Scottish Child Abuse Inquiry

Case Study no. 9: Volume 1

The provision of residential care in boarding schools for children at **Loretto School**, Musselburgh, between 1945 and 2021

Evidential Hearings: 24 March 2021 to 12 May 2021

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Contents

Loretto: former pupils and staff

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

Table 1: Former pupils

Name	Time at Loretto
"Hunter"[1]	1945-1955
"Colin"	1948-1953
"Andrew"	1951-1956
"William"	1953-1958
"Quentin"	1956-1959
"Tom"	1957-1962
Don Boyd	1958-1965
"Geoffrey"	1958-1962
Kenneth Chapelle	1961-1966
"John"	c.1962-1971
"Calum"	1960-1970
"Alex"	1963-1967
"James"[2]	1966-1975
"Mill"	c.1967-c.1971
Peter McCutcheon	1976-1981
"Alec"	1990-1999
"Gordon"	1989-1994
"Iain"	1983-1991
"James"	1988-1993
"Alan"	1994-1999

1 As an adult "Hunter" worked at Loretto between 1967 and 1996. See table below.

2 As an adult "James" was clerk to the governors at Loretto between 1990-2009. See table below.

Table 2: Loretto's former and current staff who provided evidence to SCAI

Name	Period of employment	Role(s)
"Arthur"	1970-1991	Teacher Master Housemaster
Duncan Wylie	1972-2007	Geography teacher Head of geography Housemaster Director of PSHE Child protection coordinator (CPC)
David Stock	1972-1991	English teacher
"Hunter"	1967-1996	Assistant master Head of department Housemaster
Norman Drummond	1984-1995	Headmaster
Dorothy Barbour	1984-2008	English teacher Head of English Assistant housemistress
Charles Halliday	1987-1991	Junior school headmaster Housemaster
Philip Meadows	1987-2017	Teacher Junior school headmaster
"John Stuart"	1989-1999	Master Director of department
"James"	1990-2009	Clerk to Loretto Board of Governors
"Martin"	1996-2018	Teacher
"Poppy"	1999-2006	Board of Governors
Elaine Selley (nee Logan)	2001-2015	Teacher Housemistress Acting headmistress
"Colin"	2002-2010 2014-2017	Member of staff Teacher Sports coach Housemaster
"Jack"	2008-2013	Member of staff
Graham Hawley	2014-present	Headmaster
Peter McCutcheon	2017-present	Chair of the Loretto Board of Governors

Foreword

These are the ninth of my published case study findings and they relate to the provision of residential care for children at Loretto School, Musselburgh, one of the seven boarding schools that were the subject of the Boarding School case study. The other schools considered were: Morrison's Academy, Crieff; Gordonstoun, Elgin; Queen Victoria School, Dunblane; Keil School, Dumbarton; Fettes College, Edinburgh; and Merchiston Castle School, Edinburgh. The provision of residential care for children by these other schools will be covered in later volumes.

During the hearings, I heard evidence about many aspects of the boarding provision for children at these schools that amounted to abuse. Loretto continues to offer boarding. The evidence of applicants, whilst relating to experiences within the overall period specified in SCAI's Terms of Reference—from within living memory to 17 December 2014—inevitably extended beyond December 2014. It would have been artificial and, I decided, wrong to curtail it. Hence the dates specified on the cover of this volume. I am very grateful to all who rose to the challenge of engaging with the Inquiry, whether former pupils, former and current staff, or others. Their willingness to cooperate, assist, and contribute accounts of their experiences at the schools, as well as their wider experiences, learning, and ideas in relation to the provision of education and residential care in Scottish boarding schools, has been invaluable. The value of their evidence is encapsulated in what was said by Don Boyd, the first witness in the case study:

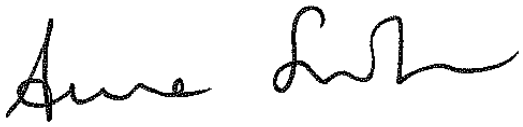
"I have learned, horrifyingly, as a result of all this, the extent of the problem which has appalled me. I thought I was a bit of an isolated case, but being involved in writing the article, and dealing with this phenomenon over the years, I realised not only was I one of many at Loretto, but I am one of thousands throughout an entire educational set up. And it isn't that situation where you can loosely say, oh, well, that was in the 1950s, that was in the 1960s; it has persisted and I have learned that inquiries like this are incredibly important, as they are, as they give an opportunity for society to adjust the way that they see the problem, and deal with it,

and provide public advice without it being sensationalised. You learn from everything that goes on. It has taught me a great deal about the way life operates."[3]

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 must record my gratitude 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

3 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, pp.86-87.

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 requires 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.

An "applicant" is the term SCAI uses for a person who tells SCAI that he or she was 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.

I am aware that children were abused in a substantial number of institutions in Scotland and were the subjects of migration programmes that involved an outcome of abuse. It is not realistic to present every institution and instance of abuse at a public hearing; were SCAI to do so, an Inquiry, which will of necessity in any event be lengthy, 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 a public hearing in "case studies".

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, including requiring them to respond in writing to questions posed by the SCAI team. These questions were divided into parts—A, B, C, and D (Parts A-D section 21 notice).

Loretto School responded to the Parts A-D section 21 notice. The responses to Parts A-B are dated June 2017,[4] and Parts C-D are dated 13 October 2017.[5] In the months leading to the case study, SCAI requested further information from Loretto. This was provided in February, May, September, and October 2020.[6] Loretto also volunteered its 'lessons learned' documents in February 2021.[7]

Private sessions

Applicants and other witnesses can tell members of the SCAI team about their experiences as children in care and any other relevant evidence at a "private session". They are supported throughout this process by SCAI's witness support team. After the private session, a statement is prepared covering those matters spoken about which are relevant to the ToR. The applicant, or other witness, is asked to check the statement carefully and to sign it if they are satisfied that it accurately records their evidence, but only if and when they feel ready to do so.

This case study

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

- The nature and extent of any relevant abuse at Loretto.
- Any of Loretto's relevant systems, policies and procedures, their application and their effectiveness, and
- Any related matters.

Leave to appear

Leave to appear in this case study was granted to the following:

- Loretto School
- The Care Inspectorate
- The Scottish Social Services Council
- The General Teaching Council for Scotland
- Police Scotland
- The Lord Advocate
- The Scottish Ministers
- "Martin"

4 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0136.

5 Loretto School, Parts C and D response to section 21 notice: at LOR.001.001.0001.

6 See Loretto School, email response to section 21 notice, 24 February 2020, at LOR-000000007; correspondence in response to section 21 notice, 13 May 2020, at LOR-000000216; cover email in response to section 21 notice, 21 September 2020, at LOR-000000751; and correspondence in response to section 21 notice, 28 October 2020, at LOR-000000759. Other information provided by Loretto included: Appendix A of section 21 response, 10 March 2021, at LOR-000000766; Appendix B of section 21 response, 10 March 2021, at LOR-000000767; Appendix C of section 21 response, 10 March 2021, at LOR-000000768; Section 21 response child protection audit note, 10 March 2021, at LOR-000000775; section 21 response alleged abuser details, 7 May 2020, at LOR-000000727; and update from Loretto following Phase 1 Scottish Child Abuse Inquiry, 2 December 2021, at LOR-1000000060.

7 Loretto School, Follow-up note covering lessons learned activity in respect of investigation and subsequent dismissal of "Martin" in Sep 2018, dated 7 November 2019, at LOR-10000000036, p.51. See also follow-up note covering lessons learned activity in respect of investigation and subsequent dismissal of staff update, 3 November 2020, at LOR-000000758; and follow-up note covering lessons learned activity in respect of investigation and subsequent dismissal of staff update, 22 September 2022, at LOR-1000000080.

Numbers

The former pupils who have provided evidence to SCAI in relation to their time at Loretto 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 pupils have described not only what happened to them, but also the treatment they witnessed being afforded to other children. Appendices E and F set out, in relation to Loretto School, the numbers of:

- Children who have boarded at Loretto School,
- Complaints of alleged abuse received by Loretto School,
- Civil actions raised against Loretto School, and
- Relevant SCAI applicants to the date specified in Appendix E.

The evidence of one former pupil who came forward since the evidential hearings began has been taken into account because of its relevance to other evidence I had already heard. It is referred to in these findings. The evidence of other former pupils and witnesses who have come forward since the evidential hearings began is not specifically referred to in these findings but it has been and will continue to be carefully considered by SCAI as part of a continuing process.

Witnesses representing Loretto School

Dr Graham Hawley, the current headmaster of Loretto, and Mr Peter McCutcheon, chair of the Board of Governors of Loretto School, provided evidence to SCAI on behalf of the school on two occasions: 24 March and 12 May 2021.[8]

Loretto School

At the outset, I want to make it clear that I find there were many children who had positive experiences at Loretto and flourished in adulthood. However, I also find that children who boarded at Loretto were exposed to risks of sexual, physical, and emotional abuse. For many, those risks materialised and children were abused whilst in Loretto's care.

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

The abuse I find to have taken place at Loretto is, in some respects, similar to the abuse I found to have taken place at the boarding schools run by the Benedictines and the Marist Brothers.[9] There were also some similarities in relation to causative factors such as: staff who lacked the appropriate skills and training; inappropriate recruitment policies; and insufficient oversight of pupils and teachers. Accordingly, I will at times use language in these findings similar to the language used in the findings of previous case studies.

8 Transcript, day 215: Graham Hawley (headmaster, 2014-present) and Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000006, pp.2-91; Transcript, day 224: Graham Hawley and Peter McCutcheon, at TRN-8-000000015, pp.127-179.

9 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 Augusts Abbey School, Invernesshire, (August 2021); and 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).

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 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 an 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 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" or similar expressions are used in this volume when referring to such conduct and/or behaviour.

The use of that terminology is not to be taken as indicating that it is not accepted that it may have taken place against a background of the child who abused another child having exhibited harmful behaviour which needed to be but had not been recognised and/or addressed and which may also have been harmful to those children themselves. Nor is it to be taken as indicating that it is not accepted that a child who abused another child may have suffered prior trauma.

The term "relationship" may be used in this volume where an abuser engaged in sexual conduct with a child in circumstances where they are said to have had a "relationship". That is not to be taken as indicating that what happened did not constitute abuse. Such "relationships" were usually the result of grooming.[10] Further, any willingness to engage in the relationship on the part of the child, whether apparent or otherwise, or evidence that there were positive aspects to it, are not to be taken as indicating that it did not constitute abuse.

Many applicants described abuse of a type that could have amounted to a criminal offence. The language in these findings reflects the words they used in evidence, such as sodomy and oral sex. There is also mention of the contemporary common law offences, for example lewd, indecent and libidinous practices and behaviour, an offence which involved the abuse, including on occasions penetrative conduct, of children under 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, would now most likely be described as rape.

In the context of boarding schools, it should be noted that Part V of the 2009 Act introduced a new offence of sexual abuse of trust. It focuses on those who look after persons under 18 in a school, and engage in sexual activity with them.

10 See Scottish Child Abuse Inquiry: Roundtable no. 1: The Psychology of Individuals who Abuse Children (June 2022).

Summary

Children were abused at Loretto.

- When Loretto was founded in the 19th century to provide a good education for children, it seems to have been assumed that the separate and different ability to provide appropriate residential care would be subsumed within the ability to educate.
- A small number of staff at Loretto abused children.
- Some children at Loretto engaged in abusive conduct towards other children.
- The abuse included sexual, physical, and emotional abuse.
- Some children were groomed for sexual abuse.
- Guy Ray-Hills, a charismatic and flamboyant teacher at Loretto junior school, the Nippers, between 1951 and 1967, was a prolific sexual predator of junior and senior boys throughout his tenure. He groomed many children and established abusive sexual relationships with them. Some were isolated incidents, but others lasted for years. The abuse included masturbation, oral sex, and sodomy.
- Children whose parents lived abroad, often thousands of miles away, were particularly vulnerable to Guy Ray-Hills.
- Ray-Hills's behaviour was widely known about by pupils. It was blatant and headmasters and other staff must also, or ought to have, known about it. He was the subject of a number of complaints from the 1950s onwards.
- The response by Loretto to the behaviour of Ray-Hills was woefully inadequate. He was allowed to continue working and was feted for his teaching skills up to and after his departure from the school in 1967. Despite his behaviour being understood by Loretto, he was allowed to resign. He was not dismissed, but should have been.
- A teacher at Loretto, "Martin", groomed a final year pupil in 2011 and then conducted a sexual relationship with her—including on school premises—over a four year period. He had an obvious propensity to conduct himself inappropriately with female pupils and received a formal warning for his behaviour in 2014.
- It is likely that "Martin" also abused other girls. He touched other girls inappropriately, spoke lewdly to some of them in 2014, and engaged in other inappropriate behaviours, including sexual contact with pupils, dating back to the late 1990s.
- Four other teachers were reported to have touched children inappropriately, or made sexual comments that were offensive and upsetting to pupils.
- Sexually abusive conduct by older children towards younger children was normalised in the all-male environment of the houses at Loretto. It was described "as an accepted part of life" by one applicant and was felt to be condoned by Loretto by another. It included masturbation and attempted sodomy.[11]

11 Transcript, day 219: "Geoffrey" (former pupil, 1958-1962), at TRN-8-000000011, p.144.

- Corporal punishment was used excessively. Some children were subjected to brutal caning on clothed and bare bottoms that caused injuries.
- Guy Ray-Hills lost control and beat children sadistically, particularly those he did not groom for sexual abuse. He knocked a child out by punching him.
- Two teachers in the Nippers were known for their loss of control; it resulted in abusive violence towards children.
- The majority of corporal punishment within the senior school was delegated to prefects who had no training. The culture at Loretto was one where beatings were the norm for any transgression—no matter how minor—until the 1960s. Beating of pupils by pupils only ceased in 1976.
- This culture allowed for regular physical abuse, with occasional mass floggings, which caused bleeding and bruising.
- Corporal punishment was regularly administered by prefects unjustifiably, for trivial breaches of rules.
- There was a lack of oversight and review of the administration of corporal punishment by older boys over decades; that was a serious failing by the school.
- The system of empowering older boys at Loretto to discipline younger ones created a real risk of bullying and abuse which, in many cases, came to pass. Bullying, with associated physical abuse inflicted on younger boys by older boys, was a constant at Loretto throughout the 20th century.
- Bullying cultures were allowed to prevail because of staff complacency and a lack of supervision by them.
- When David Stock, a teacher at Loretto, attempted to prompt the headmaster to address bullying in 1991, the school reacted by seeking to dismiss him in preference to investigating the bullying concerns. Protection of Loretto's reputation was preferred to protection of Loretto's children.
- Children were emotionally abused by older children and by staff. One boy at Loretto was nicknamed "Willingness", because of his "acquiescence" in unwanted sexual conduct by older boys.[12] The nickname was used by children and staff alike. It left him feeling exposed and persecuted to an extent that was, for him, worse than the sexual abuse.
- Some children were "shunned", a form of emotional abuse that meant they were ignored by their fellow pupils, in some cases, for years.
- Whilst fagging, in the traditional sense of a junior being allocated to a particular senior, was not considered part of Loretto's culture, it did exist but by another name: "scabbing". Younger pupils—scabs—were expected to perform tasks for older pupils. This could lead to abusive practices, particularly in the dining hall, where younger pupils had to fetch and carry, and were not themselves fed adequately.
- There was a strong tradition and culture within Loretto of not reporting abuse. Typically, children would not "clipe".[13] Those who did suffered at the hands of their fellow pupils.

12 See Chapter 6, Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, pp.15-18.

13 "Clipe" is a Scots word. It means to "tell tales" or "tell on" someone, usually to a teacher. It is frowned upon amongst schoolchildren as it breaks the unwritten code of silence between pupils. Those who clipe are seen as tattletales and snitches, and can be isolated by their peers.

- There was inadequate supervision by staff. Many did not notice or enquire with a view to checking on the welfare of their pupils. There was no formal system in place to ensure consistency in their approach to child welfare across the houses.
- Staff interaction overall, however well-intended, was limited in the houses. Housemasters were overstretched with many having other responsibilities, such as teaching, sport, and commitments to their own families. The combination of pupil silence, a lack of staff awareness, and a lack of supervision by staff meant that problems of "shunning" and "scabbing" remained prevalent into the 1990s.
- The introduction, after 1991, of a system whereby teaching staff became house tutors was a real step forward, as was the appointment of a school counsellor from 1995 onwards.
- Effective leadership was not consistently established and maintained. Whilst there were some excellent examples of good leadership, particularly after 1995, both senior and junior schools suffered from periods of poor leadership. Abuse was not detected or appropriately dealt with, and systems to protect children from abuse were not established. Complacency was common before 1995.
- Loretto's employment practices were often poor. Teachers known to have abused children were allowed to resign and were given references by Loretto that failed to warn prospective employers of their behaviour. At best some were selective, lacking transparency and candour. At worst—in the case of Ray-Hills—one reference put children at risk as it encouraged the use of Ray-Hills's services to provide one-to-one tuition in his own private accommodation.
- Compromise agreements were used inappropriately, such as to gag a teacher who had provided reports of significant bullying.
- There was also a lack of objectivity and candour in the way that Loretto dealt with some internal complaints. Personality could trump child protection.
- Governance was, for too long, introspective and gave undue weight to past connection with Loretto. An expectation that all governors would be drawn from former pupils persisted until the 1990s.
- The current leaders of the school inspire confidence that Loretto has learnt and is keen to keep learning from its past mistakes.
- Loretto has provided many pupils with a good education.
- There were many children who were not abused and who had positive experiences at the school, which they value to this day. They, and many of the applicants who provided evidence, have gone on to lead fulfilling and fruitful adult lives.
- Some children who were abused also had positive experiences.
- Loretto offered a genuine apology for the abuse experienced by children entrusted into their care, at both the junior and senior schools.

1 Introduction

At the close of the case study, I undertook to publish my case findings as soon as practicable. This, I now do.

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, as soon as possible, that I am satisfied that some children were abused whilst boarders at Loretto School, and the nature and extent of that abuse.

Where applicants have waived anonymity, I have normally used their real names. Otherwise, in accordance with my General Restriction Order, they are referred to by their chosen pseudonym. The dates applicants attended the school are provided.

I have decided, in the meantime, to preserve the anonymity of most living persons against whom findings of abuse have been established, unless that person has been convicted of abusing children. However, the norm will be that when persons against whom findings of abuse have been established are deceased, they will be named.

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

While great care has been taken to compile the information in relation to the dates that former pupils, current and former teachers and other staff members were at the school, it may be incomplete or inaccurate due, in part, to the nature and paucity of surviving records recovered. Where there is conflicting information about such dates, the most contemporaneously recorded source has, in the main, been used.

Children were abused

I find that children in the junior school, commonly referred to as the Nippers, and in the senior school, were abused whilst in the care of Loretto School. The abuse, sexual, physical, and emotional, is detailed in separate chapters.

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.

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."[14]

For the avoidance of doubt, I have not applied the criminal standard of proof in 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 1948[15] to 2021.[16] All oral evidence was given on oath or under affirmation. Where the evidence relied on is drawn from a written statement produced 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 Loretto, I have quoted from some of the evidence of former pupils that I have accepted as establishing what happened. I do this so as, amongst other things, to ensure that their voices are now heard.

14 Standard of Proof – Lady Smith's Decision.

15 Transcript, day 220: read in statement of "Colin" (former pupil, 1948-1953), at TRN-8-000000011, p.37.

16 See Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.2; Transcript, day 215: Graham Hawley (headmaster, 2014-present) and Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000006, pp.2-91; Transcript, day 224: Graham Hawley and Peter McCutcheon, at TRN-8-000000015, pp.127-179.

2 Loretto School

History and background of the school

Loretto, Scotland's oldest boarding school, is located in Musselburgh, set in a leafy campus now extending to about 85 acres, and close to the sea. It was founded in 1827, by Reverend Dr Thomas Langhorne, an episcopal cleric from Westmoreland. His original purpose in moving to Musselburgh was to consolidate the practice of episcopacy after what had been a difficult time for that denomination.[17] He began by giving private lessons to boys in the Musselburgh area to supplement his clerical income. Demand was such that he decided to set up the school, notwithstanding his lack of training or experience of running a school, let alone providing residential care.

Originally a boys-only school with day students and boarders, by 1829 it was all boarding. The school's motto *[s]partam nactus es, hanc exorna*—literally, "[y]ou have obtained Sparta, embellish it"—is now translated by the school as: "You were born with talents: develop them", or "[d]evelop whatever talents you have inherited."[18]

The 1854 "Prospectus of Loretto School" summarised the school's aims:

> "It is intended that this Establishment should combine a first-rate preparatory School for boys between the ages of eight and sixteen years with a well-regulated and comfortable home. The number of pupils is limited to fifty. It is a fundamental principle of the system that each boy is individually cared for, and his moral, mental and physical qualities anxiously directed to the best advantage."[19]

In 1862, the school was sold to Dr Hely Hutchinson Almond. Almond, a scholar of Glasgow University and Balliol College, had previously been a mathematics master at Loretto, before taking up an appointment at Merchiston Castle School. Under his leadership, between 1862 and 1903, the school flourished.[20] In 1891, the Loretto junior school (the Nippers) was founded at North Esk Lodge.[21] By the time of Almond's death, in 1903, 136 pupils were enrolled at Loretto.

North Esk Lodge, 2021

17 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0138; Frank Stewart, *Loretto One-Fifty* (1993), Edinburgh: William Blackwood, at LOR-000000020, p.1.

18 See Loretto School, "School Motto", retrieved 5 July 2022.

19 Prospectus of Loretto School, 1854, in Frank Stewart, *Loretto One-Fifty* (1993), Edinburgh: William Blackwood, at LOR-000000020, p.33. The current Headmaster did not think that the overall aims of the school were very different today: Transcript, day 215: Graham Hawley (headmaster, 2014-present), at TRN-8-000000006, p.33.

20 See Loretto School, "School History", retrieved 1 March 2022.

21 See Loretto School, "Our Heritage", Retrieved 3 March 2022.

Almond introduced a distinctive philosophy, one which emphasised the importance of living by the dictates of reason and the full development of the mind, body, and spirit. Pupils were encouraged to participate in outdoor activities and community projects including sport, music, and the arts; and to express their views freely. For Almond, loyalty, trust, and service to the community were prime virtues. His philosophy continued to influence Loretto long after his death.

"Hunter", talking of the late 1940s and early 1950s, described, "a culture of responsibility for others which was emphasised by the head of room and prefect system. Heads of rooms were sixth formers who were not prefects. They were responsible for order and discipline within their dormitory. Dormitories were always known as rooms."[22]

Norman Drummond, a former headmaster of Loretto, when asked why he applied for the job said: "What I knew of Loretto I liked, and I liked the small size of it, the homely atmosphere for which I think it has been well known over the years. And in addition to that, the opportunity of a really close relationship with young men and women of a certain vintage which, in a larger school, isn't necessarily provided."[23]

"Poppy" was appointed as one of the first governors who was not a former pupil in 1999. She said: "The Loretto culture stressed care and concern for others, tolerance and courtesy and the opportunity for self-fulfilment. The practice of fagging did not exist, not that I was aware of."[24]

"Gordon" said: "One of the things spoken about by the headmaster was, 'Mind, Body and Spirit'. The ethos was about being an all-rounder, which I think appealed to my parents."[25]

Almond's philosophy remains important to the school today. Loretto believes that its emphasis on the 'whole person' is what sets it apart. It believes that by "helping girls and boys to excel in mind, body and spirit, we aim to help them unlock and realise their full potential."[26] Amongst Loretto's current aims are the provision of an all-round education with access to not only academic study but also many co-curricular activities and "to know and nurture every child in order to develop their confidence and character."[27]

In 1981, Loretto introduced co-educational boarding in the sixth form and since 1995, co-education has been extended to all year groups. Loretto today provides day and boarding school education for just over 600 pupils, from the ages of three to eighteen years old.[28] The junior school is predominantly a day school. The majority of the senior school are boarders.

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22 "Hunter" (former pupil, 1945-1955; former staff, 1967-1996) returned to the school as a teacher and ultimately held the post of vicegerent. See Transcript, day 221: "Hunter", at TRN-8-000000012, p.12.

23 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.95.

24 Transcript, day 224: read in statement of "Poppy" (former member of Board of Governors, 1999-2006), at TRN-8-000000015, p.103.

25 Written statement of "Gordon" (former pupil, 1989-1994), paragraph 16, at WIT-1-000005541, p.5.

26 See Loretto School, "Senior School", Retrieved 5 July 2022.

27 See Loretto School, "Senior School", Retrieved 5 July 2022.

28 See Loretto School, "School Location", Retrieved 1 March 2022.

Headteachers

For much of its history, Loretto has subscribed to the view that "[t]he running of the school is primarily the business of the headmaster".[29] Over time, a senior management team structure, with delegated responsibility from the headmaster, has developed and continues to operate.

There were eleven headmasters of the whole school in the period covered by the Inquiry, each one bringing their own priorities and style of leadership.[30] Whilst the junior school had its own heads, they were subject to the direction of the Loretto headmasters. The appointments of the school's headmasters reflected its needs at the relevant time, including the need to save money or market the school more widely.

For example, Norman Drummond's only previous experience of working in a school was as Chaplain to Fettes College for the two years preceding his appointment as head of Loretto at the age of 32 years. Prior to that, he had been ordained as a Church of Scotland Minister and worked as an army chaplain for four years. Widely regarded as an excellent communicator, he raised awareness of Loretto, marketing it both at home and abroad, at a time when the school required it. His vision was to "work as often as I could individually and collectively with young men and woman on their all round education, their all round futures for life."[31]

Table 3: Loretto's headmasters, 1926-present[32]

Name	Year
James R.C Greenlees, D.S.O., MA, CHB	1926-1945
David Forbes Mackintosh, MA, AM	1945-1960
Robert "Rab" B. R. Lockhart, MA	1960-1976
David Bruce McMurray, MA	1976-1984
Rev. Norman W. Drummond, MA, BD	1984-1995
Keith J. Budge, MA, Cert in Ed	1995-2000
Richard Selley, Cert in Ed (Acting Headmaster)	2000
Michael B Mavor, MA	2000-2008
Peter Hogan	2008-2013
Elaine Selley, nee Logan (Acting Headmistress) MA, PGSE, PGC (Counselling) and PGC (Guidance and Pupil Support)	2013-2014
Dr Graham Hawley, BSc, PhD	2014-present

29 Transcript, day 224: read in statement of "Poppy" (former member of Board of Governors, 1999-2006), at TRN-8-000000015, p.108.

