.1.

804 Keil School, Minutes of meeting of House Committee, 13 February 1961, at KSC-000000026, p.1.

805 Keil School, Minute Book 6, Minutes of meeting of Governors, 20 May 1963, at KSC-000000392, p.65.

806 Keil School, Minute Book 6, Minutes of meeting of House Committee, 25 November 1963, at KSC-000000392, p.127.

Date of inspection/report: April 1964[807]

Focus of inspection

Education

Date of inspection/report: December 1964[808]

Focus of inspection

Classics

Date of inspection/report: June 1972[809]

Focus of inspection

Education and residential arrangements

Key findings/conclusions

Positive

- Special praise for the teaching of Physics, English, and technical subjects, art and music
- Careers organisation good
- Wide variety of activities taken by the boys
- Boys' active participation in running the School
- Organisation was enlightened and enabled pupil participation. Guidance was informal but showed concern for welfare and development of boys. Discipline firm but not restrictive

Negative

- Accommodation for academic and technical subjects considerably below standard of state schools
- Boarding accommodation below standard of 'hostels'
- Too many unqualified teachers, and teaching too 'traditional' in approach
- Evening meals lacked quantity and variety

Recommendations

- Reduction in number of boys sharing dormitories, more single study bedrooms, better washroom accommodation, improvement in sickrooms
- More in-service training of staff
- Cafeteria system

807 Keil School, Minute Book 6, Minutes of meeting of House Committee, 27 April 1964, at KSC-000000392, p.183.

808 NRS, ED32 247, Inspectors' Reports: 1957–69, at SGV-000007273, p.49.

809 Keil School, Headmaster's report, 27 June 1972, at KSC.001.001.0084, p.6.

Date of inspection/report: September 1973[810]
Focus of inspection Classrooms and dayboy accommodation
Key findings/conclusions Mr Pascoe raised no objection to the increased numbers of boys and said that the Governors would be advised officially in due course.

Date of inspection/report: May 1976[811]
Focus of inspection Building proposals
Key findings/conclusions The school's proposal was criticised on several points

Date of inspection/report: October 1980[812]
Focus of inspection Maths, history, and modern studies

Date of inspection/report: undated (early 1980s)[813]
Focus of inspection General
Key findings/conclusions When the School was inspected by the SED in the early 80s, while there was praise for the standards of Teaching, Catering and the General Ethos of the School, there was criticism of the poor facilities for boarding. The Inspectors criticised the Keil Tradition of boys living in Dormitories, the poor washing facilities and the absence of Studies and Common Rooms.

810 Keil School, Minute Book 10, Minutes of meeting of House Committee, 23 October 1973, at KSC-000000391, p.94.

811 Keil School, Minutes of meeting of House Committee, 18 May 1976, at KSC-000000049, p.2.

812 Keil School, Minutes of meeting of House Committee, 20 October 1980, at KSC-000000145, p.106.

813 Keil School, Report by Edwin Jeffs, The Future of Keil School, 17 February 1983, at KSC-000000323, p.4.

Date of inspection/report: October 1989[814]

Focus of inspection

Co-education provisions

Key findings/conclusions

- At present there were 8 female boarders
- Accommodation in a good state of repair and attractive. Boys have no access to this part of the school. The 8 girls are accommodated in two properly furnished dormitories and have study facilities and a lounge area
- A small study room for senior girls could be used as a dormitory for 4 more girls if needed
- Toilet and washing facilities are excellent and there is a suitably equipped sick bay separate from the boys' one

Recommendations

School should be approved on the Register of Independent Schools to receive a maximum of 12 female boarders

Date of inspection/report: September 1990[815]

Focus of inspection

Girls' boarding accommodation

Key findings/conclusions

- The school has adapted additional accommodation to provide an extra 6 spaces for girls across 3 rooms. Rooms well decorated and close to the washing and toilet facilities already provided for the girls
- Demand for girl boarding spaces likely to increase and further provision will be needed

814 KWH 82 1 Part 2, Keil School Registration, at SGV-000007215, p.223.

815 KWH 82 1 Part 2, Keil School Registration, at SGV-000007215, p.203.

Appendix D – Breakdown of numbers of children at Keil School

Figures within this table[816] are taken primarily from the relevant year's Minute Book (including minutes of meetings of the House Committee and Governors, and from Headmaster's Reports), with some taken from National Records of Scotland (NRS) files relating to Keil School's registration[817] and inspections.[818]