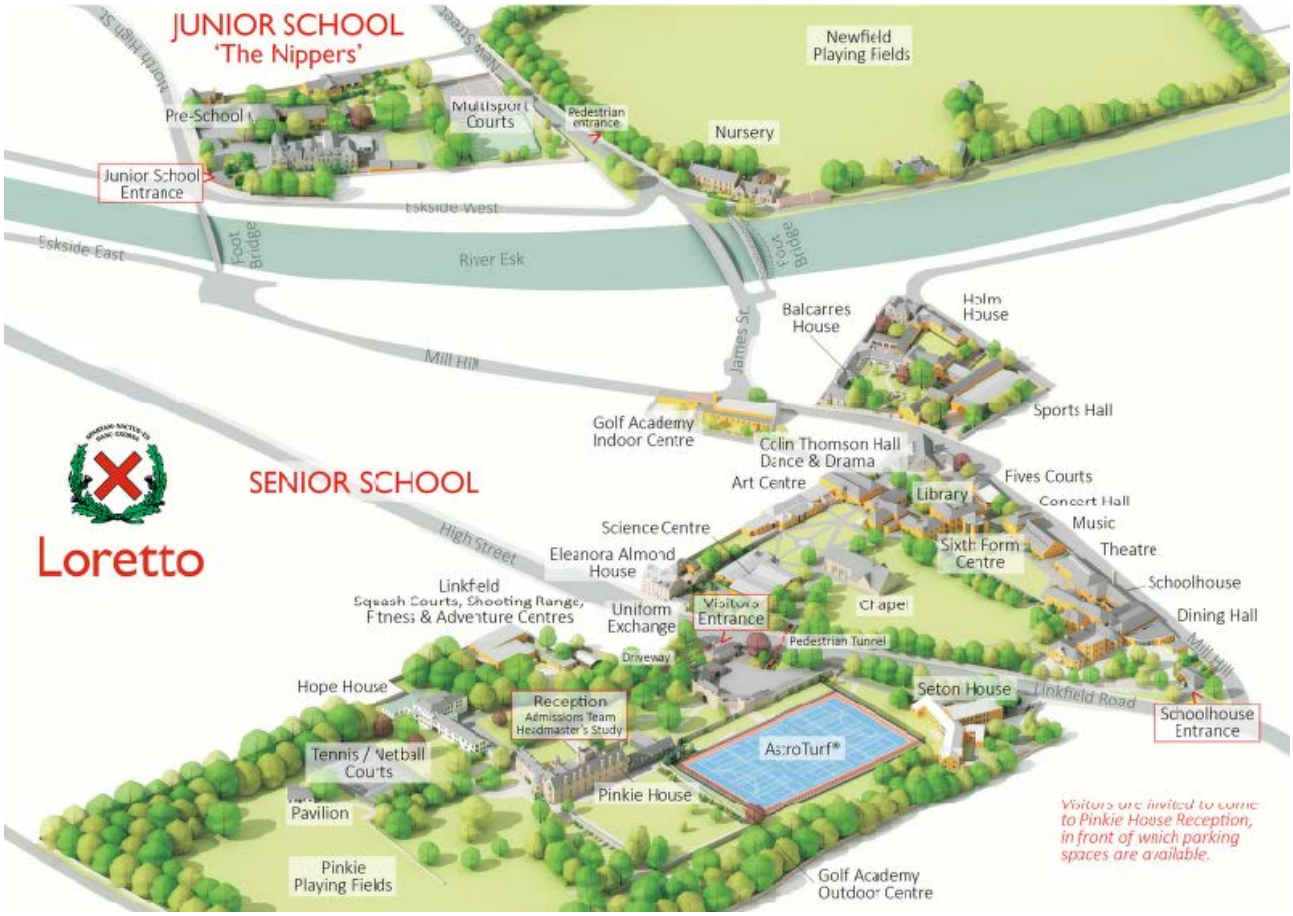
30 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, pp.50-51.

31 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.102.

32 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0202.

The buildings

The Loretto senior school campus has always been situated at Linkfield Road, Musselburgh, with the Nippers being at North Esk Lodge, North High Street, Musselburgh. The number of boarding houses has changed over time as the needs of the school and its pupils have evolved.



Loretto Campus Map, 2019

Table 2: Loretto's boarding houses, 1827-present[33]

Name	Year
Schoolhouse	1827-2001
Linkfield House	1878-1964
North Esk Lodge	1891-2004
Newfield House	1892-2002 and 2004-2012
Holm House	1907-present (extended in 1983)
Eskbank	1926-1967
Balcarres House	1935-present
Pinkie House	1953-1964 and 1965-present
Hope House	1964-present
Seton House	1965-present
Eleanora House	2012-2018

Pinkie House, 2020

Pinkie House, painted gallery, c.1958

33 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0139.

Pinkie House is worthy of particular mention. "Quentin" described being a boarder there in the 1950s: "Originally built in the 14th century, Pinkie was extended in the 17th century to become Scotland's finest Renaissance villa. Arguably one of the greatest historical aspects of Pinkie was a very famous full length painted gallery ceiling…I happened to be billeted in the painted gallery and shared it with maybe 50 other boys, almost about the same age… Another fascinating feature of this dorm was an original hidden doorway built into one of the walls which gave access and egress to and from the housemaster's quarters."[34]

The walls of this ancient stone building were very thick; staff could not always hear everything that was going on amongst pupils.

Central to school life at Loretto was and still is the Chapel. It was a gift from Old Lorettonians (OLs) as a memorial to former pupils killed in the First World War. It was later enlarged through the donation of an OL in 1965. Whilst a non-denominational school, the school tradition of worship draws from the distinctive practices of both the Church of Scotland and the Scottish Episcopalian Church.

Chapel, 2021

The House system

The House system was introduced at Loretto in the late 1950s.[35] A pupil would first board in Schoolhouse for two years and then move on to another boarding house or houses. This system changed in 1961 after "Rab" Bruce Lockhart became headmaster. With the construction of two new boarding houses—Hope and Seton—it was decided that boys would be allocated to and accommodated within a particular boarding house for the entire duration of their time at Loretto. The boarding houses thereby always involved a mix of younger and older children. This is known as the "vertical" house system as opposed to the "horizontal" system which involves boarders being accommodated in year groups.

Hope House, 2021

Supervision would be provided by a housemaster, an assistant housemaster or tutor, and a matron. Pupils also played a significant role in the running of the house. As "James" explained: "There were, if I recall correctly, four boys' houses, and each head of house was a school prefect. There was the head of school who was a school prefect, and there were one or two others who were also made school prefects but who were not

34 Transcript, day 219: read in statement of "Quentin" (former pupil, 1956-1959), at TRN-8-000000010, pp.102-103.

35 Prior to that that there had been no sense of houses for pupils. See Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.24.

head of house."[36] The head of house would be assisted by house prefects, and each dorm would have a senior pupil as head of dorm.

When girls were admitted to Loretto in 1981, the four boarding houses increased to five, with girls being allocated to and accommodated within Balcarres House. This system, with some slight modification, continued until 2007, when it was decided that the boarding houses should be more age specific and there was a change to the horizontal system.

"Poppy", a governor from 1999 to 2006, described the change: "The main thing I remember about the school's strategic approach is that considerable consideration was given to the reorganisation of the house system…The traditional approach was to have young and old going through the school mixed together. As time wore on, it became more popular to do it in year group…Loretto had made the decision to change…All changes were also affected by the financial position of the school. In retrospect, I don't know if the possibility of abuse of older and younger children was considered. Clearly, in the old house system, there was the possibility of bullying of younger children by older children. That would have been a factor in moving for the change."[37]

Whilst there are strengths and weaknesses to both systems, the vertical system allows each house to have its own personality.[38] As Duncan Wylie, a housemaster, said, buildings and staff had impact: "The school was run as a whole. For instance, most schools with houses have inter house sports. Loretto is very much thought of as a school, a small school, don't split it up and having [sic] rivalries between houses. However…each house had its own character because the housemaster and assistant and matron were all different and the character of the house was different in terms of geography, in terms of structure. Two houses, for instance, were pretty new, in terms of room sizes. Pinkie House, the one I was in, was certainly not new."[39]

Pinkie House, dormitory, c.1958

Elaine Selley, a housemistress, said: "boarding housemasters and mistresses, they ran their own houses, they were like little schools. They weren't fiefdoms as such in Loretto, because we did have good teamwork and good meetings, but that was changing when I arrived at the school. So there was still a little bit of that but it was moving forward, and there was much more debate and discussion and transparency throughout that time."[40]

36 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.12.

37 Transcript, day 224: read in statement of "Poppy" (former member of Board of Governors, 1999-2006), at TRN-8-000000015, p.102-103.

38 Frank Stewart, *Loretto One-Fifty: The Story of Loretto from 1827 to 1977* (1993), Edinburgh: William Blackwood & Sons LTD, at LOR-000000020, pp.318-319.

39 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.58.

40 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, p.153.

Housemasters had complete discretion in the selection of their house prefects. Duncan Wylie said: "The headmaster made a decision to have a head of school, and he would pluck a child, a pupil, out of one of the houses to be head of school. So you had perhaps lined somebody up to be a head of your house and he was plucked away to be head of school…But apart from that, I wasn't leaned on to appoint anybody by anybody else. My decision."[41]

Furthermore, each house had differing approaches to discipline. In the 1990s, for example, Schoolhouse reportedly had the best reputation, while Hope had the worst.[42]

The burden falling on staff in the houses was a heavy one, particularly when staff also had teaching and sporting responsibilities. It was not until the 1990s that extra support was recognised as needed and teaching staff, who were not boarding staff, began to assist by acting as house tutors.

Each boarding house continues to have a housemaster in the boys' boarding houses and a housemistress in the girls', together with assistant housemasters/mistresses, a house tutor, and a housekeeper. The housekeeper also has at least two assistants.

The current headmaster, Graham Hawley, described the present arrangements: "Each house, probably as it has for many years, has a resident housemaster or housemistress, a resident assistant, usually also a resident tutor. There will be a housekeeper, also a matron figure, and those are the core of the house team. Then there will be every evening, certainly mid-week evening, members of the academic staff who come in as tutors during essentially homework prep time and they play a role in adding to the supervision there."[43]

With at least two housekeeping assistants to the housekeeper, the ratio of staff to pupils is now higher than in the past.

The school roll

The Loretto Register (known as the Register) provides an indication of the number of pupils attending the school since it was founded in 1827 and up to 2000. According to Loretto, the information recorded is much more comprehensive from 1930 onwards, and so, the Register provides a good record of the school roll from that point onwards. It indicates that, in the seven decades between 1930 and 2000, approximately 5,550 children attended the school.[44]

Loretto reports that it has kept accurate records of the numbers of boarding pupils since 2009.[45]

Structure

Legal status

The legal status of the school at its inception in 1827 is unclear.

A Trust was set up in 1903 and trustees were thereafter appointed to hold funds on behalf of the school. In 1926, Loretto gained charitable status, a status it has held ever since. In 1930, Loretto became a company limited by guarantee. In 1946, Loretto School Limited was wound up and, once more, trustees were appointed to hold funds on behalf of Loretto. This mode of organisation

41 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.62.

42 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.148.

43 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, pp.161-162.

44 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0162-0163. See Appendix E for a breakdown of the number of pupils who attended Loretto between 1930-2021.

45 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0160.

continued until 1976 when Loretto once again became a private company limited by guarantee (Company Number SC059500). The most recent Articles of Association are dated 3 July 2013.[46]

Governance and administration

Loretto had a Board of Governors between 1930-1946, a Board of Trustees between 1946 and 1976, and has had a Board of Governors since 1976. To all material extents, the Board of Governors and the Board of Trustees performed the same function.

The governing body did not, and does not, become involved in the day to day management of the school or care of the pupils. As Loretto's governing body, the role of the Board is to provide strategic oversight and scrutiny of decisions made by the headmaster and his or her senior management team. The governing body also has oversight over Loretto's finances.[47] The available documents suggest that in order to properly discharge its functions, the governing body has, since 1939, operated through and with the use of subcommittees, who in turn report to the full governing body. This framework broadly continues today, as exemplified by "Poppy's" experience: "On becoming a Governor, I quickly became a member of the smaller group of governors who formed the management committee. There were about seven or eight people on the committee…The Committee met on a monthly basis and were far more involved in all decision-making and issues that arose."[48]

It is believed that since 1930 the Boards have comprised a chairperson, vice chair(s), governors/directors, and a clerk. The chairperson of the Lorettonian Society—founded in 1947—is appointed a governor during his or her tenure. The headmaster, headmaster of the junior school, and bursar are *ex-officio* members of the Board.[49]

The Board of Governors/Board of Trustees was initially made up of OLs. Given that Loretto was an all-male school until 1981, the OLs were also male and so too was the Board of Governors/Board of Trustees. Over time, however, the need to have a more diverse board was recognised and, as "Poppy" noted, on her appointment as a governor in 1999: "At that time, there was a policy that only Old Lorettonians could be governors. They had some women on the board, however the women Old Lorettonians could only be young women because they had only started having girls in the school about ten years earlier."[50]

Since 2009, governor appointments have been overseen by a Nominations Committee whose remit is to ensure consistency in approach to these appointments and identification of skill sets consistent with Loretto's strategic aims. As "Poppy" explained: "The governor's role was to take an interest and provide an external input to the way the school was operated from someone who was concerned about the school. All of the governors had connections to Loretto and had the school's wellbeing at heart."[51]

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46 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0143-0144.

47 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0189.

48 Transcript, day 224: read in statement of "Poppy" (former member of Board of Governors, 1999-2006), at TRN-8-000000015, pp.95-96.

49 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0184-0185.

50 Transcript, day 224: read in statement of "Poppy" (former member of Board of Governors, 1999-2006), at TRN-8-000000015, p.94.

51 Transcript, day 224: read in statement of "Poppy" (former member of Board of Governors, 1999-2006), at TRN-8-000000015, p.95.

At present, the Board of Governors comprises fourteen governors who sit as a full Board four times each academic year. The headmaster, the head of the junior school, and the school bursar also attend the full Board meetings.[52] In the past, no training was provided for the role of governor. There is some evidence of governors receiving training in the late 1990s.[53] Since 2014, governors have undergone training in child protection, and have access to online training resources.[54]

Early in the 21st century, the role of Care and Welfare Governor was established. "Poppy", a clinical psychologist with a background in child and family services, was the first such governor and she introduced some changes for the better: "I suggested that each house have a nominated Governor who should take a particular interest in the goings on in that house and report back what their findings were. Some Governors were more engaged with this than others…[t]here was never any hesitation in providing information if you asked for more…[o]ne thing I would have emphasised at Board meetings was just how prevalent child sex abuse was in all strata of society. In any situation where you have got groups of children and groups of adults in contact with each other, there is the possibility of abuse. If you get a rotten apple in a situation where children are resident, particularly away from home, then they are at risk."[55]

Finance

Loretto was, and is, funded by school fees paid by parents whose children attend Loretto as pupils. From time to time, Loretto also receives donations and they are re-invested into the School.

Loretto offers annual means-tested bursaries. Applications are made through the Loretto bursary application process. Bursaries are, in the main, funded by the school's fee income.[56]

Loretto participated in the Government backed Assisted Places Scheme (APS) from 1980 until 1997, when it closed. Eligible pupils were awarded grants by the Government to assist with the cost of school fees. According to records, in 1983 there were 18 pupils on the APS with grants totalling £34,894.[57] Loretto did not otherwise receive any state funding and it does not currently receive any state support.

Staffing

There are only limited records available to confirm the exact details about the number and qualifications of staff, including teachers employed by the school in the period 1930-2014. For example, available records suggest that in 1965 Loretto employed 131 persons, inclusive of teaching staff, and that of the 131, seven were matrons, six were resident maids, 41 were full-time daily maids and 20 were part-time daily maids.[58] This was when there were 349 boarders.

52 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0193.

53 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.98.

54 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0196.

55 Transcript, day 224: read in statement of "Poppy" (former member of Board of Governors, 1999-2006), at TRN-8-000000015, p.100-102.

56 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0141-0142.

57 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0141-0143.

58 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0172.

More detailed records are available for more recent times. In the academic year 2009/10, there were 104 teachers; 102 administration, catering, cleaning and clerical staff, and 22 grounds and estates staff. In the academic year 2013/14, the number of teachers increased to 110, the number of grounds and estates staff decreased to 19, and other staff remained the same.[59]

In 1992 Loretto appointed a Director of Personal, Social and Health Education.[60] In 1995, in advance of the coming into force of the Children (Scotland) Act 1995, it appointed this Director to the role of Child Protection Coordinator (CPC). In 2015, it appointed a Director of Pastoral Care (DPC), who became CPC. The head of the junior school is the CPC for Nippers.

Education, training and qualifications

In relation to the teaching staff, it seems clear that, in the 1940s and 1950s, Loretto sought to employ graduates of the universities of Oxford or Cambridge in preference to others, wherever possible.[61] Until 2017, it was not a requirement for teachers in the independent sector to possess a relevant teaching qualification.[62] Many teachers were themselves former pupils of boarding schools, including in some instances, former pupils of Loretto.[63]

Staff—teaching or otherwise—were, for many years, not required to have any training or qualification in the care of children. Change was introduced, so far as ancillary staff are concerned, by the Regulation of Care (Scotland) Act 2001 and the creation of the Scottish Social Services Council (SSSC). Impact within the boarding school sector took effect from 2010 onwards.[64]

59 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0178.

60 Loretto School, Parts C and D response to section 21 notice: at LOR.001.001.0005.

61 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.13.

62 Transcript, day 222: "Martin" (former staff, 1996-2018), at TRN-8-000000013, p.78.

63 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.21 and Hamish Galbraith (former pupil 1936-1944, former assistant master at the Nippers 1950 and Headmaster of the Nippers 1958 – 1981).

64 Scottish Social Services Council Submission to the Scottish Child Abuse Inquiry, 25 November 2020, at SSC-000000004.

3 The regime

Summary

Some children were abused at Loretto. Some teachers, who had unsupervised access to children, targeted them for abuse including sexual, physical, and emotional abuse.

Many children in the junior and senior schools were sexually abused between 1951 and 1967 by one particular teacher, Guy Ray-Hills. At least one child in the senior school was abused, including sexually, by "Martin", who taught at Loretto from 1995 until his dismissal in 2018. It is likely that "Martin" abused other pupils as well. Both teachers are considered fully in Chapter 4.

Physically and sexually abusive conduct towards pupils by other—usually older—pupils was not at all uncommon. It could be brutal and relentless. Some children were badly injured. Physical abuse was often under the guise of discipline made easier because of the inadequacy of adult supervision. School traditions of keeping silent and conferring considerable authority upon prefects contributed to the abuse of junior pupils.

The emotional impact on children, whether from physical or sexual abuse, verbal bullying, "scabbing"—the Loretto form of fagging, described in the staff handbook as the practice where a "pupil is asked to perform a personal service for another"[65]—or simply being isolated by way of "shunning", was profound. For many of the applicants I heard from, it has been lifelong.

As with all the boarding schools, the Children (Scotland) Act 1995 was a turning point. Child protection began to be understood properly. Inspections of schools by Her Majesty's Inspectorate of Education (HMIe), which had previously only officially focused on standards of education, began to look at pastoral and welfare issues too.

It is therefore helpful to consider Loretto pre and post-1995. Like all institutions, it evolved throughout its history, but much, unhelpfully, remained unchanged for too long, as I now discuss in more detail.

The period up to 1995

Home

For many applicants, home was far away—in some cases, thousands of miles away.[66] Parents entrusted their children to the term-time care of Loretto, believing they would care for them and keep them safe. Many children came from loving parents who handed their children to Loretto in good faith believing that, in so doing, they were doing the best they could for their children. However, the school's attitude towards the children was, from the outset, authoritarian, rigid, and regimented;[67] or militaristic, as "Alec" described it.[68]

65 Loretto School, Academic Staff Handbook, September 2014, at LOR-000000055, p.58.

66 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.9; Written statement of "John" (former pupil, c.1962-1971), paragraphs 2-3, at WIT-1-000000680, p.1; Written statement of "Calum" (former pupil, 1960-1970), paragraphs 2-3, at WIT.001.001.4817.

67 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, p.7.

68 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.138.

"Rules are rules"

Rules ruled

"Rules are rules"[69] was the order of the day. And it was not just a matter of written rules; the unwritten rules—such as the nature of the hierarchy amongst pupils—also had to be understood and followed.

Charles Halliday, headmaster of the junior school between 1987-1991, and also a housemaster, explained: "The headmaster of Loretto in the 1960s was reported to have said, 'a school is like a club', and when somebody wants to join the club, you find out what the rules are and abide by the rules. If those rules don't suit you then you find another club. In a way, life in boarding schools is like that. The staff who join need to feel socially comfortable in the environment."[70]

The staff may have felt comfortable, but many pupils did not.

"Alec" found that "every year looked down on the year below."[71] Similarly, "James" "found it very tough when I started…I remember some of the boys couldn't handle it and would cry. It was a bit 'Lord of the Flies' in that a pecking order was established based on size and strength initially. The order changed a bit due to sporting achievement. I certainly found Loretto more enjoyable as I got older. I was an awkward, cheeky kid. Boarding school instilled discipline and helped develop my independence."[72]

"James" said: "If you stepped out of line you got beaten. It was a quite…to some, quite a tough regime. There were lots of things about school which I thoroughly enjoyed, but if you stepped the wrong side of the line you got hit quite hard."[73] For example, "Geoffrey", who came back late to school after his father had taken him out for a meal, was beaten by a prefect upon his return. It did not matter that he had a reasonable excuse. A rule was a rule and it was to be enforced regardless of the circumstances.

"...a pecking order was established based on size and strength".

"Alex" recalled many rules, which he "didn't see the point of…Rules for the sake of it."[74] Loretto was, he explained, "a school which concentrated more on playing the game and keeping a stiff upper lip and all the rest of."[75]

"Gordon" said: "I think we generally worked out the rules by observation rather than there being a written set of rules."[76]

The school motto—"[y]ou have obtained Sparta, embellish it"—connotes a cold, strict, harsh, and rigorous regime. The word "spartan" was frequently used by applicants to describe it.[77]

69 Transcript, day 219: "Geoffrey" (former pupil, 1958-1962), at TRN-8-000000010, p.131.

70 Written statement of Charles Halliday (former staff, 1987-1991), paragraph 42, at WIT-1-000000501, p.7.

71 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.145.

72 Written statement of "James" (former pupil, 1988-1993), paragraph 15, at LOR-000000226, p.3.

73 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.10.

74 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, p.11.

75 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, p.27.

76 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.32.

77 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.136.

Headmasters

For much of its history, the headmaster of Loretto set the tone for the whole school. Each brought with him, his own character and approach. Dorothy Barbour explained: "There was no senior team of three or four people running it, it was the headmaster alone, and while one is always aware in a school that one person is in the final authority, there are [sic] usually a better delegation of responsibility. That was not Loretto's characteristic at all."[78]

In these circumstances, a headmaster can be a force for good. For instance, many spoke well of "Rab" Bruce Lockhart, who identified some significant problems and introduced change. Within months of his appointment in 1960, minutes record:

> "the Headmaster felt bound to report that there was a general low moral standard throughout the School. He had already discovered cases of lying, cheating, smoking, drinking, bad language, and homosexuality. He had spoken to the School on these matters at length, and also to the House Prefects and the Staff. He had made clear that he expected much higher standards in future, and that he relied on the Prefects and the Staff to back him up on this. He did not wish to exaggerate the position as he felt it could be rectified fairly quickly, and already he was encouraged by the effect on the School of the action he had taken."[79]

However, in the period up to 1995, Loretto was not always blessed with the best of leadership. For example, "Quentin" said: "I was reminded of the fact that I had to retake my Common Entrance exam by the then headmaster (Forbes Mackintosh I believe) on arrival at Loretto and was told, in no uncertain terms, that I was one of the very few children that has to take the exam twice—not an auspicious start for sure. I was also informed at the same interview that he hoped that I would not follow my brother's example and talk too much."[80] Children were often compared, for good or ill, with siblings. Doing so fails to treat the child as an individual and is likely to be detrimental to a child's sense of self. Comparison can be the thief of joy and children felt that, particularly when it emanated from the headmaster. Norman Drummond proved to be incapable of handling serious concerns about bullying that were raised by David Stock, a teacher, and created a perception amongst some staff that all that mattered was positive PR. Others failed to notice inappropriate and abusive conduct that was happening in plain sight such as Bruce Lockhart, who failed to act on hearing of complaints of sexual abuse by staff. These will be considered in greater detail in Chapter 4.

Governors

For the majority of the school's history, the governors were all OLs. They did not receive training. "Poppy" was appointed in 1999 as both the first female governor and the first non-OL governor. Previously only young female OLs had been appointed: "Lord Johnston had felt these younger women might be intimidated by the older gentlemen who made up the board. The governors wanted an experienced woman to come on the board. They felt my professional experience might be of value in potentially difficult, problem areas. I have no doubt I was asked in a major part because of my

78 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.6.

79 Loretto School, Minute of Meeting of the Management Committee of the Loretto School Trustees, 8 December 1960, at LOR-1000000029, p.3.

80 Written statement of "Quentin" (former pupil, 1956-1959), paragraph 53, at WIT-1-000000540, p.13.

career."[81] "Poppy" was an experienced clinical psychologist and her appointment reflected a significant shift in approach that occurred post-1995.

Discipline

In the main, pupil discipline was delegated to those senior pupils who were prefects. This was a major flaw in the system. Teaching staff also disciplined pupils within the confines of their classrooms but "would sometimes report incidents to prefects"[82] or housemasters.

Beatings were the norm into the 1960s and beyond; they could be meted out for the most minor transgressions such as "going onto the lawn, untidiness, eating out of doors, snowballing within range of windows and so forth."[83] This was inappropriate, excessive, and amounted to abuse.

Prefects were the enforcers and punishment would vary between three and six strokes of the cane,[84] a thin bamboo cane usually about three feet in length was "the standard instrument of torture."[85]

"A thin bamboo cane was the standard instrument of torture."

However, the arrival of "Rab" Bruce Lockhart as headmaster in 1960 saw a swift and welcome restriction on the use of corporal punishment, much to the general relief of the pupil body.[86]

"James" recalled that Bruce Lockhart introduced in the senior school an "alternative system…called the booking system, whereby you were booked and you were given various tasks to do, including… preparing maps of different countries and writing in 40 towns and cities…And if you received a certain number of bookings then you would get beaten for it. So you had to be continuously misbehaving to get beaten, it wasn't an automatic sanction…So, yes, I think whilst beating was rife, I think the school was trying hard to modernise itself and take itself forward and look at other ways of running a tight ship".[87] In the junior school, however, beatings with a cane remained common for both minor and serious offences until 1987, following the appointment of a new junior school head, Charles Halliday, who was surprised to discover it was still in use.

By 1976, beating of pupils by other pupils as sanctioned punishment was phased out following the arrival of D.B. McMurray as headmaster.[88]

Corporal punishment was still in use at Loretto until the end of the 1980s, and it was the last independent school in Scotland to phase it out. In the junior school, it only stopped in 1987.

81 Written statement of "Poppy" (former member of Board of Governors, 1999-2006), paragraph 9, at WIT-1-000000521, p.3. Lord Johnston was chair of Loretto Board of Governors from 1999 to 2006, at Loretto Register 1815-2000, at LOR-000000019, p.19.

82 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.14.

83 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.14.

84 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.15.

85 Written statement of "Quentin" (former pupil, 1956- 1959), paragraph 62, WIT-1-000000540, p.15.

86 Transcript, day 219: "Geoffrey" (former pupil, 1958-1962), at TRN-8-000000010, p.131.

87 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.9 and p.42.

88 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.29; Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.72.

"...prefects...and the heads of houses and the head boy, they had absolute authority to hand out punishment at any time".

The prefect system

The unchallenged delegation of disciplinary powers to prefects—without adequate supervision, guidance, or censure—put them in a position of considerable power and, inevitably, led to excessive use of the cane. This, as will be discussed more fully in Chapter 5, constituted physical abuse.

In its 1958 prospectus, Loretto confidently stated: "The prefect system, which is the surest safeguard against bullying and other school dangers, is fully developed at Loretto."[89] Far from protecting against bullying, the Loretto system facilitated it.

Don Boyd's reaction to that statement in the prospectus was: "I would really resent that, appearing in any document now about any school at all. That is utter, utter rubbish… Oh, it was a horrible, horrible atmosphere in those terms, in terms of the way you had to relate to your peers or people who were only three or four years older than you, and how they behaved towards you and how the system worked. It was vile. It was really a horrible, frightening, brutal set-up, and one that I couldn't possibly advocate to anybody…were all head boys horrible? No, I was the head boy of the Nippers. Were all prefects brutal men, bullying men? No, I don't think they were. But the system was such that you had—there was a system of fear from the second that you had anything to do with that hierarchy, and all the rules were geared towards the way that they would then administer those rules. And there were the bad eggs, there were the people who were more prone to being bullies than not, there were the ones that enjoyed the status they had and exploited it, and I felt that from the day I got there, strangely enough."[90] In Don Boyd's experience, the prefects were the "utter rulers" of the senior school.[91]

Without hesitation, I agree that he was right in all he identified that was bad about the prefect system at Loretto.

"Quentin" was beaten by prefects who "[s]ometimes…played in the first 15" who "knew how to hit you" and "relished the task."[92]

Staff, in the main, did not involve themselves in censoring prefects. Rather, staff were likely to support them. "Geoffrey" had never seen "any prefect being censured whatsoever… No, staff kept well out of it."[93] That was despite it being "impossible for the beatings to go on without the teachers' knowledge because they were carried out in the big tub room within the main building of the school."[94] The system persisted in the 1990s when: "prefects, or leaders as they were called, and the heads of houses and the head boy, they had absolute authority to hand out punishment at any time…if ever you stood your ground

89 NRS, SED/IS22/3, Loretto School Prospectus, 1958, at SGV-000000845, p.7; See also Transcript, day 219, Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.14.

90 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, pp.15-16.

91 Written statement of Don Boyd (former pupil, 1958-1965), paragraph 43, at WIT.001.002.0449; Transcript, day 219: Don Boyd, at TRN-8-000000010, pp.20-21.

92 Transcript, day 219: read in statement of "Quentin" (former pupil, 1956-1959), at TRN-8-000000010, pp.107-108.

93 Transcript, day 219: "Geoffrey" (former pupil, 1958-1962), at TRN-8-000000010, p.137.

94 Transcript, day 219: read in statement of "Quentin" (former pupil, 1956-1959), at TRN-8-000000010, p.108.

then they would report you to a staff member. If it was the case of an ordinary pupil versus a prefect, the staff member would always take the prefect's viewpoint."[95]

Punishments by prefects, particularly before 1976, were "[i]nevitably…too severe a punishment for too minor an offence for example junior pupils walking on a piece of grass which was deemed to be hallowed turf, allowed only to be walked on by sixth form."[96]

In a letter written to Loretto's headmaster in 2001, a former pupil said: "in senior school from about 1952 to 1958 I suffered from the physical abuse, which was open, institutionalised and encouraged. Beatings were a very common part of the discipline system administered by both masters and peers. In our current society this would be considered barbaric. In those days it was the norm. Not only beatings, but bullying was rife in Loretto…What is worse the authorities were part of the discipline system and also could not have been unaware of the bullying…and, by doing nothing, condoned and indeed encouraged it."[97]

"I suffered from the physical abuse, which was open, institutionalised and encouraged."

Bullying and "scabbing" at Loretto will be discussed more fully in Chapter 6.

Code of silence

Abuse by over discipline and bullying was exacerbated by the code of silence that pervaded at Loretto. While there was an expectation that pupils would own up, it was also universally understood that pupils did not "clipe". As Don Boyd explained: "You would never do that. No. No…You really wouldn't."[98] "James" agreed: "Yes, cliping was frowned upon…You didn't generally do it."[99]

Dorothy Barbour, a teacher at Loretto between 1984 and 2008, was, on arrival, excited at how open and willing to talk pupils seemed to be. However, she soon discovered "there was a very strict code of not telling staff what was going on between pupils and they all observed that. You didn't even need to have it explained to you. You gathered it just from living there."[100]

In her view, this problem was a common one because if children "want to thrive, they have to respect it" and "if they felt they were being victimised by another person in their year group or somebody older, they would not talk about it, and those who watched it being done experienced only the sensation of 'Thank goodness that is not me', and had no intention of making it 'me' by intervening. That was the general rule, and they all observed that. They would not complain, they would not…even when they went home, they would tell parents that everything was fine even if it wasn't."[101]

95 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.141.

96 Written statement of Duncan Wylie (former staff, 1972-2007), paragraph 92, at WIT-1-000000524, pp.19-20.

97 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.41. See also Full correspondence pack following Don Boyd's article, at LOR-000000138.

98 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.22. See also Written statement of Charles Halliday (former staff, 1987-1991), paragraphs 68-69, at WIT-1-0000000501, p.11.

99 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.18.

100 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.15.

101 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, pp.16-17.

"If you report someone, everyone else is going to turn against you."

Put more simply, pupils were afraid they would just make things worse for themselves by speaking up. As "Geoffrey" explained: "am I going to make it better for myself or am I going to make it worse for myself? So you tended to say nothing. You were taking the safe route."[102] That habit of carrying out a cost/benefit exercise was not unique to Loretto pupils. It is something demonstrated as having happened across the board, in all the Inquiry's case studies examining the provision of residential care for children.

As "Alec" said: "If you report someone, everyone else is going to turn against you. Even if there is an intervention by a staff member, there will still be more waves of violence coming after it."[103]

I heard shocking examples of this culture in operation including in relation to the retribution suffered by a pupil when he reported Ray-Hills's abuse of children, as detailed in Chapter 4.

Worse still was that this culture was known about, but nothing was done to address it. The school's acquiescence was a significant failing.

As will be discussed in Chapter 7, Loretto's response in 1991 to reports from a teacher, David Stock, of serious bullying by fifth year pupils, was inadequate and inappropriate. The then head, Norman Drummond, when asked by senior counsel about his follow up to the reports, gave a remarkable answer. He explained that he spoke to only one of the bullied boys: "I could tell that he was under stress if not duress. I think he had almost become a victim of unwelcome attention. I felt it was important at that stage to ask him if he wanted me to take the matter further. I spoke to him at reasonable length, because he was clearly very anxious about the whole situation, and when I asked him would he like me to take the matter forward, he indicated on two, possibly three occasions, I have a clear memory of that, that he did not want the matter to go any further."[104]

As headmaster he was the leader of the school, responsible for school discipline and, moreover, for the care and welfare of his pupils. Yet, on that occasion, he deferred to the choice expressed by a pupil who, to use his words, was "under stress if not duress." What better conditions could there have been for a code of silence to flourish?

Lack of awareness

This code of silence was also facilitated by the absence of any culture of "watching for signs" that all was not well, such as changes in a child's behaviour or demeanour. Changes such as declining academic performance in academically able children were not always noticed, and if they were, not always acted upon.[105] Most heads and other staff, particularly in the 1950s and 1960s, seemed to be unaware of what should have been obvious red flags.

102 Transcript, day 219: "Geoffrey" (former pupil, 1958-1962), at TRN-8-000000010, p.146.

103 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.142.

104 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.117.

105 Don Boyd's academic performance dropped while being abused by Ray-Hills, but it was not noticed.

Duncan Wylie, a housemaster in the 1980s and 1990s, did say that he "was looking out for the kids that had changed character, that had become introverted…or, yes, that had…well, obviously I was looking for signs of…say there was bruise on their head, but I never found them."[106] However, abuse was happening at that time, and the signs of it should have been noticed. I am not persuaded the culture included the requisite awareness at Loretto in the pre-1995 era.

Housemasters

Housemasters were often not viewed as approachable. When asked if he ever thought of speaking with his housemaster, "Alex" thought the idea of speaking with his housemaster "was a non-starter. He wasn't that kind of guy."[107]

The housemasters and house staff were not sufficiently present in the lives of the children. It was wrongly assumed that accurate information would be given to housemasters through the prefect system.[108] Yet, staff knew there was a general culture of silence.

The housemasters were present in the boarding houses at night but they could be wholly unaware of occurrences that were putting children at risk. For example, as "James" explained: "At school we would do crazy things that the teachers did not know a thing about. For example, I remember we would abseil down three storey towers there at night using bed sheets so that we could go out and get pizza. We learned how to abseil at Cadets."[109]

When a child did speak with a housemaster about bullying, which happened occasionally, only temporary relief was provided.[110] However the system meant that the scale of bullying within the whole of Loretto was not fully appreciated or understood. Problems in the house normally stayed in the house. As Duncan Wylie said "it was assumed that bullying would be addressed by the staff as and when they came across it" although in the event of a particularly serious case, the headmaster might become involved.[111]

These observations are not intended as a criticism of individual housemasters. I heard evidence from three former housemasters and two former housemistresses, and I have no doubt that they endeavoured to carry out their duties to the very best of their abilities.[112] However, their ability to do so was greatly limited because the job was so demanding. Housemasters had responsibility for the care of many children in addition to their own teaching and extracurricular responsibilities, including sports, and their own families who lived in the school with them.[113] Some houses were "sufficiently

106 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, pp.66-67.

107 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, p.18.

108 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.31.

109 Written statement of "James" (former pupil, 1988-1993), paragraph 20, at LOR-000000226, p.5.

110 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, pp.162-163 and 143.

111 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.108.

112 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.24 and p.32; Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, pp.55-113; Transcript, day 222: read in statement of "Arthur" (former staff, 1970-1991), at TRN-8-000000013, p.35; Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, pp.1-46; and Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, pp.105 and 153.

113 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.65.

"...the desire to keep things quiet and not make a fuss and not shine a light on a school may have distracted decision makers from...dealing more adequately and more appropriately with individuals."

ancient to have thick walls"[114] which prevented noise travelling. That may have meant their home lives were more peaceful, but it hampered their ability to be aware of what was happening amongst the pupils.

Housemasters received little, if any, training in pastoral care. This was a systemic failure.

Some staff were appointed as housemasters, and did not have the aptitude for the job.

As Dorothy Barbour said of the housemaster's task, remembering it revolved round adolescent boys: "I think they all had quite a high degree of commitment. It was such an exhausting job they would have to have real motivation to do it. But they were dealing with…the school code, that you didn't go and complain to your housemaster. The running of the houses expected housemasters to survive with relatively little support. There was a housemaster, there was a deputy housemaster and there was a matron, and there would be 50 to 60 growing boys in their houses. That… proportion is not in favour of the house staff really having it easy…It was a very demanding job."[115]

In 1990, the Loretto Management Committee recognised that housemasters were extremely stretched.[116] Elaine Selley confirmed this was a problem common to the sector. She worked as a housemistress between 1990-1993 in another school. "When I started people were not…trained in pastoral care…It was all in its infancy when I started…you were very much working on your own."[117]

Reputation

Too much weight was given to the protection of the school's reputation even in the face of abuse, of which the school was or should have been aware.[118] In practical terms this meant removing abusers rather than reporting them, and failing to address the harm they had or may have caused to pupils.

Of the pre-1995 era, "Jack", who was headmaster during a later period, said: "sometimes the desire to keep things quiet and not make a fuss and not shine a light on a school may have distracted decision makers from perhaps dealing more adequately and more appropriately with individuals."[119] It is not that it "may have distracted" them—it did.

114 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.104.

115 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, pp.23-24.

116 Loretto School, Minute of Meeting of the Management Committee of Loretto School Trustees, 16 October 1990, at LOR-000000737, p.5.

117 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, p.151.

118 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.69.

119 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, p.46.

Charles Halliday, headmaster of the junior school and a housemaster, echoed that: "Matters of abuse were being raised for the first time towards the end of 1980s when Esther Rantzen was around and also Childline had come in. Before that, schools were extraordinarily private places, especially boarding schools…if a staff member anywhere misbehaved in a criminal manner, they would be given a note and told to leave without any reference to the police, and thus be free to be employed in another school. I don't know of any specific examples of this having happened."[120] The approach was to get rid of the problem as quietly and quickly as possible.

As demonstrated by the evidence throughout this case study, Loretto was typical of the approach of boarding schools pre-1995. With Guy Ray-Hills, there is clear evidence that the school was aware of his behaviour, yet it allowed him to resign and, furthermore, provided positive letters of reference that deliberately omitted reference to his abuse of children.[121] That approach continued into the 1990s with two teachers being encouraged to resign rather than face dismissal.[122]

The use of compromise or settlement agreements and a positive reference was not uncommon. It was wrong to use those practices where individuals could be a risk to children and rather than protect children, it protected abusers.

Prioritising the school's reputation also affected the way complaints were responded to. If made from outwith the school, they were taken seriously. "Alec" remembered a flashing incident involving a pupil where "the people from the town had reported it to the police, so the school didn't have a choice at that point…It was treated very seriously."[123]

However, when David Stock complained about bullying in 1991,[124] it was "a major event" but "nobody talked about it."[125] Put shortly, the concern of the school was dealing with what it saw as a troublesome teacher, not addressing the allegations of bullying or the care of former and current pupils. The headmaster's investigation was woefully inadequate.

The failure to act also reflected badly on the governing body; it was determined to remove David Stock. The default position of the Loretto Board of Governors appeared to be that criticism should be closed down and change was not required. Dorothy Barbour neatly summed up, albeit in relation to the dining hall problems: "in the early years they simply didn't hear you when you said well, you know, some children might be finding it difficult…If you spoke to the governors and said 'Oh, it's…' they would just say 'Oh, it has always been like that. It didn't do me any harm.' And so you could not make any inroads to getting people to think of change."[126]

120 Written statement of Charles Halliday (former staff, 1987-1991), paragraphs 80-81, at WIT-1-000000501, p.12.

121 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.76.

122 "Paul" and Mr Clifford Hughes are both referred to in Written statement of "Arthur" (former staff, 1970-1991), paragraphs 73-89, at WIT-1-000000476, pp.14-18.

123 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.169.

124 For further details, see Chapter 7.

125 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.37.

126 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.20.

Even after 1995 the same defensive mentality can be seen in the school's response to the exposure of Guy Ray-Hills in the press in 2001.[127]

Child care and supervision

Child protection was treated as a matter of assumption. It was assumed that teachers, because they were teachers, would be sensible, would look after the children's wellbeing, and behave properly "because very much it is the member of staff who keeps the boundaries."[128]

As "Hunter" said: "This is what we [teachers] were there for, particularly as house staff. It was just assumed that this is what you come into teaching for…But I don't think it was really particularly formalised even at the time when I retired."[129] He retired in 1996.

That was naive. Proceeding on the basis of assumption led to serious systemic failings which today seem extraordinary. Known abusers were allowed free rein with children they were meant to protect. Teachers were able to engage in courses of conduct that would have led to dismissal in well-led, well-run institutions properly and effectively committed to the care and protection of children.

The absence of consideration of child protection also meant that little, if any, consideration, was given to the needs of children who were at risk of and became the victims of abuse. As "Geoffrey" said: "The problem that everyone seems to be having with this business of abuse is that it was an accepted part of life, which it shouldn't have been."[130]

Sport

Loretto, for much of its history, had a very good reputation as a rugby school, a factor that weighed heavily in some parents' decision to send their sons there.[131] Rugby was, however, too important at Loretto.[132] For those who excelled at rugby—and some other sports—rewards followed. For example, as recently as the early 1990s "the captain of rugby would also be head boy" and other team captains would get other similar positions.[133] Those who were not sporty were viewed as lesser beings. As "Quentin", who "wasn't good at sport", explained: "If you didn't play rugby for the First XV or cricket for the First XI you were of little consequence."[134]

"Alex", who visited Loretto as an adult, remarked: "I went back and one of the masters who was there, a sort of rugby playing character…and I…said, 'Why did you all concentrate on sports to the exclusion of everything else and all this masculine sort of stuff?' And what struck me then was he still adhered to the same view. He said, 'Well, it did you good. And why shouldn't we? Because it was what we were teaching that did you good.' I was the complete antithesis of that."[135]

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127 For further details, see Chapter 4.

128 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.44.

129 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.23.

130 Transcript, day 219: "Geoffrey" (former pupil, 1958-1962), at TRN-8-000000011, p.144.

131 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.8.

132 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.26.

133 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.141.

134 Written statement of "Quentin" (former pupil, 1956-1959), paragraph 56, at WIT-1-000000540, p.14.

135 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, p.27.

"Coming in as a girl meant that…you had more than half of the school looking down on you…watching you every move…it must have been like a pressure cooker."

That may have been the received wisdom of the time, but it was thoughtless, and indicative of the school's limited mindset. It marginalised those who did not neatly fit the approved sporting mould.

Some staff tried to take a different approach. Duncan Wylie, for example, wanted to support non-sporty children. "I tried not to be…admiring of the First XV people, I tried to give every kid an equal praise… because they played for the First XV, I didn't hold them up to be heroes. I certainly didn't choose my prefects because they played … rugby well."[136] However, he acknowledged that "a pupil who was a reluctant sportsman or was more interested in art or music than rugby and generally more introvert by nature was less able to fit into Loretto's ethos. This was just part of life in that era."[137]

No child should have been made to feel as if they were of little or no consequence if they lacked sporting ability. The failure to address that aspect of Loretto's culture amounted to a systemic failure on the part of the school.

After 1994, the primacy of rugby began to diminish and other sports, activities, and pursuits also came to be recognised as important. That was to the relief of many, including Dorothy Barbour, who remembered: "In my first years from 1984 right to 1994, the whole school was expected to turn out to watch the XV play, including all the girls. I was astonished."[138]

Co-education

Girls were first admitted in 1981 in the lower sixth form. By 1995 Loretto was fully co-educational.[139] The introduction of female pupils into the school community had a profound impact on Loretto and its regime. Two instructive recollections are: "I suspect having girls in the school during my last two years there probably tempered the older boys' aggression";[140] and "[s]uddenly the rugby team was not so important."[141]

Life at Loretto for girls cannot have been easy at first. As "Gordon", who started at Loretto in 1989, reflected: "At that time, around 40 girls aged 16, 17 and 18 boarded at the school along with about 300 adolescent boys. They came from predominantly all-girls' schools. They were put into an environment where they must have experienced a huge amount of scrutiny…it must have been incredibly intense. Coming in as a girl meant that all of a sudden you had more than half of the school looking down on you from above, watching your every move. Psychologically, it must have been like a pressure cooker."[142]

It is to "Gordon's" credit that he noticed it. I suspect that he was more perceptive than Loretto itself, prior to 1995.

136 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.74.
137 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.80.
138 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.26.
139 Transcript, day 215: Graham Hawley (headmaster, 2014-present), at TRN-8-000000006, p.9.
140 Transcript, day 220: read in statement of "James" (former pupil, 1988-1993), at TRN-8-000000011, p.130.
141 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.74.
142 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.68.

Positive aspects

Some former pupils who gave evidence had only positive experiences at Loretto.[143] I accept it is likely that it reflects the views of many. Others very fairly found some aspects of their experiences positive despite suffering abuse. "Calum" is an example: "[m]y attitude is that in many ways I'm very grateful to Loretto. It was a perfectly supportive benign institution. On reflection, I got sensible advice and as a basic proposition the people who worked there were fundamentally okay. There were one or two who were strange, in their own way."[144]

There was almost universal praise for the academic strengths at Loretto. Don Boyd, said: "I would always downplay what Loretto represented to me. But never, ever, was it one in which I denigrated the educational advantages that I had had. I would always talk about the music, the games, that I learned Greek, and stuff like that."[145]

"Tom" said: "I would add that I think boys who were gifted academically or had sporting ability were given a real opportunity to flourish there."[146] "Gordon" observed that "the education on offer was good to excellent…If you wanted to learn, the opportunities were there."[147]

Loretto could also provide a positive sense of community. Peter McCutcheon's experience of the house system is very different from what some applicants experienced: "I immediately felt comfortable and safe. An important aspect of this sense of security was the way in which the house system operated. We slept in rooms, dormitories which were occupied by a cross-section of boarders. Each room had a head who was in the lower sixth and this individual was responsible to the head of house, a boarder in his final year. The remainder of the room was filled by boys from across the junior years. The result was that each individual identified with his room and his house and took an interest in those he roomed with…My story is not an unusual one. Many Lorettonians would recognise many aspects of it; the sense of community, the sense of safety and family and the deep friendships that were formed there and still endure. I owe Loretto a great debt and that is why I serve on the board of governors today."[148]

"Gordon" echoed that: "I would be able to contact many of my school peers if I wanted to. It's a strange thing but when you've been to boarding school for five years it's almost like family. When you do meet up with someone, even if you haven't seen them for fifteen years or more, the pleasantries will be out of the way within a few seconds and you're back to talking about the old days. There's a familiarity there."[149]

Some teachers were complimentary. Dorothy Barbour said: "When I started teaching there was a measure of directness and openness within the classroom which was different

143 Written statement of "Colin" (former pupil, 1948-1953), paragraph 19, at LOR-000000225, p.3; Written statement of "Andrew" (former pupil, 1951-1956), paragraph 18, at LOR-000000228, p.3; Written statement of "Mill" (former pupil, c.1967-c.1971), paragraph 72, at WIT-1-000000448, p.14; and Written statement of Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at LOR-000000773, p.3.

144 Written statement of "Calum" (former pupil, 1960-1970), paragraph 53, at WIT.001.001.4824.

145 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.52.

146 Written statement of "Tom" (former pupil, 1957-1962), paragraph 32, at LOR-000000224, p.5.

147 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, pp.26-27.

148 Transcript, day 220: read in statement of Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000011, pp.121,126-127.

149 Written statement of "Gordon" (former pupil, 1989-1994), paragraph 188, at WIT-1-000005541, p.27.

from what I previously experienced. I enjoyed this and I really thrived on it…I thought it was an excellent atmosphere."[150]

Signs of change

Regimes evolve and change was occurring at Loretto by 1995. As noted above, the Childline number was "publicised to pupils on the school noticeboard" from 1986.[151]

Also, in the boarding houses there had been recognition that house staff were inadequately resourced by introducing a tutor system in the autumn term of 1991.[152] This meant that teaching staff were attached to a house resulting in "a considerable reduction in the size of tutorial groups and ratio of future tutees,"[153] and, allied to that was the hope "that that would give children someone to talk to where they might feel more confident."[154]

Non-OLs were appointed to the Board of Governors in the mid-1990s for "[t]here was a universal feeling that the board should be moving away from purely OLs."[155]

The minutes of governors meetings in 1991 and 1992 reveal a recognition that: further training and development of staff was needed; the importance of standards, values, and care given by the school had to be fully acknowledged; the loyalty and commitment of governors was vital;[156] and there needed to be better communication between prefects and housemasters.[157]

A "watershed moment"[158]: The Children (Scotland) Act 1995

The impact of the 1995 Act on the school can be seen in a minute from the Management Committee in September 1995. It "required policies to be in place on certain matters including confidentiality, bullying and pastoral care. Much of this was already covered by Duncan Wylie as Director of Personal, Social and Health Education. The aim of the Act was to ensure good practice."[159]

As Norman Drummond said: "We knew we had to be more professional…I think we had moved over the years in the recognition of how important it was to get things right for every child. And we were on a journey, I think Duncan Wylie and others contributed to that. But it is hard to describe how limited were the conversations across society about these matters…I think that Loretto was progressing well towards addressing those. We were also open to new ideas…in terms of values based leadership and the all round care. These are regular phrases that were used at Loretto."[160]

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150 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, pp.14-15.

151 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.23.

152 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, pp.132-133.

153 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.132.

154 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, pp.28-29.

155 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.6.

156 Loretto School, Minute of Meeting of the Management of the Loretto School Trustees, 13 September 1990, at LOR-1000000028, pp.24-25.

157 Loretto School, Minute of Meeting of the Management of the Loretto School Trustees, 15 January 1992, at LOR-1000000024, pp.15-16.

158 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.94.

159 Loretto School, Minute of Meeting of the Management of the Loretto School Trustees, 15 January 1992, at LOR-1000000024, p.45.

160 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, pp.135-136.

Duncan Wylie was appointed Loretto's first Child Protection Coordinator in 1995. At least one weekly lecture on Personal, Social and Health Education (PSHE) matters was incorporated into each child's curriculum. A central log of bullying, the Bullying Book, was introduced.[161]

Of particular significance was the introduction, in 1995, of a confidential counsellor (a psychologist) by Duncan Wylie.[162] Elaine Selley believed Loretto was ahead of its time in doing so.[163] According to Duncan Wylie, staff felt it to be "a big step forward in the whole panoply of child protection and helping the pupils."[164]

Child protection policies were first introduced in 1996 and continuously reviewed, and child protection training was introduced for all staff that same year. A headmaster's report from March 1996 recorded that "[a]ll Loretto academic staff, matrons and some administrative staff attended an In Service Training day on 2 September. It was led by Sue Hamilton, who is in charge of Lothian Region Child Protection Unit and other professional advisors from police, medicine and education. Although harrowing, it was an instructive and suitably challenging day. Loretto's Child Protection Policy document is now complete and can be sent to governors on request."[165]

Inspections focussing on the welfare of residential pupils were now being carried out and it was noted that further development of policies would have to be written and implemented. "Welfare inspections would treat as priorities…the training and effectiveness of house and other associated staff…some of the Boys' Houses required much work carried out to them to bring them up to the required welfare standard."[166]

And it was not simply a case of introducing policies. Efforts were made to instil a more caring atmosphere in the houses.[167] As Duncan Wylie said: "as the years went by, the place became much more civilised, to use that word…it was less hierarchical at the end of my career than the beginning, and I would like to think much less bullying going on at the end as the beginning."[168]

Changing a culture takes time, effort, and commitment, particularly at leadership level. However, the seeds were sown to grow a culture of awareness, listening, learning, and being open to change, in contrast to the pre-1995 era. Elaine Selley, Duncan Wylie's successor, said: "it's listening particularly to your support staff, to your cleaning staff, to people who are maybe visiting the house, and ensuring that everybody has their antennae up in terms of watching out for things that are unusual about children…the more you get under the skin of what is going on in a house or what is going on within a school, you will find more people in need of either professional counselling or a sounding board. But you need to create a culture and environment that…pupils will tell you about someone who they are worried about or

161 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, pp.105-106.
162 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.103.
163 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, p.155.
164 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.104.
165 Loretto School, Headmaster's Report to the Governors, 9 March 1996, at LOR-1000000024, p.51.
166 Loretto School, Minutes of the Management Committee of the Loretto School Trustees, 19 February 1997, at LOR-1000000033, pp.2-3.
167 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.73.
168 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, pp.72 and 79-80.

a member of staff that they are not happy with…the counsellor helped with that."[169]

It was recognised that the role of housemaster is a demanding one, and that significant support from other staff in the boarding houses was required if the housemaster's job was to be done well. The involvement and input from the Care Inspectorate—and its predecessor, the Care Commission—no doubt helped. Staff supervision ratios in the boarding houses were increased between 2007 and 2015 for "if you have staff around, you are more likely to hear things. You are not going to have staff who are quite so burned out if they have been up at 3 o'clock in the morning with a sick child or something has disturbed them."[170]

Consideration was given to the age appropriateness of the children in the boarding houses. Important physical changes were made in the dining arrangements.

Post-1995 was also a period when Loretto looked outwards. Advice on best practice was sought from the Scottish Council of Independent Schools (SCIS) and from the state sector. Elaine Selley was aware of the risks of confining her learning about child protection to the "silo" that was Loretto and joined the East and Midlothian child protection committee so as to give herself the "opportunity to mix with police, with social work, with health and actually have that communication and partnership which is so vital if you are trying to get the best outcomes for young people, so that you have a team who are like minded, who you can ask for help."[171]

On his appointment before term began, "Jack" had "an open door policy for parents, anybody, members of staff who wanted to come and see me".[172] His open door was well used and concerns were raised including about bullying going unchecked, policies that were either not implemented or no longer fit for purpose, and inconsistency of discipline and sanctions. They were taken seriously and changes were implemented, including the creation of a Head of Compliance and Safeguarding position with a seat on the school senior management team.

That is not, however, to say that there were no problems post-1995. For example, when "Jack" was appointed headmaster he was not informed that a member of staff ("Colin") was subject to a final written warning.[173] He "instantly raised the matter with the then senior management team of the school", but was not given any information by them.[174] He thought that "they either didn't know enough, didn't know at all or didn't want to tell. I was stuck with those three, and there seemed very little point in interrogating everybody to find out which one it was, because nobody really wanted to talk about it."[175] He resolved it himself, but it was an entirely unsatisfactory situation. Information must be appropriately shared if the interests of children are to be protected.

169 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, pp.155-156.
170 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, p.159.
171 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, pp.144-145.
172 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, p.39.
173 For further details, see Chapter 4.
174 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, p.55.
175 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, p.56.