Table 7: 1915–68 – all male boarders

Year	Date	Total
1915	29 Nov	18
1916	Unstated	37
1917	1 Sept	53
1918	-	-
1919	-	-
1920	-	-
1921	-	-
1922	-	-
1923	1 Jun	55
1924	8 May	58
1925	24 Jan	51
	20 Jul	52
	Unstated	58
1926	-	-
1927	18 Jul	66
1928	Unstated	82
1929	-	-
1930	15 Jan	88
	16 Jul	80
	1 Nov	90

Year	Date	Total
1931	1 Sept	85
1932	1 Sept	88
1933	20 Jun	89
	1 Sept	93
1934	1 Sept	90
1935	1 Sept	90
1936	1 Sept	88
1937	1 Sept	86
1938	1 Sept	87
	28 Oct	87
1939	1 Sept	88
1940	1 Sept	82
1941	1 Sept	86
1942	7 Dec	89
1943	8 Dec	86
1944	1 Sept	86
1945	1 Sept	88
1946	1 Sept	98
1947	1 Sept	93
1948	14 Sept	91

816 The figures with date 'unstated' are taken from Keil School Magazine, no. 1 (summer 1929), at WDC-000000324. A '-' indicates that no data is available.

817 KWH 82 1 Part 2, Keil School Registration, at SGV-000007215.

818 NRS, ED32 246, Inspectors' Reports: 1923–56, at SGV-000007267; and NRS, ED32 247, Inspectors' Reports: 1957–69, at SGV-000007273.

Year	Date	Total
1949	4 Jan	92
	9 Dec	98
1950	18 Apr	88
	1 Sept	100
	28 Nov	94
1951	9 Jan	96
	17 Nov	92
1952	8 Jan	92
	6 Jul	84
	19 Nov	97
1953	19 Mar	93
	16 Jul	84
	16 Nov	103
1954	5 Jan	103
	30 Jun	94
	20 Nov	105
1955	4 Jan	100
	19 Apr	88
	1 Sept	96
1956	1 Feb	96
	17 Apr	88
	1 Sept	100
1957	8 Jan	97
	15 Feb	96
	23 Apr	90
	1 Sept	101
	6 Dec	101
1958	7 Jan	99
	15 Apr	96
	16 Sept	107

Year	Date	Total
1959	6 Jan	104
	14 Apr	101
	1 Sept	125
	15 Sept	136
1960	20 Apr	125
	13 Sept	132
1961	10 Jan	126
	18 Apr	120
	12 Sept	131
1962	Unstated	126
	1 Jan	129
	25 Sept	134
	14 Dec	133
1963	27 Jun	140
	23 Sept	139
	1 Dec	139
1964	24 Sept	156
	4 Dec	156
1965	26 Jan	160
	20 Sept	179
1966	January	176
	19 Sept	174
1967	23 Jan	175
	24 Apr	179
	18 Sept	171
1968	22 Apr	170
	September	155

Table 8: 1969–2000 – total pupil roll

Figures within this table are primarily taken from the relevant year's Minute Book. Some figures are drawn from KWH 82 1 Part 2, Keil School Registration.[819] A '-' indicates that no data is available.

Year	Date	Boarding pupils	Day pupils	Total
1969	September	-	-	**175**
	November	160	13	**173**
	2 Dec	-	-	**175**
1970	19 Jan	-	-	**174**
	6 Mar	-	-	**174**
	5 Oct	188	24	**212**
1971	22 Jan	160	24	**184**
	4 Oct	136	35	**171**
1972	28 Jan	132	36	**168**
	1 Sept	140	34	**174**
1973	26 Jan	140	34	**174**
	4 Jul	146	48	**194**
	18 Sept	148	49	**197**
	18 Oct	-	-	**195**
	11 Dec	148	47	**195**
	Unstated	152	46	**198**
1974	22 Jan	151	47	**198**
	1 Feb	150	50	**200**
	16 Sept	150	50	**200**
	5 Dec	150	50	**200**
1975	28 Nov	-	-	**186**