"Jack" introduced further changes to recruitment policy, including that the current and most recent employers were telephoned by a member of the leadership team following receipt of a written reference. He explained: "Safeguarding and child protection were always raised in these calls… it felt like good practice to speak to the person who had written the reference, not only just to confirm on a base level that they actually had written it, but also to have an opportunity to explore anything within that if there were any concerns."[176]

Appraisal of staff was another area of development, and the pastoral care of children became included as a specific topic.[177] It "contained elements of self-reflection and analysis as well as formal interviews and discussion of role."[178]

The role of governors was taken more seriously; it also became better understood and there was greater liaison between them and both staff and pupils.[179] From 2000, a governor was allocated to each house.[180] The following year, a governor was able to report to the full board pupils' complaints that a particular housemaster was too busy with other tasks.[181] The need for accountability and better communication was recognised, as was the need for a strong board with new blood, and a wide range of skills, all reviewed annually.[182] Training in child protection became the norm just as it was accepted that there required to be a governor responsible for child protection.[183]

Response to evidence about regime

Loretto did not challenge the accounts of abuse given by its former pupils. I was impressed by Graham Hawley, the current headmaster, and Peter McCutcheon, chairman of the Loretto Board of Governors. They were remarkably frank in their acceptance that abuse happened, in recognising Loretto's failings, and in their commitment to try to understand, learn from, and support those who were abused. Both were genuinely concerned about and dismayed by Loretto's past failures.

In a statement volunteered to the Inquiry, Peter McCutcheon, who had himself so enjoyed Loretto as a pupil, said: "I deeply regret that some Lorettonians did suffer abuse and feel a deep sense of abhorrence. This is due to two factors. The first is that any abuse—whatever its nature—is unacceptable and morally repugnant. The second is that such abuse constitutes a betrayal of the values and ethos of Loretto."[184]

In relation to the past practice of allowing abusers, such as Ray-Hills, not only to resign without any report being made to the authorities but also with a supportive

176 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, p.49.

177 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, p.68.

178 Written statement of "Colin" (former staff, 2002-2010 and 2014-2017), paragraph 24, at WIT-1-000000539, p.5.

179 Loretto School, Headmaster's report to the governors, 9 March 1996, at LOR-1000000024, p.51.

180 Loretto School, Minutes of the Meeting of the Management Committee of the Governors of Loretto School, 18 September 2000, at LOR-1000000043, p.6.

181 Loretto School, Minute of Meeting of the full Board of the Governors of Loretto School, 8 December 2001, at LOR-1000000022, p.7.

182 Loretto School, Minutes of the Meeting of the full Board of the Governors of Loretto School, 8 December 2001, at LOR-1000000022, p.6.

183 Loretto School, Minutes of the Meeting of the full Board of the Governors of Loretto School, 8 November 2008, at LOR-000000253, p.2.

184 Written statement of Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at LOR-000000773, p.3.

"Loretto has now got a very well established, well published, well signposted, well understood, well briefed set of policies. Those policies are not hidden away."

reference, Graham Hawley was clear that Loretto would not provide a positive reference for a member of staff "who has child protection concerns or has been through a disciplinary hearing."[185] If a reference were provided, "it would be very clear of the offences, the disciplinary hearing and outcome that had taken place."[186]

Peter McCutcheon went further by explaining that Loretto no longer enters into any form of non-disclosure or compromise or settlement agreement if there is any question of child protection concerns: "We just will not do it. Because if we were to do that, it would be possible that we could be seen as hiding something, and if we are hiding something we have got something wrong, and that wrong needs to be righted."[187]

Peter McCutcheon also affirmed that staff could never be removed in the same manner as David Stock had because "Loretto has now got a very well established, well published, well signposted, well understood, well briefed set of policies. Those policies are not hidden away…they are well signposted, and they are accessible to all members of the Loretto community at an appropriate level. So a parent can access them, teachers themselves can access them, governors can access them. Nothing is hidden. Therefore the opportunity, the idea that there could be some conspiracy or action to force a teacher out would not happen because the teacher, their colleagues, other governors, it is all there, and such a course of action would be challenged because of our open culture…and in that challenge would come a response, and it would be open, fair and balanced response. So unilateral action could not happen."[188]

Peter McCutcheon's response accepts that in the past Loretto did not have the conditions, policies, or procedures to prevent such unilateral action, but rather it fostered a culture which allowed it. That is significant reflection and acceptance.

To the parents and families of children who were abused Graham Hawley had this to say: "Thank you for the opportunity to be involved. We do know that some of the survivors were prompted to come forward because of the Inquiry. That's good for the school, and my hope is that it is going to make a difference to their lives. We deeply regret the impact of the abuse has had on them but I hope the fact that they have been brave enough, and we admire their courage, means that perhaps they can move forward. As part of our methodology, we decided we wouldn't be in touch with those who came forward…But we are very keen to reach out, do what we can for those people who have suffered. It is one thing to have on record an apology, but there is something very powerful about human to human contact… So for the witnesses, for those who perhaps

185 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.139.

186 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.139.

187 Transcript, day 224: Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000015, p.141.

188 Transcript, day 224: Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000015, pp.141-142.

are still seeking to come forward, we want to do what we can to make amends for the dreadful abuse you have suffered and for which we are profoundly sorry."[189]

Peter McCutcheon said: "I have been struck over the last few days that a failure to listen has woven through much of the evidence. Not only a failure to listen but a failure to look, a failure to see, and that has had severe consequences to my regret. I would like to assure the Inquiry that we have listened and we have seen and we are reflecting, and that reflection is a continuous work. But listening just isn't enough. There is no point in listening if we are not willing to act and review and audit. I hope that we have been able to indicate to survivors that the current board and senior management team are an integrated organisation that does listen and does learn because it is only through that process that we can engender the trust that we require to optimise our safeguarding, and if we lose that trust, we lose our ability to safeguard as well as we possibly can. I would also like, finally, to turn to the apology we made in our opening submission. It was a heartfelt and unreserved apology. Nobody should have suffered, and the fact that you did is a matter of huge regret to Loretto. My promise to the survivors is a simple one: my promise is that I will continue, as chair, to drive safeguarding forward in as optimal a manner as I can, and I thank you for your courage."[190]

Those apologies impressed me as showing genuine contrition.

"I have been struck... that a failure to listen has woven through much of the evidence. Not only a failure to listen but a failure to look...has had severe consequences".

Conclusions about regime

Some children, whilst pupils at Loretto, were abused. They were abused physically. They were abused sexually. And they were abused emotionally. They suffered harm. Some have learned to live with it but, for some, it has been and will be lifelong.

For decades, systems were not in place to protect pupils from abuse. Supervision was absent or inadequate enabling bullying and cruelty, sometimes under the guise of discipline, to flourish.

Teachers in positions of trust at Loretto violated their professional duties and breached the trust children and their families placed in them and in Loretto. Opportunistic teachers in positions of trust exploited the ready access they had to vulnerable children.

A culture which facilitated abuse and obstructed necessary changes to policies, procedures, and practices persisted for far too long.

To its credit, Loretto is genuinely trying to learn from its past mistakes.

189 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.177.

190 Transcript, day 224: Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000015, pp.176-177.

4 Sexual abuse

Summary

I find that children at Loretto were sexually abused.

In the worst case, involving sexual abuse by Guy Ray-Hills, a teacher at Loretto between 1951-1967, the abuse consisted of a relentless course of conduct spanning sixteen years. His blatant sexual behaviour became a recognised norm to pupils in the 1950s and 1960s. The lives of many children, particularly at the Nippers, were blighted by his depravity, where he exposed them to behaviour designed to corrupt.

Another teacher, at Loretto from the mid-1990s until his dismissal in 2018, welcomed the attentions of his female students, indulged in situations where he could be alone with them, and, in at least one case, started a sexual relationship with a pupil.

A common theme from the behaviour of both teachers, despite the gap of decades, and the introduction of child protection measures post-1995, was the school's continuing failure to act swiftly notwithstanding the evidence that was plainly before it. That can be explained by a variety of factors. Misplaced loyalties to staff who were otherwise seen as 'good' or 'charismatic' teachers, naivety in refusing to believe that abuse could occur, wilful blindness, and an underlying desire to protect the name and reputation of the school. It is disturbing that the second case took place notwithstanding the ever increasing awareness of child protection from 1995 onwards.

The Loretto environment

For much of the period under examination, Loretto was an all-boys' school.[191] With many of its pupils going through puberty, "there was a subtle atmosphere of adolescent homo-eroticism…We were young men with no women about and there was a culture that fostered innocent sexual experimentation between the boys."[192] They were not, as a single sex boarding school, alone in that. However, Loretto, during its single sex era, simply seemed to accept it and did nothing to address the obvious risk of sexual conduct that was abusive taking place.

As "Geoffrey", a pupil in the late 1950s, said: "There was a general aura in the school that things went on and we learned about homosexuality very quickly whether you were part of it or not."[193] That culture became more sophisticated in the senior school. As Don Boyd, speaking of the 1960s, explained: "There was a system which everybody indulged in, which was to do with boys which were attractive and good-looking and perceived as being beautiful, and there was a sort of top ten of boys…That didn't mean

191 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0138. It was not until 1981 that girls were admitted as boarders, although only in the sixth form. The school did not become fully co-educational until 1995.

192 Written statement of Don Boyd (former pupil, 1958-1965), paragraph 73, at WIT.001.002.0452.

193 Transcript, day 219: "Geoffrey" (former pupil, 1958-1962), at TRN-8-000000010, p.132.

that there was anything that was done as a result of that between those boys, it was just a feeling."[194]

Sexually abusive conduct by older boys

However, the culture in the school allowed sexually abusive conduct to take place.[195]

When an article about Ray-Hills's abuse, by Don Boyd, was published in the *Observer* newspaper, the then headmaster, Michael Mavor, wrote to parents and to OLs, asking anyone who wished to complain about Ray-Hills to write to the clerk and to the governors. The author of one such letter described a culture which could only have encouraged sexualised behaviour and gave rise to the risk of it becoming abusive: "What is worse the authorities were part of the discipline system and also could not have been unaware of the bullying and latent homosexuality and, by doing nothing, condoned and indeed encouraged it."[196]

"Geoffrey" said: "I don't think boys would have thought about any sexual activity as abuse…because it was almost an accepted part of life. If you were part of any sexual activity and didn't want it then you just had to deal with it. You wouldn't have spoken about it or you would be seen as a troublemaker and you thought your life would have been made a misery."[197]

If the school found out about older boys engaging in sexually abusive conduct towards younger children, it appears that action could be taken. "Hunter", a pupil in the 1950s, who subsequently became a teacher at Loretto, thought such behaviour was mostly fantasy but he did remember "one occasion actually where a senior boy abused a junior one, and it came to light, and the senior boy was sacked immediately."[198]

It was much more common than "Hunter" thought. "Tom" recalled that two or three boys "were expelled for aggressive homosexual behaviour towards smaller or younger boys" and that "in 1962 someone who…had made a homosexual advance to a younger boy in the same house had been punished by another boy in the same year. He…applied black shoe polish to the private parts of the boy who had made the assault on the younger boy. The boy who applied the shoe polish was expelled for this."[199]

"There was one occasion... where a senior boy abused a junior one, and it came to light...the senior boy was sacked immediately."

"Alex" joined Schoolhouse, aged twelve, in 1963. On his first or second night at Loretto the head and deputy head of his dorm imposed sexually abusive conduct on him and tried to sodomize him. Similar unwanted behaviour at their behest persisted for a period.[200]

In 1991, David Stock, an English teacher, reported a variety of incidents of boys engaging in sexually abusive conduct

194 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.37.

195 See Terminology.

196 Loretto School, letter from a former pupil to Loretto, 18 September 2001, at LOR-1000000025.

197 Transcript, day 219: "Geoffrey" (former pupil, 1958-1962), at TRN-8-000000010, pp.137-138.

198 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.19.

199 Transcript, day 220: read in statement of "Tom" (former pupil, 1957-1962), at TRN-8-000000011, p.118.

200 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, p.4.

"...the girls at Loretto had an unbelievably awful time... the senior boys would force the junior boys to grope the female's backside and breasts...No teacher stopped it from happening or did anything afterwards."

towards other boys, and a number of incidents of bullying perpetrated by older boys towards third formers between 1989 and 1990. He had asked his fifth form class to write essays on bullying. They wrote about bullying at Loretto, and their essays included reference to hockey sticks and a deodorant stick being inserted into third formers' anuses.[201] The inquiry carried out by the housemaster suggested matters had not gone that far, but he did establish that third form boys had been told to lie face down on their beds while a fifth former "placed the handle end of a hockey stick against their anus."[202] Loretto's response to these allegations was wholly inadequate.[203]

"Alec" confirmed that sexualised behaviour was ongoing into the 1990s and that it was common for boys in the upper sixth to expose themselves to junior boys in Hope House. There was also an incident when three or four boys exposed themselves to members of the public and the police became involved.[204] The school could not then ignore it.

"Gordon" spoke of a similar culture but saw it as intended as more of a joke in an all-male environment: "I have been asked about genitals being thrust into another boy's face. I can imagine that happening, but not as a routine thing, and perhaps not with the intention that comes across…on paper…It would…likely…be intended more as a practical joke than any kind of sexual violence, at least as far as I can conceive of it".[205] Some children, however, would not have found it to be a joke at all. The impact on them would have been that it was a form of domineering abuse. It should not have gone unchecked.

The transition to co-education inevitably changed the dynamic within Loretto, but not always positively for the girls. As "Alan" recalled: "the girls at Loretto had an unbelievably awful time…I remember the senior boys would force the junior boys to grope the female's backside and breasts in front of the entire school…No teacher stopped it from happening or did anything afterwards."[206]

From Loretto's responses to the Inquiry, covering the period 2003-2012, it is clear that sexualised behaviour towards both boys and girls by other pupils remained an issue, but by then it included the misuse of technology. Seven incidents are recorded, two involving the use of camera phones and the sharing of indecent videos. There was also an allegation of rape.[207]

201 Transcript, day 221: read in statement of David Stock (former staff, 1972-1991), at TRN-8-000000012, pp.135-136 and 142.

202 Written statement of Duncan Wylie (former staff, 1972-2007), paragraph 110, at WIT-1-000000524.

203 For further details, see Chapter 7.

204 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, pp.168-169.

205 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.52.

206 Written statement of "Alan" (former pupil, 1994-1999), paragraph 100, at WIT-1-000000997, pp.24-25.

207 Loretto School, Parts C and D response to section 21 notice: at LOR.001.001.0081.

In the minutes of the meeting of the Pastoral and Welfare Committee of the Board of Governors on 4 May 2014, the then acting headmistress, Elaine Selley, reported: "Feedback from the sexual health educators was that action needed to be taken in relation to attitudes to women (on the part of a certain section of the male pupil population) together with attitudes of all pupils to alcohol."[208]

It is encouraging that these incidents demonstrated that at least some pupils had, by then, become prepared to report and the school was starting to respond appropriately, including, at times, by involving the local police and the East Lothian Family Protection Unit.[209] But this should have been happening long before then.

Sexual abuse by teachers

I am satisfied that children were sexually abused by teaching staff—some extensively—at Loretto throughout the decades covered in the evidence. The abuse was, however, perpetrated by only a very few teachers.

"Andrew", a pupil in the senior school in the first half of the 1950s, remembered rumours about two teachers. One of them, a biology teacher, apparently "liked to feel the backside of boys when giving them a beating."[210] He was not aware of the activities of Guy Ray-Hills, a prolific abuser whose abuse is detailed below.

"Tom", another senior school pupil in the mid-1950s, witnessed what he described as bizarre behaviour from an A stream master who "had a reputation for masturbating behind his desk. I clearly saw him do this several times…I could see his arm jigging up and down. I also saw him do this when he was…in front of about 180 boys and some masters…He was down the front and he was doing it very much in public. I was 17 then and I remember a housemaster looked at me and shook his head in clear disgust."[211]

"…a master for the A stream…had a reputation for masturbating behind his desk…he was doing it very much in public."

More recently, two other teachers behaved in ways that were sexually quite inappropriate and, coming from teachers, immature to a worrying degree.

The first was "Colin". He had a pastoral role, was disciplined by the school in 2007, and issued with a final warning after fourth form girls complained about his language and behaviour. When asked, for example, if a particular person was a lesbian, he had replied "[d]oes she drink from the furry cup?", a line taken from the *Little Britain* television show. He used sexual innuendo in conversation, he was too "touchy-feely", he would hug female pupils, and he would put his arm around their shoulders. His behaviour made them feel very uncomfortable and they felt he was "weird". His conduct was more significant and troubling than his simply being a "motor mouth" as he described himself.

"Colin" was, to his good fortune, allowed to remain at the school and, in fairness, he did not transgress again. He acknowledged his mistakes when giving evidence: "it

208 Loretto School, Minutes of the Pastoral and Welfare Committee Meeting, 27 January 2014, at LOR-1000000040, p.4.

209 Loretto School, Emails to SCAI solicitors, 27-28 February 2020, at LOR-000000021.

210 Transcript, day 220: read in statement of "Andrew" (former pupil, 1951-1956), at TRN-8-000000011, pp.46-47, and Written statement of "Andrew", paragraph 15, at LOR-000000228, p.2.

211 Transcript, day 220: read in statement of "Tom" (former pupil, 1957-1962), at TRN-8-000000011, pp.117-118.

has haunted me sporadically from then…I amended my behaviour around the pupils commensurately. I became very aware that there is no such thing as 'off duty' or 'downtime' in a school, and that anything you say or do has to be…whiter than white".[212] He was right to recognise that, but it was a lesson he should have learned at the outset of his teaching career.

The second was a visiting music teacher. A number of pupils complained about him in 2005 and 2006. His comments on their clothing or appearance were inappropriate and "creepy".[213] The matter was taken seriously, and advice was tendered including emphasis on an existing code of conduct covering staff interaction with children. It included what the teacher should already have known, namely a prohibition on comments about pupils' appearance and physical contact.[214]

Giving advice rather than proceeding under the school's disciplinary code could be regarded as surprising. However, as a visiting music teacher, he would not have been an employee of the school and thus not subject to its employee disciplinary code. This raises an important issue, namely, the need to ensure that such teachers understand, apply, and are trained in the school's child protection policies. Also, the need to ensure that such teachers understand and accept that they are, in relation to the protection of children from abuse, subject to exactly the same requirements and expected to achieve exactly the same standards as employed staff.

Undetected abuse by teachers

Two teachers abused children in different eras. They were able to do so undetected, there being inadequate monitoring in place and inadequate supervision. The first teacher began abusing boys seventy years ago but was only exposed in 2001. Staff must have been aware but they did nothing to intervene.

The second teacher abused girls, probably from as early as the mid to late 1990s, but his activities went undetected until 2018. Some staff had concerns about his conduct towards girls, which was over friendly and developed into grooming. Appropriate and effective child protection policies and practices should have led to its detection and intervention, but they were either absent or not implemented.

In both cases it took a former pupil to expose the abuser.

Guy "Tony" Ray-Hills (French teacher, 1951-1967; born 1925, deceased 2010)

Guy Ray-Hills was a prolific and predatory paedophile who, by his own admission, should never have been allowed to teach children.[215] On the evidence before me, he certainly abused twelve Loretto pupils and it is likely that he abused many more. Loretto's handling of Guy Ray-Hills demonstrates how a boarding school should *not* respond when allegations surface, particularly where the abuse should have been detected years earlier.

212 Written statement of "Colin" (former staff, 2002-2010 and 2014-2017), paragraphs 83 and 90. Transcript, day 224: read in statement of "Colin" (former staff, 2002-2010 and 2014-2017), at TRN-8-000000015, pp.20-23.

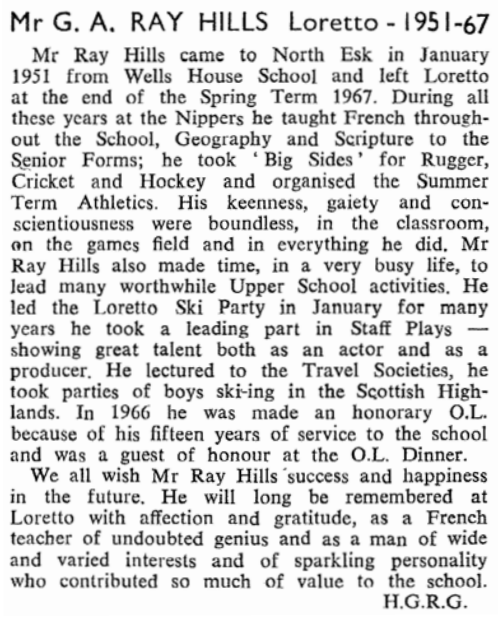
213 Loretto School, Employee file, at LOR-000000236, p.11.

214 Loretto School, Employee file, at LOR-000000236, pp.12-13.

215 Letter from Guy-Ray Hills to Don Boyd, 5 January 1999, at WIT-3-000000736, and Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.61.

A graduate of Christ's College Cambridge, Ray-Hills taught at Loretto junior school—the Nippers—between 1951 and 1967. By all accounts, he was a charismatic, inspirational, and brilliant teacher who made learning French fun and inspired children to achieve outstanding results in exams.

Loretto extolled him. On his departure, after sixteen years in post, the school magazine published a gushing valedictory remembrance, written by the then Nippers' headmaster, Hamish Galbraith. It included: "His keenness, gaiety and conscientiousness were boundless, in the classroom, on the games field and in everything he did…We all wish Mr Ray-Hills success and happiness in the future. He will long be remembered at Loretto with affection and gratitude as a French teacher of undoubted genius and as a man of wide and varied interests and of sparkling personality who contributed so much of value to the school."[216]



Mr G. A. RAY HILLS Loretto - 1951-67

Mr Ray Hills came to North Esk in January 1951 from Wells House School and left Loretto at the end of the Spring Term 1967. During all these years at the Nippers he taught French throughout the School, Geography and Scripture to the Senior Forms; he took 'Big Sides' for Rugger, Cricket and Hockey and organised the Summer Term Athletics. His keenness, gaiety and conscientiousness were boundless, in the classroom, on the games field and in everything he did. Mr Ray Hills also made time, in a very busy life, to lead many worthwhile Upper School activities. He led the Loretto Ski Party in January for many years he took a leading part in Staff Plays — showing great talent both as an actor and as a producer. He lectured to the Travel Societies, he took parties of boys ski-ing in the Scottish Highlands. In 1966 he was made an honorary O.L. because of his fifteen years of service to the school and was a guest of honour at the O.L. Dinner.

We all wish Mr Ray Hills success and happiness in the future. He will long be remembered at Loretto with affection and gratitude, as a French teacher of undoubted genius and as a man of wide and varied interests and of sparkling personality who contributed so much of value to the school.

H.G.R.G.

Hamish Galbraith's remembrance

He was made an honorary OL in 1966 and his membership continued until it was eventually suspended, though not withdrawn, in December 2004.[217]

Guy Ray-Hills's abuse was widespread. Boys were well aware of it and discussed it with each other. One pupil, abused by Ray-Hills over a four year period, remembered talking about it with another boy who was being abused at the same time.[218]

Kenneth Chapelle "couldn't help wondering why on earth a man of his talents was working in a second rate prep school in Musselburgh. Of course, I now know why he was."[219]

The then head of Loretto wrote to all former pupils following the exposure of Ray-Hills's abuse of children in the press in 2001. In a letter to the headmaster, one OL wrote: "if anyone had asked any of the boys at the time or after they left…if Guy Ray-Hills was a paedophile they would, to use a Scottish expression, have said, 'is the Pope a Catholic?' It has never ceased to amaze me how he got away with it for so long, and how, when he left, a similar letter to the one you have just sent was not circulated. This would have spared many more children in other schools but, of course, it would have dragged Loretto's name through the mud and been a serious embarrassment to the school at the time."[220]

Loretto did not, at the time, respond as it should have done. There were repeated complaints about Ray-Hills during his tenure at Loretto—by pupils and by at least one parent--but not even that prompted timeous action by the school.

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216 Excerpt from Hamish Gabraith, "Mr G.A. Ray Hills, Loretto—1951-67", *Lorettonian Magazine*, 1 March 1967, at LOR-1000000052, p.8.

217 Loretto School, email from Lord Johnston to Guy Ray-Hills, 29 July 2004, at LOR-1000000025, p.7.

218 Written statement of "Calum" (former pupil, 1960-1970), paragraph 10, at WIT-1-000000643

219 Transcript, day 220: Kenneth Chapelle (former pupil, 1961-1966), at TRN-8-000000011, p.93.

220 Loretto School, letter from a former pupil to Mr R. M. Urquhart, Clerk to the Governors, 7 September 2001, at LOR-1000000025, p.37.

"...what strikes me most is that the headmaster of the Nippers, his wife, matron, and the teachers were all very aware of what Ray-Hills was up to. They turned a blind-eye to it."

When it became clear that Ray-Hills had to be dismissed, it is striking how little was shared with the staff. For example, "Hunter", a former pupil and, by 1967, a teacher at Loretto senior school, said of Ray-Hills's departure: "One gathered it was inappropriate behaviour but no details were made known [to] us. My assumption was that it was mild, you know, patting a boy on the back or, you know, inappropriate touching or something, but…probably fairly trivial… There was no official statement."[221]

Loretto's senior management cannot have been unaware of the way Ray-Hills behaved. In particular, they cannot have been unaware of the sexual overtones that Ray-Hills so often conveyed to his pupils. They chose, however, to ignore it, presumably because the boys' results in French were exceptional and that enhanced Loretto's reputation. As one former head boy of the Nippers said: "what strikes me most is that the headmaster of the Nippers, his wife, matron, and the teachers were all very aware of what Ray-Hills was up to. They turned a blind-eye to it."[222]

The school's failure to respond enabled Ray-Hills's abuse to flourish. The impact on pupils he taught over a period of sixteen years was profound and was all too visible sixty years later. It was not restricted to those he selected for direct abuse. As one remembered: "Ray-Hills was sexually obsessed, and his sleazy innuendos could not have been more unhealthy for suggestible young people. Those of us not subject to his advances suffered both from this atmosphere and from his combination of favouritism and bullying, including violent rages."[223]

Furthermore, Ray-Hills was not interested in the wellbeing of his pupils. As one applicant recalled: "I was desperately unhappy during most of my time at Loretto; I admit I cried a lot, and I was therefore teased mercilessly by some of my contemporaries. Even when this was brought to his attention, Ray-Hills did nothing to alleviate the situation."[224]

"I was desperately unhappy during most of my time at Loretto".

The tub room

Guy Ray-Hills's room was next to the tub room where junior school boys would bathe together in five large baths. He frequently supervised the boys, drying them with a towel although they were old enough to dry themselves and engaging in flannel fights. Flannels regularly ended up in baths with

221 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.40.

222 Loretto School, letter from a former pupil to Loretto, 7 September 2001, at LOR-1000000025, p.50, referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.45.

223 Loretto School, letter from a former pupil to Loretto, 7 September 2001, at LOR-1000000025; referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.37.

224 Loretto School, letter from a former pupil to Loretto, 7 September 2001, at LOR-1000000025, p.1; referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.37.

"Ray-Hills reaching into the tubs for what he said was a missing flannel. Then there would be a reaction of what I would describe as 'giggling' from the boy nearest to him. I believe his hand would be underwater for about 20 seconds."[225]

Ray-Hills also, quite inappropriately, chose to bathe at the same time as the boys: "He would walk into the tub room in his dressing gown. I can remember that on occasion he wore small briefs as opposed to the more common y-fronts or jockey shorts and then got into a bath on his own. He would call over boys to recover the soap which he claimed to lose. The boys would lean over the bath and look for the soap while he sat there. I was never asked to look for the soap."[226]

Thereafter "on numerous occasions I remember Ray-Hills being in my dormitory and he would sit by the same boys he would dry off. He sat on the edge of their beds talking generally…and saying things that struck me as strange then, but looking back now it was sexually orientated. He would then put his hand under the bright red school coloured blankets and it would be there for around 20 seconds. I could see movement under the blanket but I can't say whether it was Ray-Hills or the boy moving. Again, the boy would be giggling."[227]

Sometimes matters went further in the tub room: "I clearly recall one occasion in the tub room and presumably he was on duty. He played with my genitals and then requested that I do likewise with his. I remember he ejaculated over a bath tub. He also kissed me with his tongue. It is difficult to say what effect this experience has had on me but it cannot have been beneficial."[228]

Within the confines of the dormitory, where he had control, Ray-Hills appears to have felt able to satisfy his urges with impunity: "I recall…him asking a boy to his room in front of the whole dormitory. The boy did not feel he could refuse and, when he returned in a distressed state, there was the added humiliation that the whole dormitory knew of his visit."[229]

Abuse in plain sight

Guy Ray-Hills was a flamboyant teacher. He "was quite clever in that he made himself almost a figure of fun; he appeared quite harmless and a bit eccentric. He had a very upper class English accent and we used to mimic him quite a lot."[230]

"…Guy was quite clever in that he made himself almost a figure of fun; he appeared quite harmless and a bit eccentric."