819 KWH 82 1 Part 2, Keil School Registration, at SGV-000007215.

Year	Date	Boarding pupils	Day pupils	Total
1976	13 Jul	119	59	**178**
	13 Sept	119	56	**175**
	26 Nov	119	57	**176**
1977	17 Jan	123	58	**181**
	25 Apr	125	58	**183**
	1 Jun	124	58	**182**
	19 Sept	120	53	**173**
	1 Dec	122	53	**175**
1978	16 Jan	123	52	**175**
	1 Mar	122	53	**175**
	7 Dec	127	55	**182**
1979	27 Feb	125	56	**181**
	23 Apr	122	56	**178**
	1 Jun	119	58	**177**
	29 Sept	102	57	**159**
	1 Nov	100	61	**161**
1980	14 Jan	104	58	**162**
	1 Feb	102	59	**161**
	1 Jun	97	58	**155**
	1 Sept	104	62	**166**
1981	19 Jan	104	58	**162**
	1 Feb	105	56	**161**
	1 Jun	-	-	**158**
	7 Sept	87	55	**142**
	1 Nov	87	53	**140**

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Year	Date	Boarding pupils	Day pupils	Total
1982	25 Jan	84	55	**139**
	8 Jun	91	55	**146**
	1 Oct	73	46	**119**
1983	April	-	-	**116**
	13 Sept	72	57	**129**
	10 Nov	75	55	**130**
1984	18 Jan	74	56	**130**
	25 Apr	77	53	**130**
	23 Apr	-	-	**162**
	30 Sept	-	-	**144**
	8 Nov	-	-	**148**
1985	24 Jan	-	-	**158**
	6 Mar	-	-	**160**
	2 Apr	-	-	**162**
	26 Sept	118	70	**188**
	21 Nov	118	67	**185**
1986	24 Apr	-	-	**200**
	28 Aug	137	63	**200**
	20 Nov	-	-	**196**
1987	22 Jan	-	-	**190**
	26 Feb	-	-	**194**
	30 Apr	-	-	**195**
	26 Jun	-	-	**193**
	27 Aug	130	66	**196**
	19 Nov	132	65	**197**
	3 Dec	-	-	**197**

Year	Date	Boarding pupils	Day pupils	Total
1988	26 Jun	-	-	**196**
	1 Sept	-	-	**193**
	17 Nov	-	-	**193**
1989	2 Mar	-	-	**191**
	31 Aug	-	-	**199**
1990	1 Mar	-	-	**c.201**
	31 May	123	86	**209**
	6 Dec	-	-	**210**
1991	1 Mar	-	-	**211**
	30 May	120	93	**213**
	21 Nov	-	-	**220**
1992	20 Feb	-	-	**220**
	1 Apr	130	94	**224**
	1 Sept	123	99	**222**
1993	26 Feb	-	-	**223**
	16 Sept	-	-	**228**
	2 Dec	-	-	**222**
1994	17 Feb	-	-	**217**
	2 May	-	-	**218**
	15 Sept	96	115	**211**
	19 Sept	94	117	**211**
	17 Nov	-	-	**208**
1995	23 Feb	-	-	**207**
	25 May	-	-	**207**
	21 Sept	95	114	**209**

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Year	Date	Boarding pupils	Day pupils	Total
1996	11 Feb	98	114	**212**
	23 May	-	-	**208**
	16 Sept	-	-	**210**
	18 Sept	82	124	**206**
1997	15 Sept	66	133	**199**
1998	8 Sept	68	115	**183**
	14 Sept	66	124	**190**
1999	27 May	-	-	**173**
	16 Sept	-	-	**179**
	22 Sept	50	127	**177**
	24 Nov	-	-	**177**
	16 Dec	-	-	**174**

Table 9: Girls at Keil School, 1978–99

Girls were accepted at Keil in small numbers from 1978. Table 9 shows the total number of girls in each year for which disaggregated numbers are available. Figures within this table are taken from relevant Minute Books for the years 1978 to 1994. Figures for 1994 to 1999 are taken from KWH 82 1 Part 2, Keil School Registration.[820] 'Year' refers to the autumn term of that year (e.g. '1978' = start of academic year 1978/9). A '-' indicates that no data is available.

Year	Boarding girls	Day girls	Total girls
1978	0	1	**1**
1979	0	1	**1**
1980	0	3	**3**
1981	0	4	**4**
1982	0	5	**5**
1983	0	5	**5**
1984	-	-	**-**
1985	-	-	**-**

820 KWH 82 1 Part 2, Keil School Registration, at SGV-000007215.

Year	Boarding girls	Day girls	Total girls
1986	-	-	**-**
1987	-	-	**11**
1988	-	-	**-**
1989	-	-	**-**
1990	-	-	**40**
1991	-	-	**50**
1992	-	-	**63**
1993	-	-	**-**
1994	21	50	**71**
1995	27	51	**78**
1996	21	62	**83**
1997	18	63	**81**
1998	14	60	**74**
1999	15	57	**72**

Appendix E – Number of complaints, civil actions, police investigations, criminal proceedings, and applicants to SCAI

Table 10: Breakdown of numbers

Number of complaints made to Keil relating to abuse or alleged abuse as of 28 June 2017 a) against staff b) against pupils	 a) 1 b) 0
Number of civil actions raised against Keil relating to abuse or alleged abuse at the school as of 28 June 2017	0
Number of police investigations relating to abuse or alleged abuse at Keil of which the school was aware as of 28 June 2017 a) against staff b) against pupils	 a) 1 b) 0
Number of criminal proceedings resulting in conviction relating to abuse at Keil of which the school was aware as of 28 June 2017	1
Number of SCAI applicants relating to Keil	13

Appendix F – Convictions

Convictions of William Bain

William Bain worked as a physics teacher and later housemaster at Keil School from August 1987 to 2000, when the school closed.[821] He had previously taught at The Edinburgh Academy and Robert Gordon's College in Aberdeen, and after Keil closed he taught briefly in England before moving to Glenalmond College in Perthshire. He has been convicted twice in Scotland, in the High Court, after pleading guilty to multiple charges of child abuse, once in 2016 and once in 2025.

He first appeared at a Preliminary Diet at the High Court in Glasgow on 19 April 2016 on an indictment libelling nine charges. He tendered guilty pleas as follows:

(1) on various occasions between 1 September 1989 and 9 April 1992, both dates inclusive, at Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, did, while in the course of your employment as teacher at said school, use lewd, indecent and libidinous practices and behaviour towards AAAAA, a pupil there born XX xxxx 1978, c/o Police Service of Scotland, Clydebank, place your hand under his clothing, pull down his lower clothing, handle his penis, masturbate him, induce him to handle your penis, place his penis in your mouth, penetrate his mouth with your penis and on an occasion you did induce him to attempt to penetrate your anus with his penis

(3) on various occasions between 1 July 1991 and 30 June 1993, both dates inclusive, at Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, did, while in the course of your employment as teacher at said school, use lewd, indecent and libidinous practices and behaviour towards BBBBB, a pupil there born XX xxxx 1979, c/o Police Service of Scotland, Clydebank, handle his body, pull down his lower clothing, handle his penis and masturbate him

(4) on various occasions between 15 December 1992 and 14 December 1995, both dates inclusive, at Keil School, Helenslee Road, Dumbarton and at a wooded area near to Loch Awe you WILLIAM GRAHAM RANNOCH BAIN, did, while in the course of your employment as teacher at said school, use lewd, indecent and libidinous practices and behaviour towards CCCCC, a pupil there born XX xxxx 1981, c/o Police Service of Scotland, Clydebank, place your hand inside his clothing, handle his penis, masturbate him, encourage him to handle your penis, encourage him to masturbate you, place his penis in your mouth, penetrate his mouth with your penis and on an occasion induce him to penetrate your anus with his penis

(5) on various occasions between 10 January 1992 and 9 January 1995, both dates inclusive, at Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, did, while in the course

821 Keil School, Minutes of meeting of Governors, 27 August 1987, at KSC-000000047, p.51; Keil School, Written Opening Submissions, at KSC-000000147, p.8.

of your employment as teacher at said school, use lewd, indecent and libidinous practices and behaviour towards DDDDD, a pupil there born XX xxxx 1981, c/o Police Service of Scotland, Clydebank, place your hand inside his clothing, handle his penis, masturbate him, induce him to handle your penis and masturbate you, place his penis in your mouth, penetrate his mouth with your penis and induce him to penetrate your anus with his penis

(8) on various occasions between 20 August 1992 and 19 August 1994, both dates inclusive, at Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, did, while in the course of your employment as teacher at said school, use lewd, indecent and libidinous practices and behaviour towards EEEEE, a pupil there born XX xxxx 1980, c/o Police Service of Scotland, Clydebank, place your hand inside his clothing, handle his body, masturbate him, enter the room he slept in and on an occasion you did attempt to induce him to place his penis in your mouth

The Crown also accepted his pleas of not guilty to one charge of sodomy and three charges of lewd, indecent, and libidinous practices and behaviour dating from the 1990s, again at Keil.

On 17 May 2016 Bain was sentenced to six years and six months' imprisonment in cumulo. The sentence was discounted from a starting figure of eight years six months to reflect the pleas of guilty. He was made subject to the notification requirements of the Sexual Offences Act 2003 indefinitely.