225 Police statement of a former pupil, 31 August 2001, at PSS-000007178, p.27; referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.31.

226 Police statement of a former pupil, 22 November, 2001, at PSS-000007178, p.5, and referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.26.

227 Police statement of a former pupil, 28 February 2002, at PSS-000007178, p.28; and referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, pp.30-31.

228 Loretto School, Letter from a former pupil to Loretto, 9 January 2002, at LOR-000000124, p.5, and referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, pp.32-33.

229 Loretto School, Letter from a former pupil to Loretto, 18 September 2001, at LOR-000000124, p.16; and referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, pp.36-37.

230 Written statement of Kenneth Chapelle (former pupil, 1961-1966), paragraph 38, at WIT.001.001.5953; Transcript, day 220: Kenneth Chapelle, at TRN-8-000000011, p.86.

He had a long wooden stick carved in the shape of a female figure attached to the blackboard. He called it "Caroline" and he would kiss and caress it. It had: "the pudenda and breasts and lips of a woman, and it would slip down from the blackboard…into his arms, and [he] would play with this as if it was a real woman in some form or another, and the boys, who could understand what that represented, were in hoots of laughter about this."[231]

At the time, as is typical of grooming techniques, boys generally thought it was all fun but "James" reflected: "when one looks back you can realise that there were traits there which were not normal…In class some of his comments, full of innuendo. We thought it funny. And then he would come up and ask you to write something on the blackboard, and he would let you sit on his knee and feel you—he never felt me any more than sat on his knee."[232]

"…when one looks back you can realise that there were traits there which were not normal."

Such use of innuendo and the touching of children was commonplace. Ray-Hills would rub letters out of blackboard text, so as to leave smutty words written there for all to see—staff must have seen them too. He would rub up against children he favoured, and touch and feel them as he marked their work. He even stroked a child's leg as the class watched Churchill's funeral in 1965.[233]

"Quite a lot of people were abused by him and everybody knew about it, everybody…It was so public…There were sexual comments and diagrams on the blackboards in his classes. The headmaster would have seen them, he must have been aware."[234]

"Quite a lot of people were abused by [Ray-Hills] and everybody knew about it".

Grooming and sexual abuse of "favourites"

Ray-Hills selected favourite boys, rewarding them with chocolates and other treats, for good work. The treats included Black Magic chocolates and garlic salts which seemed "very exotic" then.[235] Ray-Hills would tell his favourites they were his "special friends"; to a child whose parents were far away, that was "fantastic" and "had a magnetic impact".[236]

Ray-Hills would then take his grooming practices up a level. He had a study on the ground floor of the Nippers' building, but his "special friends" would be taken to Ray-Hill's bedroom two floors above.

One former pupil felt he "was one of the lucky ones that never went to his bedroom, only his study. I know from those who went to his bedroom that it was awful in there, as they told me. I never had to remove my clothes in the study and it was very uncomfortable, but others who went to his bedroom told me at

231 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.28.

232 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.15.

233 Loretto School, letter from a former pupil to Loretto, 18 September 2001, at LOR-000000124, pp.16-17; and referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.36.

234 Written statement of "Calum" (former pupil, 1960-1970), paragraphs 39 and 43, at WIT.001.001.4823.

235 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, pp.31-32.

236 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.33.

the time that he would remove their clothes. To this day I don't feel comfortable in a room where the door is closed…I know there were other children who were making allegations against Ray-Hills but he used to tell me and others that what was happening was a secret just between us, that is, we weren't to tell anybody else. We knew what was happening wasn't right. It made you feel sick. Boys were never the same afterwards."[237]

In the bedroom, the abuse included masturbation, oral and anal sex. It was regular, and it was illegal.

When Don Boyd was 12 years old, he was taken upstairs. He "kissed me and I remember not liking it as he had effeminate looks and ruby coloured lips…He helped me undress then undressed himself. He was clever in manipulating my hands to do what he wanted…I recall that on that first occasion I ejaculated and then so did he…After that first time, the sexual element of it increased. I couldn't believe how ghastly it was the first time he penetrated me but he seemed to find that important as part of the process. Touching the penis was very important to him and I remembered the horrible smell when he ejaculated. Subsequently the sensations surrounding the experiences aroused in me a need, a sort of sexual excitement. This wasn't masturbation, it was above that and that it somehow made me feel I was empowered in a way that the other boys weren't."[238]

This happened to Don Boyd four or five times when in the Nippers, but it continued regularly once he had moved to the senior school. Ray-Hills would engineer the visits, inviting him "for a session" as he called them. Normally, this was in the evenings, usually on a Thursday: "It was nerve-racking. Yes, excitement came into it because it was something new, mysterious, unusual. I wouldn't use the word 'privilege', but that is probably what, retrospectively again, I would rationalise it as. Nobody else was getting this special attention that he was giving. And I suppose, to a certain extent, the early pre-adolescent urge, sexual urge, popped up, which he exploited."[239]

Don Boyd had forged ahead academically in his first couple of years in the senior school, taking his first "O" levels when only 13 years old and having sat an impressive ten "O" levels by the time he was 14 years old. However, Ray-Hills's continuing abuse of him had a detrimental impact. His academic success faltered in circumstances where he was spending "an awful lot of time being excited about the Thursday evenings."[240]

In Don Boyd's case, the abuse continued until he was 16 years old, including during a trip to Austria with Ray-Hills. In furtherance of what was, by then, a longstanding breach of trust, Ray-Hills "tried to engineer two or three sessions with [Don Boyd] for old time's sake."[241] Don Boyd "went along only partially with these and only very reluctantly."[242] He saw matters rather differently and was certain by then that he was heterosexual. Looking back at what had been occurring, he found that "the idea of further sex with [Ray-Hills] disgusted me and I felt ashamed of my previous behaviour with him."[243]

237 Transcript, day 219: read in statement of "John" (former pupil, c.1962-1971), at TRN-8-000000010, pp.158-159.
238 Written statement of Don Boyd (former pupil, 1958-1965), paragraphs 70-72, at WIT.001.002.0453.
239 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.38.
240 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.49.
241 Written statement of Don Boyd (former pupil, 1958-1965), paragraph 80, at WIT.001.002.0454.
242 Written statement of Don Boyd (former pupil, 1958-1965), paragraph 80, at WIT.001.002.0454.
243 Written statement of Don Boyd (former pupil, 1958-1965), paragraphs 80 - 81, at WIT.001.002.0454.

"I just remember lying between the sheets…that's when I decided that I wanted to be dead."

In the case of "Calum", another 'favourite', Ray-Hills's abuse spanned over a four year period, starting when he was ten years old. It happened in Ray-Hills's bedroom and whilst it was never penetrative, it was "crazy, blatant sexual abuse."[244]

"It was crazy, blatant sexual abuse."

In other cases, like Kenneth Chapelle, the bedroom abuse happened only once but the effect was profound: "I really can't remember very much about it at all…You dissociate from what's actually going on and you concentrate on other things. The sheets on Guy Ray-Hill's bed were so very cold…I just remember lying between the sheets…and thinking that I had made a terrible, terrible mistake. I think that's when I decided that I wanted to be dead. I wanted away from the whole thing; it had been a ghastly mistake. I had never seen another man masturbate before. We had oral sex."[245]

Ray-Hills's grooming of his 'favourites' in the senior school included inviting them to Sunday dinners, which he held regularly. Boys like Kenneth Chapelle, who found it hard to fit in, felt flattered to be invited. Ray Hills would assess and hug the boys. For some the ensuing invitation to dine was for them alone.

Secrecy

Ray-Hills strove to keep the abuse undiscovered: "It was always absolutely and utterly vital that it was kept secret. He had this thing where he would put his finger to his mouth and say 'Shh'."[246]

When Kenneth Chapelle's mental health deteriorated in the year after his abuse, Ray-Hills was clearly anxious that his abuse of the boy had caused it and that he, Ray-Hills, might be found out. He then spoke to Kenneth Chapelle, urging him to "trust an old friend" and "not to let him down."[247]

"It was always absolutely and utterly vital that it was kept secret."

Aggressive sexual encounters

Not all of Ray-Hills's sexual abuse was the result of prior arrangements having been made for the child to visit him. For example, in the case of one boy, one "late evening pre-bedroom between 9 and 10, Ray-Hills came through to the doorway and walked up to me, talking to me, asking what I was doing there. He faced me and immediately stuck a hand down the front of my shorts and underpants and gripped my genitalia. He pushed me across the room, continuing to fondle me until we came against some lockers. I was aware of becoming aroused

244 Transcript, day 219: read in statement of "Calum" (former pupil, 1960-1970), at TRN-8-000000010, p.171.

245 Written statement of Kenneth Chapelle (former pupil, 1961-1966), paragraph 40, at WIT.001.001.5953.

246 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.44.

247 Written statement of Kenneth Chapelle (former pupil, 1961-1966), paragraph 43, at WIT.001.001.5954.

and started to get an erection. Once at the lockers he undid the front of my trousers" and he performed oral sex on the boy.[248]

On another occasion involving the same boy, Ray-Hills "went round to the far side of the bed and told me to come over. He pushed me down flat onto the bed by pushing me on the chest and hooked his right leg over my left leg and pulled up my kilt and threw it over my chest. I didn't want to have any eye contact with him and again became passive. He was sitting on the bed and he began to masturbate me with his right hand. My pants had been pulled down. I saw that he appeared to be quite intent on himself and I thought he was masturbating himself with his left hand, although I did not see his penis. He did this for some time and, although I had an erection, I fixed on a point on the ceiling and concentrated on it trying to control myself."[249]

Complaints about Ray-Hills

It is clear that Ray-Hills's abuse of children in the Nippers was known about by two of its headmasters, C.S. "Tim" Colman and Hamish Galbraith.

One pupil, who attended the school in the early 1950s, the son of a housemaster at another boarding school and aware of the risk of teachers with "propensities", wrote to the then headmaster of the whole school, Michael Mavor, in 2001, after Ray-Hills's behaviour became widely known.[250]

Describing events when he was at the school, when there "was indeed a certain amount of hands-on approach and I was cajoled into reporting the matter to CS Colman, the head at the time. Somehow the interview became public knowledge and as a consequence I was subjected to considerable retribution for being a clipe. I think Colman took the information seriously and might well have had suspicions already."[251] Mavor, also a former pupil of Ray-Hills, replied to the man in terms that included, "[i]t was interesting to read your comments about the Nippers in 1951—and what you say ties in very much with the impressions of others."[252]

"Calum", was abused in the early to mid-sixties. Ray-Hills told him that he (Ray-Hills) had been investigated on previous occasions.[253] "Calum" told his mother and she spoke to Hamish Galbraith about it, but the abuse did not stop. He thought it likely, given her fear of authority and humble background, that she may have felt intimidated.[254] In other cases, the reaction of parents was to dismiss the possibility of teachers abusing children. One boy mentioned Ray-Hills's abuse to his mother. However, "she rather laughed it off and told me not to be so silly. During this era you simply didn't talk about such subjects with your parents. Also…masters were viewed as gods and they carried a huge amount of power and were consequently rather

248 Police statement of a former pupil, at PSS-000007178, p.5 and referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, pp.26-27.

249 Police statement of a former pupil, at PSS-000007178, and referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.28.

250 Michael Mavor was headmaster of the whole school at the time. See Letter from a former pupil to Loretto, 11 September 2001, at WIT-3-000000370.

251 Letter from a former pupil to Michael Mavor, 11 September 2001, at WIT-3-000000370, and referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), TRN-8-000000014, p.51.

252 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), TRN-8-000000014, p.52.

253 Transcript, day 219: read in statement of "Calum" (former pupil, 1960-1970), at TRN-8-000000010, pp.172 and 176.

254 Transcript, day 219: read in statement of "Calum" (former pupil, 1960-1970), at TRN-8-000000010, p.172.

"There was quite a lot of pressure applied by Guy's 'special boys' not to betray him".

awe-inspiring characters."[255] I heard, in that, echoes of the undue and automatic deference afforded to Sisters, Brothers, and priests that quickly became apparent during earlier case studies focussing on the provision of residential care by both female and male religious orders.[256] Status and power can, all too often, give rise to dangerous assumption that blinds bystanders to what is, in fact, before their eyes.

"...masters were viewed as gods and they carried a huge amount of power".

By 1967 at least one headmaster of Loretto, "Rab" Bruce Lockhart, also knew about Ray-Hills's abuse. He took some action, but it was inadequate, as discussed in the following section. Repeated concerns about Ray-Hills were raised but they were not properly addressed by the respective headmasters, there was no record of those concerns, and multiple complaints did not lead to earlier action by Loretto. That is disturbing. It is not clear why the school took so long to respond and react. Maybe it was due to concerns about the risk to the school's reputation, or a failure to appreciate the enormity of what was happening, or a failure of governance, or some other reason. It could have been all or any of these reasons. But none of them, whether singly or taken together, justify the lack of clear, definitive, and appropriate action. The man should have been removed from Loretto long before he was.

It is also striking that the "no cliping" culture was such that a pupil who did raise concerns suffered for having spoken up.

Ray-Hills's Departure

In 1967, there was, once again, a complaint about Ray-Hills. An investigation was instructed by the then headmaster of Loretto, "Rab" Bruce Lockhart. One former pupil remembered that he was summoned for interview: "I believe I implied that Mr Ray-Hills had interfered with me in some way but I don't think I went into detail, I was so ashamed."[257]

Boys were subject to conflicting pressures at the time: "I was in the upper school when Guy was exposed. We were all questioned I

255 Letter from a former pupil to Michael Mavor, 11 September 2001, at WIT-3-000000370, and referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.54.

256 See Scottish Child Abuse Inquiry, Case study no. 1: The provision of residential care for children in Scotland by the Daughters of Charity of St Vincent de Paul between 1917 and 1981, with a particular focus on Smyllum Park Orphanage, Lanark, and Bellevue Children's Home, Rutherglen, (October 2018); Case Study no. 2: The provision of residential care for children in Scotland by the Sisters of Nazareth between 1933 and 1984 in the Nazareth Houses in Aberdeen, Cardonald, Lasswade, and Kilmarnock, (May 2019); Case study no. 4: The provision of residential care for children in Scotland by The Christian Brothers between 1953 and 1983 at St Ninian's Residential Care Home, Falkland, Fife, (February 2021); Case Study no. 5: The provision of residential care in boarding schools for children in Scotland by the Benedictine monks of Fort Augusts Abbey between 1948 and 1991 at Carlekemp Priory School, North Berwick, and Fort Augusts Abbey School, Invernesshire, (August 2021); and 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).

257 Loretto School, Letter from a former pupil to Loretto, 9 January 2002, at LOR-000000124, p.6 and referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.33.

think by Bruce Lockhart. There was quite a lot of pressure applied by Guy's 'special boys' not to betray him, and I think I told Bruce Lockhart that he had never interfered with me, but there was no attempt at all to press me on the point, I think they all knew the game was up for Guy because the evidence would have been overwhelming. We should have talked more about other victims but it never occurred to me. It seems amazing that he could ever have sought a job in another school, let alone apparently been given one. Loretto must have chosen to sweep it under the carpet which is not something to be proud of."[258]

Whatever the level of detail that was thrown up in 1967, or before, I am satisfied that, at the very least, the senior leadership team must have known Ray-Hills was an abuser and ought to have woken up to him being unfit to carry on working with children. Yet, when he finally left Loretto, he was simply allowed to resign, with Hamish Galbraith, his immediate line manager, affording him fulsome praise.

The reasons behind his departure were not shared with the pupils or parents. On the information they were given, they appear to have assumed Ray-Hills had moved on to another school. Discussion about his departure continued amongst boys after he had left but there was no clarity.[259]

Loretto Board minutes, dated 11 May 1967, simply record that "[t]he Headmaster described the circumstances surrounding Mr. Ray-Hills's resignation from the Nippers. The Committee fully supported the Headmaster's actions and agreed that no alternative course was possible other than accept the resignation."[260]

Whatever the investigation uncovered, the minutes were opaque and did not disclose any detail. Furthermore, only very limited or no information was provided to staff, pupils, or parents. This all paints a picture of a governance and management system that was fearful and less than frank, even to itself, about the enormity of what had been happening, what lessons needed, in terms of child protection, to be learned, and what needed to be addressed as a matter of urgency.

There is no indication of any thought being given to the impact on children of Ray-Hills's abuse and, rather than take steps to protect other children from his paedophilic appetites, the actions of the school paved the way for him to access children again.

Loretto's references

Having resigned from Loretto, Ray-Hills sought other employment via Gabbitas-Thring, an independent education consultancy involved, amongst other things, in teacher searches and placement. From correspondence between them and Loretto, it is apparent that Bruce Lockhart did tell Ray-Hills that he should not apply for a post in a boarding prep school and that he would not support such a move.

That is borne out by the focussed reference that he provided for Ray-Hills, supporting his apparently successful application to work at the BBC as a teacher broadcasting to schools. Bruce Lockhart wrote of Ray-Hills being exceptional, enterprising, hardworking, well-suited to television or

258 Letter from a former pupil to Michael Mavor, 11 September 2001, at WIT-3-000000370, and referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.57.

259 Transcript, day 220: read in statement of "Mill" (former pupil, c.1967-c.1971), at TRN-8-000000011, p.61.

260 Loretto School, Minute of Meeting of the Management Committee of the Loretto School Trustees, 11 May 1967, at LOR-1000000029, p.6.

radio, and ignored the history of complaints about him abusing children.[261] The reference wholly failed to take the opportunity to protect children from him in the future. Ray-Hills went onto teach again and, it appears, abuse children in another school.

Hamish Galbraith also provided Gabbitas-Thring with a confidential reference, saying, "he is a brilliant French teacher who I can thoroughly recommend either for preparatory day schools in the London area or for private pupils. This, I gather from him, is the kind of teaching he wants as he now has a flat in London."[262]

It is a hard to imagine a person less suited to teaching private pupils, particularly in such a high risk environment as his own flat.

This reference is also at odds with Galbraith's defensive recollection of matters in 2001. In a letter to Michael Mavor, he wrote: "All Rab told me was that some impropriety had taken place, at the worst some petting or fondling, that Guy Ray-Hills's reputation had been tarnished and that he must leave the school at once, which he did. Before that we interviewed him. No allegation of sexual abuse had been made and none was admitted by Guy Ray-Hills, only tearful acceptance that he had to go. Rab and I agreed that the Nippers should not be questioned for fear of arousing unfounded fears and speculation. I do remember that we both urged Guy Ray-Hills not to seek further teaching jobs in schools but to find some other way of using his French abilities. There was no question of him being given a reference which would have allowed him to join another prep school at once."[263]

Loretto very properly accepted, in their closing submissions in 2021, that this all amounted to "a serious failure by the school."[264]

Subsequent teaching and abuse

Ray-Hills returned to teaching at a variety of prep schools from 1967 onwards.

From correspondence between Holmewood House School in Kent, Gabbitas-Thring, and Loretto in both the 1960s and the 2000s, it is apparent that he obtained temporary posts in London in the autumn of 1967. He then worked for two terms at a boarding prep school (Rose Hill in Kent), thereafter contacting Gabbitas-Thring telling them he would like a boarding prep school job after all.[265]

A post was found for him at Summer Fields in Oxford, but it did not last, because the headmaster was, by chance, in touch with Bruce Lockhart who shared relevant information about Ray-Hills. Sensibly, the Summer Fields' head felt he could not take the risk of employing him.

Subsequently, in early 1969, Ray-Hills obtained, again through Gabbitas-Thring, a position at Holmewood House, yet another boarding prep school. Initially, the appointing headmaster, having taken the

261 See Reference from Bruce Lockhart, date unclear, at LOR-000000028, p.4.

262 See letter from Gabbitas-Thring Services to Bob Bairamian, 12 February 1969, at LOR-000000028, p.2.

263 Loretto School, Hamish Galbraith to Michael Mavor, 29 August 2001, at LOR-1000000025, p.29, referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, pp.62-63.

264 Transcript, day 229: Loretto School, Closing submissions, at TRN-8-000000016, p.23.

265 See Letter from Andrew Corbett, Headmaster of Holmewood House School to Michael Mayor, 30 August 2001, and enclosures, at LOR-000000028; Letter from Gabbitas-Thring Services to Bob Bairamian, 12 February 1969, at LOR-000000028; Note of meeting between Bob Bairamian and Holmewood House School, 10 September 2001, at HHS-000000003; and See Letter from Michael Mayor to Mr A. S. Corbett, Headmaster of Holmewood House School, 28 August 2001, at HHS-000000004.

"...mud of this sort tends to stick, and, if he has been unjustly accused, I can only sympathise with him when he tried to cover it over."

advice of the school solicitor and spoken to the headmaster of Loretto junior school, imposed strict conditions on Ray-Hills's employment. Remarkably, the following headmaster allowed Ray-Hills to become a resident housemaster and, perhaps inevitably, two accusations against him followed, although they were said to be "not sufficiently serious to warrant his removal."[266]

Like Loretto, no further action was taken, and Ray-Hills remained at Holmewood House until he retired in 1991. Like Loretto, Holmewood considered him a brilliant teacher. Like Loretto, it seems reasonable to infer that the two complaints were the tip of the iceberg of Ray-Hills continuing to abuse children.

While Gabbitas-Thring observed, in February 1969, that Ray-Hills "was not entirely frank with us",[267] no one in a position of management responsibility in relation to the man was fully open and honest about Ray-Hills at any time during his career.

Loretto had been deliberately careful in refraining from disclosing the realities of Ray-Hills's conduct although they clearly knew the truth, given Bruce Lockhart's warning to Summer Fields.

Gabbitas-Thring were similarly—and inappropriately—sympathetic to Ray-Hills saying "mud of this sort tends to stick, and, if he has been unjustly accused, I can only sympathise with him when he tried to cover it over. Perhaps he could be appointed on a strictly non-residential basis. He is an outstanding teacher of French."[268] For it to be thought that appointing Ray-Hills to a boarding school would be safe so long as he was a non-resident teacher, was wholly misguided. One only needs to recall how boys in the Nippers suffered from witnessing Ray-Hills's obsession with referring to matters sexual, caressing his "Caroline", in the classroom during lessons, and hearing the "sleazy innuendos"[269]—all of which occurred outwith the boarding house—to appreciate that.[270]

Multiple opportunities to bring his behaviour to an end or, at least, to put a safe distance between him and children, were missed. One boy, whose parents lived abroad and who had been abused by Ray-Hills at Loretto, wrote to the school in 2001 saying: "I was never buggered by Mr Ray-Hills. He did, however, on certain occasions put me in a very uncomfortable position where I had to masturbate him. This happened possibly on five different occasions…He was a very manipulative man and he had a very fiery temper, which to a young boy was quite worrying…I know Mr Ray-Hills abused a lot of

266 See Letter from Andrew Corbett, Headmaster of Holmewood House School to Michael Mayor, 30 August 2001, at LOR-000000028, p.1

267 Letter from Gabbitas-Thring Services to Bob Bairamian, 12 February 1969, at at LOR-000000028, p.2.

268 Letter from Gabbitas-Thring Services to Bob Bairamian, 12 February 1969, at at LOR-000000028, p.2.

269 Letter from a former pupil to Loretto, at PSS-000007178; referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.16 and p.37.

270 See Abuse in plain sight.

other boys but kept quiet about it. I also feel that the headmaster of the Nippers at the time knew roughly what was happening but it was all brushed under the carpet."[271]

"...Mr Ray-Hills abused a lot of other boys...the headmaster of the Nippers at the time knew roughly what was happening but it was all brushed under the carpet."

That perception of it being brushed under the carpet was confirmed when the man's own children (boys) "went to Holmewood House in Kent and I must admit I got a real shock when I came into contact with Mr Ray-Hills who was teaching there at the time."[272] He warned his children and, to his relief, Ray-Hills retired shortly thereafter.

Exposure of Ray-Hills

Having left Loretto in 1965 aged seventeen, Don Boyd, who went onto become a successful film maker, remained in what he described as a post-school friendship with Guy Ray-Hills. Asked in the 1990s to write a recollection about Loretto by Hamish Galbraith, Boyd eulogised his abuser, his spirit in particular, continuing to perpetrate the secrecy Ray-Hills had demanded of him.

However, later that decade Boyd had a profoundly impactful experience when at dinner with friends. As a result of a conversation there, the enormity of the abuse he had endured suddenly became clear to him. He spoke about it to a journalist friend and in 2001, an article containing an account of his abuse, entitled, *A suitable boy*, was published in the *Observer* newspaper in 2001.[273]

Minimisation

Don Boyd wrote to Ray-Hills advising of the likely publication. He still has Ray-Hills reply, dated 5 January 1999. It is the response of a selfish man who felt no real remorse:

"I have always regarded you as one of my closest and best friends, so you can well imagine my thoughts. There is no doubt whatsoever that what I did was wrong, but that took place over 30 years ago and I have paid a heavy price. I lost my job after 16 years at the school and was out of work for the best part of two years when I lived in Islington. Today, looking back to those days, I feel thoroughly ashamed of myself and try very hard to forget. You and I always got on so well together and what started as a good friendship gradually got out of hand. I have no excuses to offer and ought to have known better. Probably I should never have taken a job in a school in the first place, but I love teaching French and look back at my time there as a very happy period of my life. But I always understood that what we did was a secret between us…For the record, you have my word for it that the sort of behaviour I indulged in then has never once been repeated and I have kept very much to the straight and narrow. I have been tempted many times but have always managed to resist. I agree with what you say about public schools, but now that most of them have gone co-ed I think that the homosexual

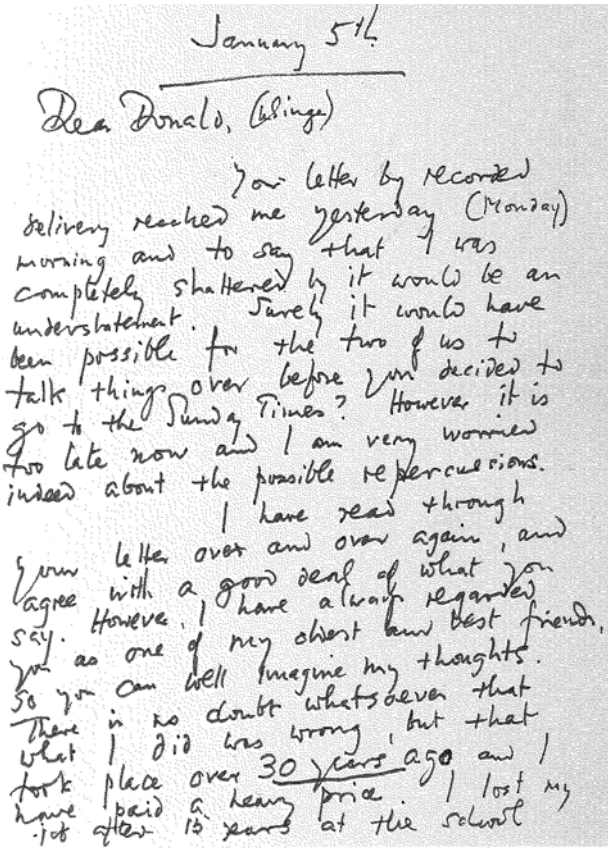
271 Loretto School, letter from a former pupil to Loretto, 24 September 2001, at LOR-1000000025, p.43, referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, pp.53-54.

272 Loretto School, letter from a former pupil to Loretto, 24 September 2001, at LOR-1000000025, p.43, referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.54.