Following his having provided written and oral evidence to the Inquiry, the latter in October 2021, Bain was charged with having committed other offences whilst working as a teacher in the employment of boarding schools. On 30 June 2025 he appeared at Glasgow High Court and tendered pleas of guilty as follows:

(005) on an occasion between 1 January 1978 and 31 July 1979, both dates inclusive, at the school premises occupied by Edinburgh Academy at 42 Henderson Row, Edinburgh you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards Philip Woyka or Dundas, born 3 September 1965, then aged 12 or 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow and did induce him to enter a classroom alone with you and did stand between his legs, touch his chest and utter a sexual and indecent remark to him

(007) on various occasions between 1 January 1979 and 30 June 1979, both dates inclusive, at the school premises occupied by Edinburgh Academy, Scott House, Kinnear Road, Edinburgh you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards FFFFF, born XX xxxx 1965, then aged 13, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow and did induce him to enter your study alone with you and touch his penis and masturbate him, and on one occasion you did compel him to touch your penis and masturbate you

(008) on an occasion between 1 January 1985 and 28 February 1985, both dates inclusive, at the school premises occupied by Robert Gordon College, Albyn Terrace, Aberdeen you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices

and behaviour towards GGGGG, born X xxxx 1973, then aged 11 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow and did induce him to enter your private room alone with you, place your arm around his shoulders, hold him close to your body, touch and rub his leg, and stare at him

(012) on various occasions between 1 August 1987 and 30 June 1988, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards HHHHH, born XX xxxx 1975, then aged 12 or 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow and did seize him, lift him onto a workbench, place him on his back, embrace him, restrain him, and touch him on the body

(014) on various occasions between 1 August 1988 and 18 June 1991, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton and in the course of trips around Scotland, the exact locations being unknown to the Prosecutor, you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school did use lewd, indecent and libidinous practices and behaviour towards 'Ferguson', born XX xxxx 1977, then aged between 11 and 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow and did approach him from behind, press and rub your penis against his body, massage his body, touch and rub his penis and watch him and other pupils as they showered

(016) on various occasions between 1 August 1990 and 30 June 1991, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards IIIIII, born X xxxx 1979, then aged 11 or 12 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow and did expose your penis to him, touch and seize his genitals, approach him from behind, seize his genitals, press your penis against his body, watch him and another male pupil while they were bathing, and utter sexual and indecent remarks to him

(018) on various occasions between 1 August 1991 and 5 July 1992, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did indecently assault JJJJJ, born X xxxx 1978, then aged 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow, and did touch his penis, masturbate him and utter sexual and indecent remarks to him

(020) on various occasions between 1 August 1991 and 8 July 1993, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school, did use lewd, indecent and libidinous practices and behaviour towards KKKKK, born X xxxx 1979, then aged 12 or 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow and did seize him, embrace him, pull him on to your lap, press your chin against his neck, and press your penis against his body

(023) on various occasions between 1 August 1991 and 30 June 1993, both dates inclusive,

at the school premises occupied by Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school did indecently assault LLLLL, born XX xxxxx 1977, then aged between 14 and 16 years, a pupil in your care and now c/o Police Service of Scotland, Hawthorn Street, Glasgow, and did touch his genitals

(024) on various occasions between 1 August 1996 and 30 June 1998, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school did use lewd, indecent and libidinous practices and behaviour towards MMMMM, born X xxxxx 1984, then aged between 11 and 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street, Glasgow and did masturbate him and expose his penis, cause him to penetrate your mouth with his penis and cause him to ejaculate in your mouth

(025) on various occasions between 1 August 1996 and 26 February 1999, both dates inclusive, at the school premises occupied by Keil School, Helenslee Road, Dumbarton, at MacDonalds, Dalry Road, Edinburgh, and in a motor vehicle at an unknown location in Dumbarton or elsewhere you WILLIAM GRAHAM RANNOCH BAIN, in the course of your employment as a teacher at said school did use lewd, indecent and libidinous practices and behaviour towards NNNNN, born XX xxxx 1985, then aged between 11 and 13 years, a pupil in your care, now c/o Police Service of Scotland, Hawthorn Street Glasgow and did place your arm around him, pull him towards you and whisper in his ear, utter sexual and indecent remarks to him, gesticulate at him in a sexual manner, invite him to touch your penis

The Crown accepted his pleas of not guilty to seventeen other charges: three charges of lewd, indecent, and libidinous practices and behaviour and two assaults at The Edinburgh Academy between 1976 and 1979; one charge of lewd, indecent, and libidinous practices and behaviour and one charge of indecent assault at Robert Gordon's College in Aberdeen between 1985 and 1987; three charges of lewd, indecent, and libidinous practices and behaviour, four indecent assaults, and a contravention of section 12 of the Children and Young Persons (Scotland) Act 1937 (providing alcohol to a minor) at Keil School between 1987 and 2000; and two breaches of section 34(2) of the Sexual Offences (Scotland) Act 2009 (making sexual and indecent comments) involving pupils at Glenalmond College between 2011 and 2013.

On 30 June 2025 Bain was sentenced to nine years' imprisonment in cumulo. The sentence was discounted from a starting figure of ten years to reflect the pleas of guilty. He was again made subject to the notification requirements of the Sexual Offences Act 2003 indefinitely.

In his remarks when sentencing William Bain on 30 June 2025, Lord Young included the following:

> It is sufficient in these sentencing remarks to note that the sexual offending included touching over and under their clothing; direct touching of their genitals; making sexual remarks to them; watching them shower; pressing your penis against them; masturbating them or compelling them to masturbate you; and, in one instance, orally abusing your victim. These children were entrusted by their parents to these schools. They ought to have been nurtured and educated in a safe environment. Instead,

> it seems that, throughout your career as a teacher, you used your position of authority to pursue your own sexually deviant interests. It is apparent from the charges that you preyed on young boys at or around the age of puberty when they would be fairly new to each school. The agreed narrative indicates that some of your victims were especially vulnerable being homesick or lonely or feeling bullied. As a teacher and house master with pastoral responsibilities, your offending can only be viewed as a gross abuse of trust …
>
> I have been provided with a number of Victim Impact Statements. The passage of time has not resolved the damage that your behaviour caused. Your victims talk about feeling alone and lost; feeling that they were to blame; and that they could not tell anyone at the time since they thought no-one would believe them. They describe a terrible legacy in terms of the effects on their mental health and relationships. It is a reasonable assumption that many, if not most, of the other victims for whom I don't have victim impact statements will also have suffered comparable psychological harm as a direct result of what you did to them.[822]

On 26 August 2025 the Court of Criminal Appeal reduced the sentence to seven years and 73 days, on the basis that looking at both indictments together 'the combined total of the headline sentences – 18 years 6 months – would have been excessive if the appellant had been sentenced for all of the offences at the same time'.[823]

Conviction of David Gutteridge

David Gutteridge worked at Keil as an English teacher and was Mackinnon House tutor at Keil from 1989 to 1991. He had previously taught at Orley Farm School, Harrow, Middlesex (1983–9) and after Keil taught at Westbourne House School, Chichester (1991–2) and Bishop Luffa School, Chichester (1994–2000).

While working at Orley Farm between February 1987 and February 1988, he indecently assaulted a boy in his early teens twice whilst in his flat which was within school grounds. He gave the child alcohol and induced him to watch pornography. The offences were reported in the 2010s and in March 2015 Gutteridge was convicted of two charges under the Sexual Offences Act 1956 and sentenced to eighteen months' imprisonment. He was also placed on the Sex Offenders Register and was made subject to a Sexual Harm Prevention Order for ten years.

He appeared at Forfar Sheriff Court on 4 September 2024 and tendered a plea of guilty to the following charge:

(1) between 1 June 1990 and 30 September 1990, both dates inclusive at Blackwater Reservoir, Glenisla, Blairgowrie, you DAVID GUTTERIDGE did indecently assault 'Dan', born XX xxxx 1975, care of the Police Service of Scotland, a child who had previously been a school pupil in your care and did induce him to look at a pornographic magazine, read a pornographic magazine in your presence, utter indecent words and phrases to him, seize him by the wrist and place his hand on your penis over your clothing.

He was sentenced that day to seventeen months' imprisonment and made subject to the notification requirements of the Sexual Offences Act 2003 for ten years.

822 HMA v William Bain

823 Bain v HMA (2025) HCJAC 42, paragraph [10].

Appendix G – Notice of draft findings

Some individuals received notice of relevant findings in draft form and were afforded a reasonable time to respond, if they wished to do so. I carefully considered the responses received and took them into account before finalising these findings.

Photo credits

p.5 Historic Environment Scotland; p.9 (right) Lairich Rig; pp.16, 35, 36, 39, 54, 82, 102 Keil School; pp.4, 9 (left), 10, 22, 24, 26, 31, 59 Keil School Old Boys Club.