273 Don Boyd, "A suitable boy", *The Observer*, August 2001, at INQ-0000000369.

"I reminded him of my vulnerability, thousands of miles away from my parents, with no relations to see regularly. Frightened, lonely, trusting, innocent—I was angry."

element is less to the fore, and this also applies to prep schools. I will say nothing about what I had to put up with but, believe me, it happened."[274]



January 5th

Dear Donald, (Billings)

Your letter by recorded delivery reached me yesterday (Monday) morning and to say that I was completely shattered by it would be an understatement. Surely it would have been possible for the two of us to talk things over before you decided to go to the Sunday Times? However it is too late now and I am very worried indeed about the possible repercussions.

I have read through your letter over and over again, and agree with a good deal of what you say. However, I have always regarded you as one of my closest and best friends, so you can well imagine my thoughts. There is no doubt whatsoever that what I did was wrong, but that took place over 30 years ago and I have paid a heavy price. I lost my job after 15 years at the school

Letter from Guy-Ray Hills to Don Boyd, p.1

Whatever the comment about his schooling may reveal about Ray-Hills's childhood experiences, it is clear that even in his mid-seventies he remained firmly self-focussed, notwithstanding his admission that he should never have been teaching at a school. Further, his protestations of two years unemployment and restraint post-Loretto were false.

The same was true of his response to Don Boyd when they met in person. Don Boyd recalled: "How disgusted I was, how ashamed I felt. I reminded him of my vulnerability, thousands of miles away from my parents, with no relations to see regularly. Frightened, lonely, trusting, innocent—I was angry. He listened and apologised. He used all the standard defences, 'But surely it didn't really harm you. It was all good, clean fun. You were a special friend. It happened so many years ago there is no need to bring it all up now. I don't have relationships with boys now'. As I sat…time stopped. His charm was working again. He implied he would not be able to live through any scandal. He took me through the history of his sacking from Loretto and the years that followed. He had loved his job there teaching French to young boys like me. He told me about a reunion at which he had been a speaker at the memorial after the death of one of his Loretto teaching colleagues. Oddly enough, I had known about this event because I had bumped into another ex-Nipper who had told me how funny Guy's speech had been at the memorial…He emphasised time and time again that he had no inkling of the harm he was accused of doing over so many years. He made some revolting reference to homoerotic pornography he had come across in a Twickenham adult bookshop."[275]

274 Letter from Guy-Ray Hills to Don Boyd, 5 January 1999, at WIT-3-000000736.

275 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, pp.71-72.

Loretto's response in 2001

The publication of *A suitable boy* in 2001 was a shocking experience for Loretto. Quite properly, the school wrote to all pupils who had been at the school at the relevant time and received at least twelve responses, many cited above. None were supportive of Ray-Hills.[276] All were replied to.

Michael Mavor, the then headmaster and a contemporary of Don Boyd, telephoned him in 2001 saying: "You must remember, Don, I was there,"[277] and "we went quiet after that, and I realised then that it was almost certain that Michael—he didn't know specifically, he would have had a sense of what was around."[278]

Loretto, through the headmaster, also issued a press release and shared it with, amongst others, the head of Holmewood House. It is a carefully crafted document, suggesting that while inquiry was made in 1967, "there was no allegation of *physical* abuse" and, "Mr. Ray-Hills left the staff straight away."[279] That does not sit well with Don Boyd's conversation with Mavor, nor "Hunter's" recollection of events in 1967.

Likewise, the correspondence between Mavor and Hamish Galbraith in 2001 is alarmingly dismissive. As noted already, Galbraith described Guy Ray-Hills's conduct as "at the worst some petting or fondling"[280]—as though that could not have amounted to child abuse—while Mavor said of Ray-Hills's departure: "I think this shows that you [Galbraith] and Rab behaved entirely properly."[281]

Both conveniently ignored Galbraith's reference supporting Ray-Hills's teaching at a day school or of private pupils in Ray-Hills own flat and, once again, there is no serious indication of any thought of the impact on the children abused by Guy Ray-Hills at Loretto. Instead, the good name and image of the school remained key. It was, in essence, an operation in damage limitation whilst wearing blinkers.

Loretto did, however, engage positively with Lothian & Borders Police, who began an investigation into Ray-Hills in August 2001. They had little option, since a number of his victims had made formal complaints. Letters to the school from former pupils who wished to engage with the investigation were passed on to the police, while the wishes of those who did not—and there were many—were respected. The failure to share all the letters troubled the police, who noted that Loretto were concerned regarding the reputation of the school.[282]

A letter from the clerk to the governors to the chair and vice-chair of the board, as well as the headmaster, in January 2002, bears out the police concern that reputation was the driver for Loretto's reticence to share complaints. All four had been hopeful that "we would end up with only one complainer,

276 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.50.

277 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.45.

278 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.45.

279 Holmewood House School, Loretto Press Statement by M. B. Mavor, 21 August 2001, at HHS-000000006. Emphasis added.

280 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.63; Loretto School, Hamish Galbraith's Letter, 29 August 2001, at LOR-1000000025, p.29.

281 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.79; Loretto School, letter from Michael Mayor to Hamish Galbraith, 6 September 2001, at LOR-1000000025, p.70.

282 Police statement of a former pupil, 22 November 2001, at PSS-000007178, p.8, and referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.22.

"Loretto should be thoroughly ashamed of the uncaring, brutal regime at Nippers...There could hardly have been more perfect conditions for a paedophile preying on young unhappy boys".

Mr. Chapelle. Unfortunately, it would appear that another OL has directly provided information to the police."[283]

After the exposure of Guy Ray-Hills in 2001, an OL, who wrote to the school, stated that: "Loretto should be thoroughly ashamed of the uncaring, brutal regime at Nippers. Over the whole of my time there I cannot recall a kind word from any member of staff. There could hardly have been more perfect conditions for a paedophile preying on young unhappy boys who knew they would be thrashed should they complain. Indeed, the beatings were so regular they wouldn't have even known [sic] who to complain to."[284]

Another sign of the slow response to concerns was that Ray-Hills, who had been made an honorary OL in 1966, was able to remain a member until his membership was finally suspended, though not withdrawn, in December 2004.[285]

Police and prosecution

Police officers visited Ray-Hills's flat in London on a number of occasions and noted contact magazines for young males as well as recovering hundreds of hard-core pornographic magazines and videos, some with the common theme of homosexual activity in boys' schools.[286] Photos of Loretto classes, as well as yearbooks, were also seen. Don Boyd observed on hearing of this material: "I realised the extent to which his whole psyche and his whole modus operandi, and everything else, revolved around underage sex with boys, and the school, and at school, and dressed in the way they should be at school, and the degree of excitement that that generated in his—the way he behaved."[287]

As a film maker, Boyd had worked with Harvey Weinstein. He had reflected on that and drew an interesting comparison. Weinstein, he thought, "was a brilliant metaphor for Ray-Hills's behaviour in that peculiar ability to charm, despite what was really going on, and find ways around it."[288]

The police did eventually charge Ray-Hills with three offences of lewd, libidinous and indecent behaviour and practice.[289] He gave a "no comment" interview, on legal advice. Proceedings were raised at Haddington Sheriff Court but were not maintained as the Crown accepted medical evidence produced by the defence that he was unfit for trial. The medical evidence was provided by a doctor treating Guy Ray-Hills in respect of a deteriorating heart condition, and a consultant psychiatrist.

283 Loretto School, letter from clerk to the Board of Governors, 4 January 2002, at LOR-1000000025, p.15.

284 Loretto School, letter from a former pupil to Loretto, 30 September 2001, at LOR-000000138, p.256; referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.58.

285 Loretto School, letter from Loretto to Mr Ray-Hills, 24 December 2004, at LOR-1000000025, p.7.

286 See Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, pp.79-80.

287 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.80.

288 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.74.

289 For fuller details of the charges see Appendix G.

"I could never understand how love and sex connected…I never thought that you could love somebody and have sex with them…I always thought that that was dirty."

This was not well received by Kenneth Chapelle, who had had the courage to complain. He felt that the Crown failed him on two levels: "The first one was that I felt basically Guy Ray-Hills had got off with a line from his GP. Secondly, I was also asked by the Fiscal's office, as it was such a long time ago, would I consider withdrawing my evidence? So I did feel they weren't really making much of an effort to pursue–I think Imery in the police, he wanted–very much he believed what I said, but I think that one fizzled out…I got a phone call from The Daily Record in Glasgow asking for my comments on the case being dropped, and I hadn't been told anything at this stage…So I then got on to the Fiscal's office and got a lady there who said that, because it was all such a long time ago, and there was at that stage one other witness, apart from myself…there was just the two of us, but it was said that this one other person…had withdrawn their evidence and would I consider withdrawing mine as it was all such a long time ago?"[290]

It was a matter of deep regret which was, for Kenneth Chapelle, "the most difficult part. What went on in Guy Ray-Hills's bedroom was bad enough, but that was even worse… Because I was told it was insignificant, it was all such a long time ago…So I felt very much almost on my own and there was no back-up at all."[291]

Outcomes

The abuse perpetrated by Ray-Hills had a profound impact on his victims that was visible both in 2021, when some gave oral evidence, and in 2001-2002 when many former pupils of Ray-Hills wrote to Loretto disclosing their abuse, or the abuse they had witnessed, and the impact this had on them.[292]

As "John" said of his adult life, having been abused by Ray-Hills: "I could never understand how love and sex connected. That was a big stumbling block in our relationship. I never thought you could love somebody and have sex with them and make love to them, I always thought that that was dirty."[293]

Kenneth Chapelle explained: "I think I am a walking example of the harm that is done to a teenage boy 60 years on. Abuse that far back does affect people for life. By and large I am fine, but it is just occasionally–now, right now, is one of them–I do find it very difficult to talk about. But the fact, you know, I had two attempts at taking my own life speaks for itself, I think."[294]

And Don Boyd, who exposed Ray-Hills, summed up Loretto's failures and their impact this way: "I was put into an institution that my parents trusted, that I trusted. A whole range of things I did were things that I assumed were things I was to be protected from. Exactly the opposite was occurring…Presumably because, rather like

290 Transcript, day 220: Kenneth Chapelle (former pupil, 1961-1966), at TRN-8-000000011, pp.100-101.

291 Transcript, day 220: Kenneth Chapelle (former pupil, 1961-1966), at TRN-8-000000011, pp.103-104.

292 See Loretto School, Full correspondence pack following Don Boyd's article, at LOR-000000138.

293 Written statement of "John" (former pupil, c.1962-1970), paragraph 55, at WIT-1-000000680, p.12; see also Transcript, day 219: read in statement of "John", at TRN-8-000000010, pp.161-162.

294 Transcript, day 220: Kenneth Chapelle (former pupil, 1961-1966), at TRN-8-000000011, p.106.

the horrifying stories we hear about priests and altar boys, that it is an environment that was one that would give him an opportunity to indulge in what he wanted to indulge in, protected by the institution that he was to join, knowing that that institution would not want to do anything about it because it would damage their reputation."[295]

Many pupils still spoke warmly of the school overall but there was disbelief that Ray-Hills had been allowed to remain there, with a free rein, for so long. As "John" observed: "We didn't have anything like HR in Loretto. We couldn't go to the matron because she dished out your medicine and put your mattress out when you wet the bed, so there was no-one [sic] to go to when you are in a position like that where there is a hierarchical structure. I'm not saying all the masters were bad, but there has to be a system where pupils can be asked if they are okay and checks made on the staff. A person like Ray-Hills, how on earth did he get the job?"[296]

"...there was no-one [sic] to go to when you are in a position like that where there is a hierarchical structure."

For "Calum", it was "the complicity of the school…that irritates me from the point of view of my parents. They were not wealthy people and they had to give up a lot for me to go to that institution…If it came to my attention that such a thing was happening to my children…I would set my tent on their front lawn and I would not move. I think its fundamentally wrong and I wouldn't let it happen to my children."[297]

Yet the Loretto of the 1950s and 1960s did let it happen.

Loretto's response to the evidence about Ray-Hills

Graham Hawley, the current headmaster, gave evidence to the Inquiry having listened to the witness accounts about the abuse and the school's responses. When asked what he would say if writing a reference for Ray-Hills, he said: "that my strong advice would be that Guy Ray-Hills has no contact with children whatsoever. It would be as black and white as that. I think we accept absolutely a gifted teacher, but the damage, and I think this is one of the strongest take-aways for me from this case study, is the lasting damage for decades. No amount of brilliant teaching ever can compensate for the safety angle."[298]

In closing submissions for Loretto, senior counsel went further and acknowledged that the school had not responded adequately to complaints, and had failed to support pupils, encourage others to come forward, or communicate with parents. The approach taken was not acceptable and it should have been clear that he was not fit to teach and no references should have been given.[299] I agree. Loretto's multiple past failures and absence of systems put many children in harm's way, resulting in some being abused.

"Martin" (Teacher, 1996-2018)

"Martin" was employed as a teacher at Loretto in 1996 and remained there until he was dismissed for gross misconduct in 2018. Initially appointed as an English

295 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, pp.63 and 82.
296 Transcript, day 219: read in statement of "John" (former pupil, c.1962-1971), at TRN-8-000000010, pp.163-164.
297 Written statement of "Calum" (former pupil, 1960-1970), paragraphs 49 and 51, at WIT.001.001.4824-4825.
298 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.140.
299 Transcript, day 229: Loretto School, Closing submissions, at TRN-8-000000020, pp.24-25.

teacher, he became the head of drama in 2002. A reference provided by a previous employer, in 1996, said: "His teaching is also characterised by freshness [sic], vigour and sometimes by the unorthodox. As a result, he is often able to reach these boys for whom English is a chore rather than a pleasure and those who find the strictures of school life irritating. His approach has sometimes excited comment from colleagues, but has never failed to produce examination results."[300] Of itself, that reference did not say that "Martin" was prone to inappropriate behaviour. However, in light of what happened at Loretto, it seems entirely possible that that happened at his previous school and, from a child protection perspective, more could have been said.

"Martin's" unorthodox approach was repeated at Loretto, where he went out of his way to be different. His line manager, Dorothy Barbour, had concerns about him since "he followed his own way of doing things, was not readily amenable to systems, and he caused controversy. He was quite popular with some of the staff but for others there were concerns. Something silly like there was a kind of unspoken code for Loretto teaching staff about what you wore to do your teaching, and Martin effected a rather more casual style from time to time."[301] She tried to encourage him to get registered with the General Teaching Council for Scotland (GTCS), "because I think it is another way of making sense that you have a professional role to fulfil, but I don't think he did. He didn't see the need for it. Again, he was a man who took his own path."[302]

He would not arrange cover for classes and would simply not turn up, leaving children unsupervised and wondering what was going on; adherence to the letter of his responsibilities did not seem to weigh with him. His excuse would be that he had been working late the night before so was due some time off. That did not impress anyone and following complaints from parents, disciplinary process followed resulting in a formal warning in June 2000.[303]

As a drama teacher, he could be teaching on a one-to-one basis and he was young and good looking. Dorothy Barbour was alive to the risk of pupils developing crushes on him.[304] The school was aware of that risk too, and it had long been written into school policy that teachers should avoid one-to-one situations wherever possible.[305] As she noted: "there is no way that "Martin" would not have known that he was in a potentially difficult situation."[306]

"Martin" asserted in his evidence that he was familiar with the importance of child protection, and that he could not have missed it.[307] He relied, however, on his wife's prior training in child protection matters, not his own, when seeking a role at Loretto that would involve him and his wife moving into a house within the school campus and

300 Letter from Melvyn Roffe, Monmouth School to Mr K. J. Budge, 20 March 1996, at LOR-1000000032, p.51.

301 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.40.

302 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.46.

303 Loretto School, Letter from Mr K. J. Budge to "Martin", 24 June 2000, at LOR-1000000032, p.55.

304 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013.

305 Loretto School, Child Protection Policy (updated September 2008), at LOR-000000088, pp.9-10. This policy was subsequently updated in 2009, at LOR-000000089; 2010, at LOR-000000090; and 2013, at LOR-000000091.

306 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.44.

307 Transcript, day 222: "Martin" (former staff, 1996-2018), at TRN-8-000000013, pp.84-85.

becoming house parents to senior school female pupils.[308]

The school missed the red flags that clearly demonstrated he could not be relied upon to follow rules. Instead, "Martin" would, at times, do the opposite. He certainly did not give much, if any, thought to potential risks, and as a result, was subject to further disciplinary process and given a formal first written warning in 2014.

It followed drunken and inappropriate behaviour at a sixth form ball. Allegations included being tactile with two female students, hugging and kissing one on the head and stroking the legs of another. He was also reported as shouting on a bus that another girl might wish to "relieve" him.[309] "Martin" claimed that he could remember none of this given he was drunk.

The report to the disciplinary hearing, prepared by the Investigating Officer, Elaine Selley, was less critical than the original reports from both pupils and another teacher. Her conclusion was that since his actions were public this suggested, "no sinister undertones re targeting girls."[310] That was a mistake and a missed opportunity. Elaine Selley agreed that with hindsight Loretto should have been harsher. He should have been sacked. She acknowledged that he dressed flamboyantly, and may have been seen by the children as "cooler", an indicator that an eye should have been kept on him.[311]

It might also be said that Loretto lost sight of the full nature of the allegations in the process. While it was the inappropriateness of "Martin's" behaviour that worried the new headmaster, Graham Hawley—hence the matter being passed to the Child Protection Coordinator—he acknowledged that his outcome letter appeared to focus on the drunkenness as being the issue by writing "the circumstances giving rise to this warning were that you were drunk at the Sixth Form Ball."[312]

It seems loyalties may have played a role in the lenient approach to "Martin". He was good friends with the school Child Protection Coordinator, Elaine Selley. She denied being a good friend of his but that was at odds with what was said by others, including "Martin" himself.[313] "Jack", for example, described her friendship with "Martin" as well established and highly collegiate. She suggested that matters were more difficult in 2014 as she was having to investigate her line manager within the English department. That was selective since she had already been acting head earlier that year, was still acting deputy head, and part of the senior management team as Child Protection Coordinator, and would commonly have had to fulfil distinct roles.[314]

"Jack", who described "Martin" as conforming "to the image of a somewhat flamboyant, somewhat eccentric individual", and to whom the English department was protective of, had concerns about this friendship.[315] He

308 See email from "Martin" to headmaster, 30 January 2012; and letter from Monmouth School to Loretto School, 20 March 1996, at LOR-1000000032, pp.46-47 and 51-52.

309 Loretto School, Sylvia Meadows' account of concerns raised by girls in Balcarres following the sixth form Christmas ball on 7 December 2014, 12 December 2014, at LOR-000000295, p.2.

310 Loretto School, Email from Elaine Selley to the Headmaster, 10 December 2014, at LOR-1000000036, pp.1-2.

311 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, pp.164-165 and p.168.

312 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.145-146; Loretto School, Letter from Dr Graham Hawley to "Martin", 18 December 2014, at LOR-1000000036, p.10.

313 Transcript, day 222: "Martin" (former staff, 1996-2018), at TRN-8-000000013, pp.89-90.

314 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.148.

315 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, p.78.

remembered raising the failure to warn parents about adult language in a play put on by "Martin" with Elaine Selley in her capacity as senior mistress and head of compliance. She assured him that "she would raise it with the English department and they would resolve."[316] He had a feeling of unease about "Martin" but there was no evidence. Nonetheless, it gave him some comfort to move "Martin" and his family out of girls' accommodation.[317]

Graham Hawley did not have such concerns and did not think he would have done things differently in 2014 had he better understood the friendship aspect. It was, to him, just one of the difficulties in a small school that individuals often had to carry out multiple roles.[318]

Irrespective of what others were or were not aware of, "Martin" knew all too well that he had begun a friendship with a pupil in 2011 which continued, on and off, until 2015. The pupil was in his sixth form drama class and, as "Martin" reluctantly admitted, there were one-to-one situations. A relationship developed, beginning with email exchanges over the summer term of 2011. The messaging made it abundantly clear that she was smitten with him, including the use of the acronym "YASH"—"you are so hot".[319]

"Martin" acknowledged he did nothing to prevent or report this, and it is clear to me that, instead, he encouraged it. The relationship rapidly became a sexual one, on school property including class rooms—he would text gate codes to give her access.[320] In September 2011 there was what the girl referred to as "a pregnancy scare", by which time she had left the school.[321]

He also acknowledged that he had previously been aware of female pupils taking a "shine to" him but insisted that it was not a regular thing.[322] He accepted sharing his mobile number with another girl in 2012 and giving her private tuition in school over the Easter holidays.[323] This provoked jealousy in the girl he was having the sexual relationship with. He acknowledged that the school would have been unaware of any of this, but should have been told.

"Martin" insisted in evidence that the sexual relationship only began after the girl had left Loretto. He did not deny hugging her but he disputed telling her he loved her at the leavers' party.[324]

The girl complained to the school in 2018 and "Martin" became increasingly concerned he would be found out. Believing she was in contact with the police—she had actually contacted this Inquiry, not the police—he texted her and tried to persuade her to lie. In one of his texts, he said: "Any more police news?…Admission to anything, even after school would be as bad. There is no evidence other than what someone might say. And if you say nothing happened then it didn't."[325]

316 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, p.81.
317 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, pp.82-84.
318 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.149.
319 Transcript, day 222: "Martin" (former staff, 1996-2018), at TRN-8-000000013, p.98.
320 Transcript, day 222: "Martin" (former staff, 1996-2018), at TRN-8-000000013, pp.103-104.
321 See Loretto School, statement of former pupil, at LOR-1000000032, p.10.
322 Transcript, day 222: "Martin" (former staff, 1996-2018), at TRN-8-000000013, p.101.
323 Transcript, day 222: "Martin" (former staff, 1996-2018), at TRN-8-000000013, p.106.
324 Transcript, day 222: "Martin" (former staff, 1996-2018), at TRN-8-000000013, p.102.
325 See text messages from "Martin" (former staff, 1996-2018), 18 August 2017, at LOR-1000000032, p.22.

"Martin" maintained that a sexual relationship while the girl was a pupil was only one possible inference that could be drawn from that remark. I disagree. As with his denials, his evidence was glib and evasive. I am satisfied that he groomed and began a sexual relationship with the girl while she was a Loretto pupil.

School disciplinary process followed swiftly after her complaint in 2018 resulting in "Martin's" dismissal for gross misconduct under four heads:

- an inappropriate relationship with a pupil at the school,
- failure to report concerns about inappropriate contact from a student,
- engaging in sexual intercourse on school premises,
- seeking to persuade the former pupil not to engage with the Scottish Child Abuse Inquiry and to lie.

That generated publicity which led to the school receiving a further complaint from a former pupil who wrote: "I fear that these [accusations] are only the 'tip of the iceberg.' I am genuinely shocked that he is still at the school, or any school for that matter…he began to blend the line between the student and teacher, endearing himself to senior girls as a 'cool teacher' or 'one of us'."[326]

She was talking of 1996-2001, "Martin's" first five years as a teacher at Loretto. She described him making unsuccessful advances on three female pupils aged sixteen to eighteen, as well as one sexual relationship with an eighteen year old. She remembered "Martin" being caught having sexual intercourse in various locations in Loretto, and how he was deliberately relaxed about students' misdeeds in order to endear himself to girls.

"Martin" did not accept any of the allegations from the late 1990s. Having been warned, he exercised his right to silence when pressed. I found the allegations at the very least credible, given they mirrored his repeated breaches of boundaries in 2011 and 2012, and the desires revealed when drunk in 2014.

School response

The current head of Loretto, Graham Hawley, said: "the whole "Martin" issue continues to trouble me. Were these things that I missed? Should I have spotted more in 2014? Was that a red flag, whilst I dealt with it, were there other signs?"[327]

He should have seen and identified more red flags, although I recognise that this happened in his first term at the school when he would have relied heavily on existing senior staff to point him in the direction of the most important live issues. "Martin's" determination to be unorthodox throughout his career should have been a warning to those working with him and called for greater oversight.

Sensibly, Graham Hawley continues to reflect on and learn from the experience. He acknowledged that "in small schools everyone wears lots of different hats…So I think there are always going to be difficulties to unravel or see a way through…particularly in small schools."[328] He now recognises that there were risks with staff friendships that had existed for a long time and that there was a need for objectivity.

326 Loretto School, Email from former pupil to Loretto, 27 September 2018, at LOR-1000000036, p.36.

327 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.143.

328 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.149.

I find it likely that "Martin's" closeness to those involved in his disciplinary process did mean he was treated less harshly than he should have been. Investigations should not have been carried out by a good friend. This will be a problem in a close-knit community like a small school, but the need for processes to be seen to be done fairly, as well as being done fairly, must be borne in mind.

To its credit Loretto has since demonstrated that. A 'lessons learned' exercise from the "Martin" experience began in January 2019 following the joint decision of the governors and school management. It remains an ongoing process.[329] Obvious examples are that, while one-to-one meetings with pupils will of necessity still happen, practical child protection steps have been taken (e.g. music rooms have glass walls or doors), and procedures are in place to ensure "that somebody other than the member of staff engaged is aware that it has happened or is happening."[330]

Conclusions about sexual abuse

Children were sexually abused in different ways over decades at Loretto and not only through the conduct of adults. A culture of silence amongst the boys at a single-sex school allowed older boys to engage in sexually abusive conduct towards younger ones without fear of repercussion. The regime was such as to make younger boys feel powerless: "The authoritarian discipline in that school meant that boy, who was a house prefect, had power over me, and you cowered before it. That was the way the regime worked, and I didn't have the grit to tell him to get out of my bed, or even get out of bed myself."[331]

School systems were seriously lacking, if not non-existent at times. That enabled abusers on the staff team to satisfy their depraved urges with impunity. They were allowed easy access to children in their care.

"The authoritarian discipline in that school meant that boy, who was a house prefect, had power over me, and you cowered before it."

In the Ray-Hills era, there was simply no system to allow children to report what was going on, and no culture supportive of doing so. Don Boyd showed valuable insight when he said: "I think the atmosphere within institutions should be that children can find a way to pass on their fears or their anxieties in that arena at an early enough stage before it takes a form where it becomes obsessive to have to do it, and then that increases the degree to which you are secret about it."[332]

Loretto repeatedly failed to respond properly when Ray-Hills's behaviour was both in plain sight and being reported. In part, that may be explained by naive assumption or the possible reasons to which I have already referred. There is no doubt that protection of Loretto's reputation weighed too heavily with the school; so it was that they failed to take

329 Loretto School, follow-up note covering lessons learned activity in respect of investigation and subsequent dismissal of staff update, 3 November 2020, at LOR-000000758, pp.10-14. This document was further updated on 22 September 2022 and a copy made available to the Inquiry on 23 September 2022, follow-up note covering lessons learned activity in respect of investigation and subsequent dismissal of staff update, 22 September 2022, at LOR-1000000080.

330 Transcript, day 224: Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000015, p.160.

331 Written statement of "Geoffrey" (former pupil, 1958-1962), paragraph 112, at WIT.001.002.3421.

332 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.44.

"The standard you walk past is the standard you accept."

action in the face of obviously abusive conduct and, obvious risk and, in some cases, failed to recognise the risk at all. They should, instead, have realised that "the standard you walk past is the standard you accept"[333] and, in the boarding school environment, if that is a low standard—as in this case it was—then children will be put at risk of abuse and, furthermore, children will be abused including to the extent that they suffer lifelong harm.

The reputation of the school remained a factor even in 2001, when Ray-Hills was exposed, and a damage limitation operation was at play. Inadequate consideration was given to the enormity of the breach of trust that had occurred, and that Guy Ray-Hills was never worthy of that trust.

It was repeated, though perhaps to a lesser degree, with "Martin". Even when child protection systems were in place in the 21st century, assumption, misplaced loyalty to the individual and the reputation of the school were allowed to mask the obvious risks he posed.

These were serious failures, and the resultant damage was significant. As Graham Hawley said "I think this is one of the strongest take-aways from this case study…the lasting damage for decades."[334] All schools must be aware of this and protect against it.

333 Lieutenant General David Morrison, Chief of the Australian Army, addressing the United Nations International Women's Conference on 8th March 2013. The quotation was attributed, by him, to David Huxley, former Chief of the Australian Defence Force and Governor of New South Wales.

334 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.140.

5 Physical abuse

Summary

Children were physically abused at Loretto School, principally by means of excessive corporal punishment inflicted by staff and by senior pupils.

As "Calum" recalled: "I did see teachers going over the score and losing their temper but that was very rare. To be honest I only saw it once." Instead in the senior school, though not the junior school, "the people who imposed the discipline were your peers. It was very unusual to be caned by an adult."[335]

"...the people who imposed the discipline were your peers."

Irrespective of the source, the infliction of unnecessary and severe punishments was cruel and caused misery to many children.

The following individual experiences capture the excessive nature of the punishments inflicted on children, some of whom were very young. They exemplify how corporal punishment afforded free rein for some to be appallingly violent. Abusers who could descend into a violent loss of temper in response to minor matters, or for no apparent reason. It is also clear that beating was commonly used for breaches of rules that should never have merited a physical punishment.

They also demonstrate inadequate management and supervision of pupils who were given far too much power and abused it, that being the prevailing culture of the school at times. Such systems as were in place to monitor that supervision frequently failed to protect children.

I heard no evidence of any training of pupils in the use of corporal punishment and training appears never to have been considered. Instead, pupils simply learned from their peers and by experience. Prior to the 1970s, positions of authority seemed to go hand-in-hand with sporting prowess. Even in the 1990s, long after the demise of pupils beating pupils, "Gordon" described learning about the role of dorm head "through osmosis from having seen previous heads of dorm. Different kids took a different approach and some were more authoritarian than others."[336]

Some children also suffered sadistic treatment associated with sexual abuse, as covered in the last chapter. Bullying also often included a physical element.

Attitudes to punishment of children prevalent over the period of this case study

The use of corporal punishment of children by their parents, and others at schools and institutional settings, was permitted by law during much of the period under consideration in this case study. There were,

335 Written statement of "Calum" (former pupil, 1960-1970), paragraphs 31 and 33, at WIT.001.001.4822.

336 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.22.

"The various canings we endured for minor matters…Fifty years ago, that sort of thing was part of 'making a man of the boy' and our parents paid willingly for the privilege!"

however, clear conditions as to when such punishment could be administered, by whom, and in what manner.[337]

Lord Guthrie, in 1964, said: "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… 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…such matters as the nature and violence of the punishment, the repetition or continuity of the punishment, the age, the health and the 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."[338]

Such careful consideration was not the norm at Loretto prior to the 1960s, and, until at least 1976, the delegation of physical disciplinary powers to older pupils, so wide open to abuse, remained in place.

Instead, beating was routine, although, it must be noted, it was not seen by many as abusive at the time. One former pupil writing to the school in 2001 summed it up: "Of course, the word 'abuse' is taking on a much broader meaning. The various canings we endured for minor matters…Today…would be classified as 'abuse', and the various teachers who handed out the 'punishment' would no doubt be taken off to court. Probably the prefects too…Fifty years ago, that sort of thing was part of 'making a man of the boy' and our parents paid willingly for the privilege!"[339]

Another said: "Regular cane beatings were the order of the day for the most trivial of transgressions. For example, at the Nippers it was possible to be caned for failing in the French verb test or…for failing in a formal end of term Latin examination…Some of these beatings could be regarded as more physical assault than the meting out of fair punishment, but it would be quite wrong to point fingers…as the practice was widespread at the time both by staff and…by School Prefects in the Upper School. Physical abuse took many forms other than caning, this ranged from actual class room assault, which I saw perpetrated by more than one member of staff…to the physical bullying of an obese pupil by a highly respected gymnastics instructor at the time."[340]

337 For a fuller discussion on the lawfulness of corporal punishment of children in Scotland see Kenneth McK. Norrie, Report for SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents, (November 2017), pp.346-357.

338 Gray v Hawthorn (1964) JC 69, in McK. Norrie, Report for SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents, (November 2017), pp.75-76.

339 Loretto School, letter from a former pupil to Loretto, 12 September 2001, at LOR-1000000025, p.27.

340 Loretto School, email from a former pupil to Loretto, 11 September 2001, at LOR-1000000025, p.26.

"Hunter", a senior school pupil in the 1950s, confirmed this: "It was accepted generally and I do not think it was resented or felt to be wrong by many boys."[341] However, his beatings "were usually for careless breaches of rules as I was not a particularly naughty or rebellious boy".[342] That simply emphasises how unnecessary, wrong, and abusive much of the beating was.

As attitudes changed in the last quarter of the 20th century, the phasing out of corporal punishment in schools in Scotland was increasingly encouraged, and restrictions were imposed on corporal punishment in state schools in 1986.[343] Following a complaint to the European Court of Human Rights[344] at the instance of an independent school pupil, in which the court made clear in its opinion that the state's obligation to secure children's rights in the field of education extended to independent schools including in relation to the administration of punishment, full protection from physical punishment was extended to all school pupils in 2000.[345] By that date, it appears all independent schools had ceased to use corporal punishment in any event, having largely done so by 1988 according to a SCIS survey in October of that year. It revealed that Loretto was the last senior school in Scotland to maintain corporal punishment,[346] although its use had been restricted to the headmaster and housemasters since 1982.[347] Caning had ceased altogether by 1990.[348]

In the Nippers, the limitations on beatings introduced in the senior school in 1982 were not followed and the use of corporal punishment only stopped in 1987, because the newly appointed head, Charles Halliday, disapproved of it: "When I arrived, I discovered that independent members of the staff were sometimes smacking boys in the classroom with a tawse or gym shoe. I abolished it by saying, in my very first staff meeting in January 1987, that if any teacher felt strongly that a child should be beaten then they should send the child to me. I had no intention of beating any child myself so the practice simply stopped."[349]

The disciplinary approach at Loretto, both at senior and junior schools, was always guided by the approach of individual headmasters who set the tone of the school, just as housemasters did with their individual houses. While no doubt reflective of the shifting social mores and norms of the times, the changes in approach that I heard about also well reflect the need to appoint good people with growth mindsets to positions of authority. Charles Halliday is an example.

Physical abuse by teachers

Applicants spoke of inappropriate use of beatings by staff largely without bitterness, their perception being that it was just the ways things were. That, however, does not mean that such beatings were not abusive. "Calum" remembered that making more than

341 Written statement of "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), paragraph 68, at WIT-1-000000655, p.12.

342 Written statement of "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), paragraph 70, at WIT-1-000000655, p.12.

343 Section 48A of the Education (Scotland) Act 1980, inserted by the Education (No. 2) Act 1986, section 48. See also, Standards in Scotland's Schools etc. Act 2000, section 16 which provides that a teacher has no right to inflict corporal punishment on a pupil.

344 See *Costello-Roberts v United Kingdom* (1993), 19 EHRR 112.

345 Section 16, Standards in Scotland's Schools etc. Act 2000.

346 Independent Schools Institution Scotland, Summary Corporal Punishment Survey, 1 January 1988, at SCI-000000024, p.2.

347 Loretto School, Part A and B section 21 response: response to the questionnaire on behalf of Loretto School Ltd, 4 November 2019, at LOR.001.001.0136, p.64.

348 Loretto School, note on a comparison of witness' observations/recommendations with Loretto today, at LOR-000000771, p.6.

349 Transcript, day 222: read in statement of Charles Halliday (former staff, 1987-1991), at TRN-8-000000013, p.129.

two mistakes in Latin would result in the cane and he regarded that as being simply what the system was at the time. [350] I fail, however, to see how caning a child for making mistakes in written schoolwork could ever be anything other than abusive. Furthermore, some staff were plainly abusive in their use of physical punishment, even by the standards of what might have been thought to be the system of the time; some used violence to an extent that it could never have been passed off as appropriate discipline.

Guy Ray-Hills was prone to "bullying, including violent rages."[351] He "regularly beat any non-favourite sadistically."[352] Or, as another former pupil put it "[h]e then delivered me the severest caning on the backside I ever received, and I was caned a lot."[353]

The same former pupil remembered an assault which had nothing to do with discipline. The only time he had ever been "knocked unconscious was by Ray-Hills. At the end of a lesson, Ray-Hills accidently knocked my head with a rolled up map on a wooden pole. 'Watch what you're doing with that map, Sir!' I said. He spun round with a look of hatred, punched me in the face with his fist, knocking me to the ground, and left the room without a word. I blacked out for a few moments. I recall that incident vividly, I was eleven or twelve."[354]

"John" was a pupil in the Nippers in the 1960s, where he was physically abused by an unnamed teacher who beat him: "When I [was] about seven or eight I was at my granny's and my mum and dad were there. When I got into the bath she saw the welt marks on my backside that had been made by a caning. She screamed and told my dad I wasn't going back to the school, but I made up some story about what had happened and she got over it."[355] His recollection suggests it was far from an isolated incident since he added, "[w]e often saw welts on other boys from the cane when you were in the showers."[356]

In the late 1970s, problems arose with a Nippers' teacher, "Paul" who took himself too seriously and, as a result, was teased by the boys. In response to the teasing, on one occasion "Paul" "pushed a boy's face against the blackboard. Others in the class reported this to the headmaster and the teacher was suspended…["Paul"] left the school shortly afterwards…and…he thereafter continued to teach."[357]

Moving on to the next decade, Clifford Hughes, head of the Nippers until 1986, also became abusive in his beating of children. Appointed in 1981, he had been well regarded for the first three years, but thereafter it became increasingly clear that he was temperamentally unsuited to the job.

350 Written statement of "Calum" (former pupil, 1960-1970), paragraph 28, at WIT.001.001.4821,.

351 Police statement of a former pupil, at PSS-000007178, referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.37,.

352 Police statement of a former pupil, at PSS-000007178, referred to in Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.44.

353 Loretto School, letter from a former pupil to Loretto, 18 September 2001, LOR-1000000025, p.45.

354 Loretto School, letter from a former pupil to Loretto, 18 September 2001, LOR-1000000025, p.45.

355 Transcript, day 219: read in statement of "John" (former pupil, c.1962-1971), at TRN-8-000000010, p.160.

356 Transcript, day 219: read in statement of "John" (former pupil, c.1962-1971), at TRN-8-000000010, p.153.

357 Transcript, day 222: read in statement of "Arthur" (former staff, 1970-1991), at TRN-8-000000013, p.65.

His decision-making was contradictory and there were frequent losses of temper with pupils who became frightened of him. Board minutes reveal the detail and response by the school.

> "In March 1984 however, the then Headmaster David McMurray reported to the Chairman that the second master in the Nippers…had been to see him to allege that Hughes had excessively beaten one boy and had hit another over the head with his hand…and that relationships generally between Hughes and his staff were not good. On the Chairman's instructions the Headmaster informed Hughes that if any boy was beaten other than in controlled circumstances he would be instantly dismissed and he also took the opportunity of advising Hughes that he would need to improve his relationships with his staff. Prior to his appointment Norman Drummond had been made aware of the situation and in fact three members of the Nippers' staff came to see him before the start of his first term to voice their complaints…When the review was subsequently published it referred to a lack of pastoral care and also to staff unease. At the meeting of the Nippers Committee in April 1985, Hughes had reacted strongly against the review… In May 1985 following the Nippers' Committee meeting with the Headmaster, the Chairman and the Chairman of the Nippers' Committee met with Hughes and subsequently the Chairman wrote him a letter giving him six months to sort matters out. Throughout this period Hughes had acted in a number of ways which had not only been a distraction to the Headmaster but succeeded in antagonising the Director of Music, the Head of Design and technology, the Vicegerent and the Bursar. In December 1985 after the end of the six month period and in consultation with the Headmaster and the Convenor of the Nippers Committee, the Chairman wrote to Hughes saying that he felt that confidence in him could not be restored and that he should look for another post before the end of the academic year."[358]

Once again, it is striking that in the case of "Paul" and Clifford Hughes, as far as Loretto was concerned, they both went on to teach elsewhere, but there is no sign of the school having taken any steps to counsel against it or to warn future employers about their behaviour towards children. Clifford Hughes in fact went on to become a minister, but it seems that "Paul" did carry on teaching.[359]

Inappropriate and excessive corporal punishment by pupils

1950s

When "William" joined the school in 1953, Loretto was still relying on a pre-war school rule book that was almost 20 years out of date, having been published in 1935. It included "daft things. For instance, only prefects could leave their jacket open, and if this rule was breached the punishment would be three on the backside with the cane. I also remember I was beaten not long after I started at the school because my gym shoes had the number 77 on them. This was my number from my prep school which went on all my clothing. I was told the number should have been replaced with my initials and I got three on the backside for that. I remember I was only 13 and a half at the time. The way it worked was that everybody got two weeks on joining the school to learn the rules. As I hadn't picked up that I needed

358 Loretto School, Loretto School (1976-1986), extracts, at LOR-1000000021, p.41.

359 Transcript, day 222: read in statement of "Arthur" (former staff, 1970-1991), at TRN-8-000000013, pp.67-68.

"It was prefects in the main who carried out the beatings. Masters didn't really get that much involved."

to replace the number on my shoes, that is why I was punished. I didn't like that. It was like something out of Tom Brown's School Days. I have nothing really to add about this. No one ever got a slap on the wrist, it was either three on the backside or more. It was prefects in the main who carried out the beatings. Masters didn't really get that much involved."[360]

Beatings went far beyond coats and shoes, however, and many were inappropriate to the extent of amounting to abuse: "There was a range of offences for which the punishment was beating. They included being late for roll-calls, late into room at night, late for meals, going onto a lawn unless for playing or practising games, untidiness of one's book locker in which one kept one's textbooks and exercise books… eating out of doors, particularly eating in the streets, snowballing within range of windows and so on. The punishment was usually three strokes. More serious offences, meriting four or six strokes, would include avoiding afternoon exercise or cutting a run short, lying, drinking or smoking. The most serious offences might well rather be escalated to the Headmaster."[361]

Not only were outmoded rules not reviewed, there was little, if any, staff oversight or control over their application. That was a significant and harmful failing. Instead, application of the rules was all left to prefects: "There was a roll call after dinner in the big dining hall which was in reality a roll call of dishonour. The prefect of the day would stand up and announce before the whole school that the following boys should report to the big tub room after dinner. The prefect in question would run through the list of names, and after dinner said boys would duly report to the big tub room where they were told to bend over one of the many tubs, whereupon a prefect would knock seven bells out of them with a cane, the prefect's unfettered power base being derived from a historic bullying culture prevalent at the school 'This will make a man of you, boy'."[362] "Quentin" was beaten on one occasion for having crumbs in his "grub locker" and his "beatings became so regular that they eventually became the norm for life at the school."[363]

"…the prefect's unfettered power base being derived from a historic bullying culture prevalent at the school".

Reflecting, "Quentin" observed "[e]ven today I find it strange that prefects, who are only senior to you by three or four years, had the unchallenged authority to give you a severe beating if they so felt like it. It's just a reflection on the way these places were

360 Transcript, day 220: read in statement of "William" (former pupil, 1953-1958), at TRN-8-000000011, pp.110-111. *Tom Brown's School Days* was a novel by Thomas Hughes published in 1857. It is about the author's experiences at Rugby School in the 1830s and 1840s, where he was severely bullied and beaten.

361 Written statement of "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), paragraphs 65-66, at WIT-1-000000655, pp.11-12.

362 Transcript, day 219: read in statement of "Quentin" (former pupil, 1956-1959), at TRN-8-000000010, p.105.

363 Transcript, day 219: read in statement of "Quentin" (former pupil, 1956-1959), at TRN-8-000000010, p.106.

"...there was a rugby player...who was a sadist. He would beat boys freely...He was dealt with by a number of boys whom he had punished unjustly".

run, all about power and control. I felt that nobody really had your interests at heart. Beatings at Loretto were endemic and just part of the prevailing culture in those dim and distant days. For a minor misdemeanour you got three of the best in your blue shorts. If it was slightly more serious, it was six of the best in your blue shorts. If it was more serious than that, it was three of the best or six of the best in your white cricket shorts. If it was even more serious than that, you wore no shorts at all, and you got three of the best or six of the best naked. When you went into the showers you would see boys with their bottoms bleeding, bruised and battered. Not an unusual occurrence, it has to be said."[364]

"Beatings at Loretto were endemic and just part of the prevailing culture".

That norm of inappropriate and often excessive beatings amounted to abuse, but its ubiquity meant that its abusive nature went unrecognised and unchallenged by Loretto—in a further failure in leadership, management, and governance. It also allowed a cycle of inappropriate punishment to continue unchecked for years.

I recognise it was entirely possible that governors and teachers had experienced similar physical discipline at school, and so did not think to question it. "Colin", an applicant who was a pupil between 1948 and 1953, experienced a system of corporal punishment involving three strokes on the backside for trivial matters such as an untidy locker: "I didn't rebel against the requirements and hold no grudges, it was simply part of the routine, but I do remember asking myself not long after I started there whether I needed to do all of this."[365] "Colin" became a prefect and that "meant caning younger boys, which I admit doing…I have absolutely no knowledge of any abuse taking place at the school when I was there. I am conscious that, by the standards of the world today, the caning of boys is no longer acceptable. I hold no grudge about being caned."[366]

Whatever corporal punishment might have been thought to be acceptable, beating boys for trivial transgressions ought to have been questioned long before it was. It was, manifestly, abuse of the power to use physical discipline. But such appears to have been the culture that it was accepted. Even where beatings went beyond what was considered the norm, the school did not respond, not even in extreme cases such as described by "Tom": "I remember, when I was there, there was a rugby player in the C stream who was a sadist. He would beat boys freely. There was no apparent mechanism to deal with this. He was dealt with by a number of boys whom he had punished unjustly the previous day. They carried him shoulder high with legs apart into a rugby post."[367]

364 Transcript, day 219: read in statement of "Quentin", (former pupil, 1956-1959), at TRN-8-000000010, pp.106-107.

365 Transcript, day 220: read in statement of "Colin" (former pupil, 1948-1953), at TRN-8-000000011, p.38.

366 Transcript, day 220: read in statement of "Colin" (former pupil, 1948-1953), at TRN-8-000000011, pp.38-39 and 42.

367 Transcript, day 220: read in statement of "Tom" (former pupil, 1957-1962), at TRN-8-000000011, pp.116-117.

1960s

The arrival of "Rab" Bruce Lockhart as headmaster in 1960 marked a sea change: "Rab Bruce Lockhart revamped the punishment system when he arrived. Beating was generally reduced and he introduced a green paper system which involved map drawing. The paper was only available from housemasters so involved an explanation of the need. Beating was reduced by perhaps 80 to 90%."[368]

The change was not, however, immediate and beatings by prefects continued: "there were probably a lot more beatings by prefects for things like having dirty shoes. There would be some mass floggings, I can only describe them. They tended to stop. I remember there was a system, equivalent to writing lines, of green paper introduced rather than beatings."[369]

The mass floggings did not happen very often—it appears that the student body was becoming less acquiescent: "it was the 1960s, and there was a slightly rebellious feeling in the world anyway, and I think certainly with these beatings over the dirty shoes, I remember quite a few of us saying if that happens again we are not going to go. It never came to the front but there was talk about that."[370]

Good teachers made allowance for differences in children particularly once decisions on discipline began to be referred more often to housemasters. "Hunter", for example, a well behaved and compliant former pupil, recognised the need to consider the individual when he became a housemaster at the school in the late 1960s: "Occasionally, as a housemaster, one was conscious of a child who should be sheltered from frequent beating or other punishment as being vulnerable. By vulnerable, I mean a child whose organisation and self-discipline was lacking to the extent that he could not cope with the school's requirement of routine, punctuality etc, and soon caused them to incur an intolerable number of punishments. I would instruct prefects in such cases to report his misdemeanours direct to me and I would take the boy in hand and give him such impositions as he could reasonably undertake, along with help and counselling."[371]

1970s

Teaching geography at Loretto was Duncan Wylie's first job. He was appointed in 1972, and found "there was a prefect system in place, although inevitably some prefects had to be corrected on their over-robust use of power…My sensitivities were such that I did think that was too severe. I thought boys caning boys was ridiculous when I arrived… The prefect system gave prefects power over all those pupils junior to themselves although, in practice, this was third, fourth and fifth form."[372]

"I thought boys caning boys was ridiculous…The prefect system gave prefects power over all those pupils junior to themselves".

Times were changing though and by 1976, Peter McCutcheon, currently chair of the Loretto Board of Governors, but then a new pupil, found "[c]aning by prefects stopped

368 Transcript, day 220: read in statement of "Tom" (former pupil, 1957-1962), at TRN-8-000000011, pp.116-117.
369 Transcript, day 220: Kenneth Chapelle (former pupil, 1961-1966), at TRN-8-000000011, p.74.
370 Transcript, day 220: Kenneth Chapelle (former pupil, 1961-1966), at TRN-8-000000011, p.75.
371 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.28.
372 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, pp.71-72.

"I do remember when I was an older pupil saying to some of my peers that they were going a bit overboard with their physical discipline."

as I arrived…This decision reflected the view held by Mr DB McMurray, the new headmaster, but also the views of parents and, critically, prefects themselves, who had become increasingly uncomfortable with the practice."[373]

However, prior to that, he also acknowledged: "I think, without question, there was a lack of quality assurance across the boarding houses."[374]

Duncan Wylie observed that "as the years went by the place became much more civilised, to use that word."[375] It was not, however, a rapid transition.

Abusive conduct towards younger boys by senior pupils post-1976

The transition described by Duncan Wylie was far from swift. Notwithstanding the official loss of the authority to beat other children, abusive conduct by senior pupils towards younger boys was not uncommon well into the 1990s, reflecting a culture of bullying, playing on differences and weaknesses.[376]

"James" was a senior pupil in the early 1990s when, on occasion, "the older boys' physical discipline of younger boys could be a bit overzealous. There was no hitting with batons or other implements but sometimes there could be punching, like giving someone a dead arm. You wouldn't get eighteen year olds thumping 12 year olds. There could be a couple of years' difference when an older boy physically disciplined a younger boy. I do remember when I was an older pupil saying to some of my peers that they were going a bit overboard with their physical discipline."[377]

The "grace period" described by "William"[378] in the 1950s, in which new boys were excused physical discipline whilst learning the school rules, remained in place into the 1990s and prefects looked forward to being able to punish boys: "It was like the gloves are off. And you could be punished by staff as well for being late, for not having memorised the routines. It was a very different place. It was much colder and more miserable after that."[379]

"Alec's" memories of the nature of the violence he suffered stood out amongst the witnesses from whom I heard. The extreme levels he sometimes described were not fully supported by others, either teachers or former pupils. The school was taken aback by the detail he provided and found his allegations shocking as there was no sense of them from their records.[380] For example,

373 Transcript, day 220: read in statement of Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000011, p.124.

374 Transcript, day 215: Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000006, p.121.

375 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, pp.70-72.

376 For more details in relation to bullying, see the next chapter.

377 Transcript, day 220: read in statement of "James" (former pupil, 1988-1993), at TRN-8-000000011, p.129.

378 Transcript, day 220: read in statement of "William" (former pupil, 1953-1958), at TRN-8-000000011, pp.108-112.

379 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.138.

380 Transcript, day 229: Loretto School, Closing submissions, at TRN-8-0000000030, p.32.

his description of a full scale riot on the last day of summer term 1995 was not shared by anyone. I do not doubt, however, that some distressing–probably abusive–experiences underlay his memories, that there would have been some foundation for his complaints and that his recollections certainly described how he felt.

"Alec" also recalled regular beatings of junior school pupils by seniors when the First XV was playing, and the whole school was expected to turn out to watch. At half time the children had to run to the sea wall, hidden by a bank of trees and "[i]t turned into a ritual beating where older kids attacked the younger ones. It was like a war zone, with kids in their final two years smashing the younger kids to the ground."[381]

"It was like a war zone, with kids in their final two years smashing the younger kids to the ground."

When he was twelve, "Alec" was frequently "beaten and bullied" in his dorm by another boy "whilst everybody else laughed. The other boy was thirteen. He was egged on by the prefects in charge of the dorm. I cried myself to sleep. One night I was thrown headfirst into the corner of a bed, causing a large black eye, and beaten repeatedly with a belt."[382] In fairness, "Alec" explained that the housemaster discovered what was happening to him and had "serious words with" the boy who was targeting him, and Alec was transferred to another dorm.[383]

Life then, thanks to the housemaster, improved for "Alec" and he felt able to raise complaints. Unfortunately, that changed: "In the senior school it was a lot harder to report things."[384]

Levels of violence varied from house to house. Some were known to be worse than others. "Certain boarding houses were renowned for a kind of pack behaviour. Hope House had a reputation for being the worst, Seton House was very bad, Pinkie House was not quite as bad, and Schoolhouse had the best reputation."[385] This was confirmed by "Hunter", who became Vicegerent: "Hope House certainly had a reputation of being more disciplined" which he accepted was probably known throughout the school.[386] I am, however, satisfied that the "discipline" was all too often excessive to the point of being abusive.

"Alec" was in Pinkie where, according to his memory, he "was regularly beaten by the sixth formers who were put in charge of my dorm as well as five or six senior boys in the house."[387] The violence diminished after his fourth year and his year group did not behave in the same way to younger pupils.

"Certain boarding houses were renowned for a kind of pack behaviour."

Some boys remembered life in the houses as more adolescent rough and tumble which they did not consider abusive. However, there was an incident involving one boy

381 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.146.
382 Written statement of "Alec" (former pupil, 1990-1999), paragraph 111, at WIT-1-000000462.
383 Transcript, day 220: "Alec" (former pupil, 1991-1999), at TRN-8-000000011, pp.142-143.
384 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, pp.143-144.
385 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.148.
386 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.35.
387 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.159.

"...senior boys...gleefully destroyed lots of junior boys doing this 'parade'. They were masochists...I can't imagine that any record was made anywhere of any punishment like this."

stabbing another in Seton in an apparent "moment of madness"[388], and a cricket bat nicknamed "Cobra" being used to beat boys.

Despite its reputation, the Hope House experience was not all bad, as "Gordon" explained: "Teenage boys do have a tendency to hit each other on occasion. For example, someone might go up to someone else and give him a dead leg. That sort of thing could happen on a fairly regular basis, usually with a sort of joking intention, and often between friends."[389]

He remembered "boys running the gauntlet with objects being thrown at them. I witnessed that and have taken part in it as someone running the gauntlet. From my perspective, it was a bit of fun" as were playful battles with wet towels.[390]

I can accept that his views may well reflect the experience of many, if not most, boys who went to Loretto, but it is also clear that this is not how all children perceived it and these were plainly activities that could get badly out of control.

That was certainly the case with "Alan" who provides support for "Alec's" description of brutality by senior boys in a statement received after the hearings. He was in Seton House, which he described as "like the Bronx"[391] in the early to mid-1990s.

He remembered discipline still being left firmly in the hands of the senior pupils and physicality, in the form of "parades" for more serious offences. "This was a gym class where you did gym exercises until you were absolutely exhausted. Senior pupils ran this class and there were never any teachers present. Some pupils vomited and some passed out. I was made to do this punishment a couple of times."[392]

Three particular senior boys "gleefully destroyed lots of junior boys doing this 'parade'. They were masochists and took great pleasure in pushing boys past their limits. It happened every Sunday of the year regardless of the weather. I can't imagine that any record was made anywhere of any punishment like this."[393]

Everyday life in Seton house could be as brutal. "Alan's" head of dorm "showed me a hockey stick and it had been taped all over with black and blue tape. He told me that I was going to be that colour by the time he had finished with me. He then played a game and said "Head, Bollocks, or Toes" then he would whack me with the hockey stick. There was no way you could avoid it and there was no way of protecting myself."[394]

In the dorms, older boys made younger ones play games, "[o]ne was called the Space Invaders game. Basically they would

388 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, pp.55-56.
389 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.54.
390 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, pp.53-54.
391 Written statement of "Alan" (former pupil, 1994-1999), paragraph 52, at WIT-1-000000997.
392 Written statement of "Alan" (former pupil, 1994-1999), paragraph 81, at WIT-1-000000997.
393 Written statement of "Alan" (former pupil, 1994-1999), paragraph 82, at WIT-1-000000997.
394 Written statement of "Alan" (former pupil, 1994-1999), paragraph 90, at WIT-1-000000997.

make you stand with your back against a wall. You had to then put your arms out to the side and do star-jumps whilst they threw shoes and boots at you. The other game was making you run the gauntlet which was running down the centre of the dorm and you got whacked on both sides by pillows. Another one was being locked in a trunk."[395] Sometimes the trunk would be lifted up and pushed off furniture. That never happened to "Alan", but he saw it happening to others.

Another game was "bed heading", when sleeping boys' beds would be raised to the vertical and they would be tipped out. Such behaviour was completely random. He also remembered a fellow pupil being "taped to a chair, a gorilla mask was put on him then he was pushed down a set of chairs…the fact he didn't break his neck was a miracle."[396]

"Alan" also portrayed the increased presence of girls at Loretto as anything but a civilising influence. He remembered one sixth form girl being "barraged with hundreds of portions of jam" as she addressed the school and that "if a female pupil dared to approach one of the boys' houses…the guys would go running out and physically pick up the girl and take her into the house… and she would be put, fully clothed, into the bath" filled with cold water.[397] He was very critical of a number of the staff, particularly his assistant house master, and the first of the two headmasters he experienced, for allowing so much to go on unchecked. The second headmaster, Keith Budge, in his view improved things to the point such behaviour had stopped by his final year.

A lack of supervision

All of the accounts above suggest that, however well-intentioned it may have been, supervision by house staff was inadequate and that such systems as were in place were not fit for purpose. "Alec" complained that staff in Pinkie did not respond appropriately and ignored the obvious: **"**if you imagine the sounds of 14 to 30 boys, teenage boys, running around on a wooden floor, dragging beds along a wooden floor, flipping them up against the wall while people are in them, whacking furniture and younger boys with hockey sticks, sending very heavy wardrobes crashing to the floor. The entire building was shaking on a near nightly basis, but throughout the whole time the housemaster's door at the end of the room would stay closed."[398]

That was firmly disputed by his housemaster, Duncan Wylie, although he did of course acknowledge that in Pinkie "with walls ten feet thick…at a far corner of the house there could have been a riot that I didn't hear, especially if I happened to be teaching at the time or coaching sports or out of the house."[399]

He made the point, which I accepted, that the house would never be left unsupervised and that if he had ever seen injury, he would have acted but that had not happened. Instead, he would always be seeking information from all available sources, the matron, meetings with head of house, the assistant housemaster, and his wife's chats with boys.

395 Written statement of "Alan" (former pupil, 1994-1999), paragraph 92, at WIT-1-000000997.
396 Written statement of "Alan" (former pupil, 1994-1999), paragraph 96, at WIT-1-000000997.
397 Written statement of "Alan" (former pupil, 1994-1999), paragraphs 102-103, at WIT-1-000000997.
398 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.162.
399 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.79.

Nonetheless, it is plain that, whether it was about horseplay or abuse—deliberate or mindless—violence, at times, went unchecked and undiscovered by the supervising staff, until the full impact of child protection fully took effect, well after 1995.

This can be explained by a number of connected factors: the ingrained code of silence at Loretto; a tradition of over-reliance on senior pupils to control and supervise the dormitories; a limited number of house staff who were already thinly spread given the range of other tasks they had to perform; buildings whose construction put obstacles in the way of effective supervision; and, of course, complacency and a naive assumption that all was well.

Response to the evidence of physical abuse

Loretto accepted that pupils at both the Nippers and the senior school were physically abused. The evidence of witnesses was not disputed although in "Alec's" case the school was unable to confirm the details of his account standing the "lack of documentation, and the dissonance between the evidence of Alec and the evidence of Mr. Wylie."[400]

Nonetheless, in closing submissions, counsel for Loretto spoke of what has changed and is acknowledged: "it is clear the school needed to make children like Alec feel more secure about speaking up about abuse. Considerable work has been done over many years to raise awareness within the school community and to educate pupils. It is accepted that it is very difficult to stamp out all bullying amongst children, but the Inquiry can compare how the situation is dealt with now and a document is available to the Inquiry which is detailed on page 9 of the submissions. This demonstrates a zero tolerance proactive approach taken by the school from the outset to any behaviour which has a negative impact on a child's experience at school and the document will show that procedures are implemented robustly, matters are taken seriously and, importantly, they are monitored over a considerable period of time. The note will also demonstrate engagement with families and the actions taken to resolve the issue, deter poor behaviour and encourage a shift in culture. This approach has been effective, it is shared widely amongst the school, so that all are aware of the problem and aware that the school is trying to resolve the situation in an authentic way which focuses on the children."[401]

Conclusions about physical abuse

Pupils at Loretto were physically abused throughout the period examined in this case study. Pupils were physically abused by some teachers who used their powers of corporal punishment to excess and/or inappropriately. Pupils were subjected to the physically abusive conduct of other boys including older boys entrusted with too much power which they also used to excess and/or inappropriately. Also, boys were bullied; and physically abusive conduct was a feature of bullying.

Certainly during the earlier periods examined, violence appears to have been routine. This was due, firstly, to unthinking adherence to styles of discipline that were outdated and clearly excessive.

Secondly, in an era when violence towards children in the form of corporal punishment was permitted, I saw no evidence of

400 Transcript, day 229: Loretto School, Closing submissions, at TRN-8-000000020, p.36.

401 Transcript, day 229: Loretto School, Closing submissions, at TRN-8-0000000020, pp.32-33.

Loretto recognising that, like all power, it was dangerous if not held in trust. I saw no evidence of Loretto, having conferred the power to be violent on staff and on some pupils, ensuring that all who held it needed to understand that they held this power in trust, and that they needed to earn and maintain a high level of trust amongst the school community and only use that power fairly, appropriately, and in a controlled manner.

This failing was fundamental and facilitated a culture where the power to be violent towards children could and, at times, was, wielded abusively. Loretto was not alone in that—other boarding schools covered in this case study were guilty of the same failing. I do not accept that the beating of boys can be dismissed as simply being 'of its time' or that it can be shrugged off because that was just what happened then; much of what happened amounted to abuse of the children who were on the receiving end of it.

Thirdly, the physical abuse happened because inadequate or, at times, non-existent systems allowed unsupervised senior boys, who had received no training or guidance in relation to their powers, to engage in abusive physical conduct towards younger boys in their house. This was done, either under the label of discipline or simply because they chose and were able to do so, without fear of repercussion.

Loretto's slow response to these issues which, although lessening, were still prevalent well into the 1990s is worrying. They should have realised how important they were and that they needed to be addressed much earlier.

6 Emotional abuse

Environments in both the Nippers and the senior school were contaminated by sexual and physical abuse. That of itself, inevitably, had an impact upon children's emotional well-being. For some, it was devastating and long-lasting.

Emotional abuse was inherent in the system for corporal punishment, which could involve an agonising delay between a boy knowing he was going to be beaten and the beating itself. Emotional abuse was also inherent where boys subjected to frequent or random physically abusive conduct from other boys lived in fear of the next time that they would be targeted.

Grooming practices took place. They involve the manipulation of a child's emotions. That, of itself, amounts to abuse. A boarding school can provide the perfect environment for an abuser to engage in the grooming of children. Some children at a boarding school may be vulnerable simply by reason of being away from home and all that is familiar to them. Such vulnerability can arise—and in the case of some Loretto pupils did—when parents, homes, and cultures to which they were attached, were very far away leaving them with a sense of isolation. School became the nearest thing they had to home and it was there that they looked for comfort. Some children at Loretto were thus groomed by teachers. The false comfort offered by, for example, Guy Ray-Hills, manipulated their emotions and created emotional conflicts that, for some, have persisted into adulthood.

Emotional abuse was also inherent in the bullying that was so much part of the Loretto culture for decades, where differences and perceived weaknesses marked out some for truly inhumane treatment.

Examples of how children were emotionally abused are captured in many of the findings made in other chapters. I set out below some additional examples.

Differences

In the decades after the Second World War, the clear picture I had from many sources was that Loretto, both in the junior and senior schools, was a hierarchical society. Status mattered.

Sporting ability meant a child was likely to do well, be revered and be rewarded with positions of authority. As "Quentin" put it: "If you didn't play rugby for the First XV or cricket for the First XI you were of little consequence, since there was an over-emphasis on sporting prowess."[402]

That approach was still present, though no doubt diluted, even up to the mid-1990s, when the whole school, including girls, were expected to turn out to watch the First XV. In Dorothy Barbour's mind, "it exalted that particular group of boys to be well above the importance of anyone else."[403]

Size and physical prowess could determine status. "James", a pupil who joined the senior school in 1988, "found it very tough when I started…some of the boys couldn't handle

402 Transcript, day 219: read in statement of "Quentin" (former pupil, 1956-1959), at TRN-8-000000010, p.104.

403 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.26.

"The Munch Bunch was a group of children who were not really included in the rest of their year group…they were the group of children who weren't fitting in…or weren't allowed to fit in".

it and would cry. It was a bit 'Lord of the Flies' in that a pecking order was established based on size and strength initially. The order changed a bit due to sporting achievement."[404]

Children who did not fit in suffered the pain of exclusion. An example from the 1980s and 1990s was the "Munch Bunch": "The Munch Bunch was a group of children who were not really included in the rest of their year group. They might have tended to hang out with each other more than the mainstream social groups within their year. If you think of teenage high school movies, they were the group of children who weren't fitting in with everyone else, or weren't allowed to fit in with everyone else."[405] Another example was where a child was excluded because, having previously been home schooled, he was regarded as being "rather odd" so "people pushed him away."[406]

Children who were different could be made fun of. Some had been at primary school in another country, "in the middle of Malaysia or somewhere like that. Then they arrived at Loretto" where "even normative language [was] completely different" and which "probably felt like the most lonely place in the world."[407] Loretto was a place where they had no idea what was normal, what was acceptable, or how they should go about forming relationships in the absence of prior shared experiences and understanding. No one helped them to learn or to understand, nor were existing pupils taught to recognise and respect the differences of others. As a result some children were made targets of taunting, mimicking, and degrading behaviour.

For example, "there might be a group conversation going on. One of those boys might say something and then someone else in the group would imitate what they were saying in a stupid voice."[408] Reflecting on his experiences of witnessing emotional abuse of this nature, "Gordon" said: "It must be absolutely intolerable for that to happen every time you open your mouth. It would just steamroll any self-esteem you could muster. You must feel very isolated, alone, unsafe, and always on the outside of things looking in".[409] I have no difficulty at all in accepting that he must be absolutely right about that.

"One of those boys might say something and then someone else in the group would imitate what they were saying in a stupid voice."

404 Transcript, day 220: read in statement of "James" (former pupil, 1988-1993), at TRN-8-000000011, p.131.
405 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.57.
406 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.59.
407 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, pp.59-60.
408 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.60.
409 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-00000042, p.66.

"Alec" was emotionally abused in both the Nippers and the senior school because he was different in a number of ways. He was picked on mercilessly by his peers throughout most of his Loretto career. "The whole eight years on thousands of occasions, thousands [of] incidents. It was relentless… The boys picked on people who were vulnerable or different and I was both. I was physically the smallest, I had serious asthma and eczema in those days, I worked much harder than anyone else, and I wanted no part in cliques. It was only in the final year of junior school, through sporting success, rugby and cricket, that there was a slight reduction in bullying, but it would come back bigger in the senior school."[410]

"The boys picked on people who were vulnerable or different and I was both."

Bullying

Bullying happens in all schools. As Dorothy Barbour, a teacher with decades of experience in state and independent, day and boarding schools, said: "It's part of human relationships, with some people needing to feel their sense of self-worth through authority over others and so some sense of power over others, so I suspect the potential is always there. How much is actually realised will differ, depending on the environment."[411]

Bullying happened at Loretto throughout the period examined in the case study, although it may have been less prevalent when the school was smaller. "Hunter" said of his experience as a pupil in the early 1950s: "I never had a bad experience in a room and I believe the system worked well, both in that the senior boys' behaviour was in fact under scrutiny by his fellows and juniors, and also that the welfare and happiness of juniors was made part of the responsibility of the senior boys. I did not experience any abuse of this system by senior boys, in fact I believe it was helpful in exposing any unhappiness of junior boys…Such bullying that did occur was I think almost always confined within a year group, and this is where Loretto's system of mixing year groups helped in eliminating bullying of younger boys by older [boys]."[412]

Such an optimistic view of the incidence of bullying at Loretto does not, however, reflect the experience of many in the decades that followed. "Gordon", describing the late 1980s, saw bullying as part of unchecked human behaviour: "One brutal pattern that humans have in order to try and secure our own place in a group is to try and push someone else out. It's like two people are in deep water and neither of them can really swim. One person will push the other under in order to lift himself up. That, to me, is what bullying at Loretto was like."[413]

Some teachers did notice and tried to address it. "Gordon" remembered his housemaster trying, to continue his analogy, to save a drowning boy. He realised what was happening and talked "to the rest of us. One of the prefects also spoke to us. They both asked us to bring the boy into the group and to give him a chance. Ultimately, the die was cast in the first few weeks the boy was at

410 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.140, See also Written statement of "Alec", paragraphs 103-155, at WIT-1-000000448.

411 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.5.

412 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, pp.17-18, Written statement of "Hunter", paragraphs 77, 104 and 105, at WIT-1-000000655, pp.13 and 18.

413 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.61.

"...the sexual abuse never had any lasting effect on me...By far the most serious thing was this nickname 'Willingness'...It was pretty devastating".

Loretto. He wasn't given enough of a chance and he didn't have the right skills. I think all the groups were more or less set in the first term. They persisted one way or another until things changed in lower sixth form with the arrival of girls."[414]

Those observations underline not only the need for staff to be vigilant and aware of what is happening amongst pupils but alert to signs of bullying at the earliest possible stage. That did not happen often enough at Loretto. In one of the worst case of bullying I heard of, its impact was in fact exacerbated by the actions of staff.[415]

An emotionally abusive nickname

"Alex" was at Loretto a generation before "Gordon". His time at the school was blighted by emotional abuse meted out to him by both pupils and staff. At his prep school in Yorkshire, it had been common for the headmaster to play with the genitals of his pupils and the little boys learned to do the same to each other. On arrival at Loretto in 1963, aged twelve, he was almost immediately sexually abused by an older boy in the dorm. Given his past experience he did not resist, and that had profound and cruel consequences. They are worth recounting in full.

"Early on, I was given the nickname 'willingness' because of my acquiescence in relation to the abuse. The consequence of that was that I was basically ostracised. That nickname lasted throughout most of my time at Loretto and was really pretty devastating."[416] When asked which form of abuse was worse, he replied, "the sexual abuse never had any lasting effect on me…By far the most serious thing was this nickname 'willingness' and the consequences of being called 'willingness'. It was pretty devastating for this innocent little 12- or 13-year old going through puberty at an all-boys school, where I wasn't sporty and I was quite nerdy and a bright kid. That was the essence of what happened to me, I think, and it has lasted—the effect of that has lasted throughout my life…But the thing is that people would call me 'willingness' or 'Willy', and it was shouted out in class or shouted out on the field or something like that. It just became a nickname that was used all the time. But of course the…meaning of that nickname everybody knew, and once you get that name it sticks, of course. You can't undo that. So it was something that, yes, people—I guess when I grew bigger, I was probably 16 or 17, it faded away a bit then, but they still called me 'Willy'…I can remember two teachers doing that, and a bit of sniggering in class when he said that…So clearly the masters knew about it, it would be hard not to, but clearly the masters knew about it and were prepared to use it in class. And that is—of course, it changes the whole thing to a different level of, I don't know, opprobrium or whatever you call it, but to be called that by a master in class was—I still remember how I felt about it. So, yes, it was a bit difficult…I felt a lot of shame, I felt very

414 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, pp.61-62.

415 See the passage headed "An emotionally abusive nickname" below.

416 Written statement of "Alex" (former pupil, 1963-1967), paragraph 68, at WIT-1-000000081.

exposed, and I felt…persecuted, I suppose. The feeling of being other and persecuted lasted throughout–I was there for about four years, maybe four and a half years, but it certainly lasted through about three years until I became a bigger kid and could stand on my own two feet to a certain extent, but by then the damage had all been done. I did feel very ostracised at the time…there was nobody really I could talk to."[417]

The treatment of "Alex" was deplorable. The fact it went on for years with teachers participating in, condoning, ignoring, or failing to spot it, demonstrates that the perception of universal and substantial improvement under the headship of "Rab" Bruce Lockhart was ill-founded. It is difficult to conceive of a case further removed from the system broadcast to readers in *Loretto One-Fifty* where "each boy is individually cared for and his moral, mental and physical qualities anxiously directed to the best advantage."[418]

It is to his credit that "Alex" achieved so much in his life, notwithstanding his experience at Loretto. He simply wanted to get away, and his move to Millfield school, to do the Oxford scholarship exams, allowed him to thrive. "It was magical for me…There was no school uniform, nobody cared if you walked on the grass or not, there were no cold baths. I had a car and I could smoke. It was a completely different attitude…Academically it was–I could go to whatever level I liked. Personally could I develop much more [?] I was still terribly shy and never really fitted in with groups, but, yes, I could do what I liked really, within bounds."[419]

Shunning

The ostracism endured by "Alex" was not unique and it was a known quantity at Loretto. It was called "shunning". "William" saw it in operation in the 1950s: "I do recall ongoing mental bullying to which one boy was subjected. This took place around 1954 to 1957, it went on for three years. The boy in question was the year above me. The boy in question was sent to Coventry in that he was ignored. Boys, including myself, were advised not to have anything to do with him, and at mealtimes no one would talk to him. It was generally considered a bad thing to be seen with him. For one term I was in the same dorm as him. He asked me what he had done wrong. Personally I found him to be pleasant and helpful. I was asked by other boys what I had done wrong to be in the same dorm as him. The situation was well known."[420]

"Boys, including myself, were advised not to have anything to do with him…It was generally considered a bad thing to be seen with him."

Shunning was still happening in the 1990s, as Dorothy Barbour remembered: "I think it is very difficult for an adult who is outside of it to understand quite how awful that would have been if you were one of the boys who were shunned…But the boys, when they felt it was appropriate, they went for it, and they could be young boys. Almost invariably it didn't happen to you when you were older, it happened when you were young, and perhaps you were inexperienced at social

417 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, pp.15-18.

418 Frank Stewart, *Loretto One-Fifty* (1993), Edinburgh: William Blackwood, at LOR-000000020, p.33.

419 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, pp.22-23.

420 Transcript, day 220: read in statement of "William" (former pupil, 1953-1958), at TRN-8-000000011, pp.111-112.

"The staff did not approve of shunning but there was no system in place that dealt effectively with it."

mixing and said something, did something, or spoke out of turn. Who knows what started it. Mostly they were boys who weren't good at games."[421]

According to Dorothy Barbour, the problem was identifying it. Even if it were spotted that did not necessarily help as there would be anxiety at how to deal with it. It could be seen that people had broken the code of silence, and that could make things worse.[422] "The staff did not approve of shunning but there was no system in place that dealt effectively with it…Whereas now bullying is spoken of publicly, and people are encouraged to report it, that was not the ethos of the 1980s or the 1990s, so something like shunning was just not spoken of."[423]

When teachers did become aware, they would alert house staff and hope something would be done. One resolution discussed by staff in the early 1990s was an increase in tutor numbers, and that was introduced by the school in 1991. As Dorothy Barbour explained, "it was thought that the boarding school could introduce a tutor system so that each academic member of staff would be attached to a house and would have responsibility maybe for six or seven pupils, and that you would go into the house weekly and make sure you spent time with them, talking one-to-one. It was hoped that you would build relationships—the idea was that once you were linked to your tutor, that would go right through the school so there would be continuity, and that that would give children someone to talk to where they might feel more confident."[424]

Whilst I accept that that was a significant step forward, it is extraordinary that no system was in place for four decades to deal with a problem that was known to exist and was plainly visible. It appears that complacency and assumption prevailed.

That was a grave failing and it led one child, at least, to contemplate suicide that was witnessed by "Gordon", who found the boy sitting on a upstairs window ledge in a suicidal state and intending to jump out: "It was just me and him in the room. I asked him what he was doing and he told me that he was going to jump out. I got him to come in from the window ledge and we chatted for a while…The upshot was that he felt very alone and he was tired of feeling like that… The boy and I may have gone to talk to the housemaster together. My memory is vague, but it's possible that could have happened. The boy was upset and alone, and I think he left the school at the end of the year. I don't think there was any physical bullying, but his recollection might be different. It was both passive and active exclusion. It was passive in the sense that people might ask others to go down to Musselburgh or walk over to dinner, but just not ask the boy. The more active side would be the boy trying to join a conversation and someone repeating what he said in a silly voice."[425]

421 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, pp.25-26.
422 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.27.
423 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.27.
424 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, pp.27-28.
425 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-0000000, p.64.

"There was no official fagging system at the school, but the older boys certainly got the younger boys to do things for them, and it could be quite intimidating for the young boys."

There were two other children in "Gordon's" year who did not fit in well and "were probably on the end of more teasing and more exclusion than most."[426]

Scabbing

It was suggested by some that fagging was never a feature at Loretto.[427] That is at odds, however, with many witnesses who spoke of "scabbing", the Loretto variant where older pupils had the power to require any younger pupil to perform tasks or run errands for them. Many did not find it offensive, but it could be emotionally abusive as "John" described, talking of the Nippers in the 1960s: "There was no official fagging system at the school, but the older boys certainly got the younger boys to do things for them, and it could be quite intimidating for the young boys. The masters were probably aware of this, and I recall some older boys got into trouble for the way they behaved towards the younger boys."[428]

That suggests, to Loretto's credit, that if discovered, this abuse would be addressed. However, "Alec" confirmed problems still existed in the 1990s. Once the grace period protecting pupils from punishment whilst they learnt the rules had passed, "you were called a scab, everyone in third form was called a scab, and you were screamed at and told 'Oi, scab, go get me this, go get me that, go buy me a pie.' You were a slave for a year, still slightly a slave in fourth year as well."[429]

This abuse of power seems to have been a particular and longstanding problem in the dining hall, where the conduct of these older boys was in full view of staff. Boys sat at mixed year tables. The "scabs" were directed to fetch and carry and the seniors remained at the tables. They served the food. This was openly abused, with younger boys often going short. They might get no food at all. It also included younger boys' food being spoiled by, for example, having pepper poured over it.[430]

Interestingly, it may not have been a problem in the 1950s, given that "Hunter" said that it was the senior boys who delivered the food. He remembered his surprise on becoming a master at an English school that a teacher was necessary to supervise mealtimes since that had not, when he was a pupil, been required at Loretto.[431]

The Loretto system changed, however, and the school consistently failed to respond adequately to the abuse that was taking place. At its most basic, "[v]erbal bullying was not uncommon at the table and you learned to stick up for yourself. The teachers sat at the top table."[432] It went further, however, for Duncan Wylie, starting as a teacher in the 1970s, described the dining hall as

426 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), TRN-8-000000042, p.64.
427 NRS, ED32/303 School Inspectors' Reports: Midlothian, Loretto School, Loretto Prospectus: 1958, at SGV-000000845, p.7.
428 Transcript, day 219: read in statement of "John" (former pupil, c.1962-1971), at TRN-8-000000010, p.157.
429 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.151.
430 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.19.
431 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.10.
432 Transcript, day 219: read in statement of "John" (former pupil, c.1962-1971), at TRN-8-000000010, pp.152-153.

"Dickensian": "the junior guys would go and fetch the terrine of food and bring it to the table where the senior guy would then dish it out, as if he was the father figure to all the kids on the table. Now, inevitably some portions perhaps weren't equally dished out. In other words, the senior guy would help himself to more than he was entitled to. That was a system which I fought like mad to get changed, and it was eventually changed to a cafeteria system where everybody got an equal shot."[433]

It was a very long fight, only won belatedly, at the turn of the century. "Alec" recalled "Norman Drummond heard about the scabbing at some point and called an assembly and said it had to stop. He explained what are normal duties and what are not. And then obviously when the girls came in the atmosphere completely changed, the style of catering changed."[434] That memory is borne out by school minutes from 1995. "The headmaster clarified that there was still an element of fagging at Loretto, particularly in the running of dining room errands. The headmaster wished to see that stopped and was addressing the matter with heads of table."[435]

However, it was not addressed, as a minute recorded in 1999 following an inspection of the school, shows: "The urgent need expressed in the care and welfare of residential pupils' inspection report…to eliminate scabbing has meant a shift from a traditional pattern of seating in the dining hall. We have moved to a fixed seating pattern which involves lower sixth and upper sixth tables…third, fourth and fifth group formed together by year group. This has been accompanied also necessarily by movement away from the tradition of the younger year groups clearing for the older ones. Now each table clears its own plates at the end of the meal. This has cut down the mess in the dining hall by at least half, and thereby cut down the amount of wasted time, aggravation and, in certain cases, simple institutional bullying which certain senior pupils were inflicting on junior pupils."[436]

The school does not appear to have responded appropriately for decades, despite the fact that the problem was known about by many staff. Dorothy Barbour provided an explanation for that failure: "we were consistently told the school view was that this created a family atmosphere, because it ensured the mixing of children of different age groups on every table. And one can see theoretically in many cases that may well have been the case, and the different year groups may well have mixed, but it didn't always happen. Because the governors were all old boys, and because Norman Drummond basically subscribed to that, in the early years they simply didn't hear you when you said, well, you know, some children might be finding it difficult."[437]

Once again, tradition, naivety, and assumption meant that the systems in place were inadequate and the school incapable of sufficient change.

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433 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.76.

434 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.153.

435 Loretto School, Board of Governors minutes, at LOR-1000000024, p.45.

436 Loretto School, Minutes of the Management Committee of the Loretto School Trustees, 19 February 1997, at LOR-1000000033, p.53.

437 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, pp.19-20.

"But the inability to trust people, I think, comes from my experiences as an adolescent at Loretto."

Racism

I did not hear evidence of racist behaviour at Loretto, save for the following thoughtful observations from "Gordon", a pupil in the 1980s and 1990s. "I have been asked whether I witnessed any racist comments at Loretto. When I was at Loretto, I never thought of it as being racist, but there was casual racism at Loretto. As an example of the mindset at the time, the housemaster had slightly darker skin. He was generally known by the name 'Paki' Whait by the children. Even at the time I didn't want to call him by that nickname. I had come from a very racially diverse class in Glasgow. I had grown up with these peers from the age of five. As a society, I think we were still transitioning from a time when that kind of language would have been used routinely by the general public to a time when it was seen as completely unacceptable. However, I don't want to excuse it. It was wrong and it does speak badly of the school at the time."[438]

"Gordon" confirmed that two pupils, one from Pakistan, and the other from Kenya, were not subject to abuse, but his observations are another example of the somewhat casual and traditionalist approach to abuse that Loretto demonstrated for much of the 20th century.

Impact and reflections

"Alex" still has problems with trust and he is not the only former pupil that does. The way he put it was: "I don't suppose Loretto helped with the shyness. Being ostracised in a group of schoolboys can be quite cruel. I certainly didn't get any practical experience in joining a group or fitting in with a group there and so on. And a lot of people are shy, and it's much the same experience for all of them. But the inability to trust people, I think, comes from my experiences as an adolescent at Loretto. It was just very, very hard to form any trusting relationships with people."[439]

As noted already he succeeded in life, with a long medical career which included senior health provision roles in two Australian state prison services. His insights in that regard, although borne of those experiences, are highly relevant when considering emotional abuse in the boarding school context examined in relation to Loretto: "Prison is a pretty hard environment…if you have what you might call a healthy prison, which means that the guards are looking out for the prisoners, that there is enough access for the ostracised or marginalised prisoners to have contact with somebody to talk to, if necessary, then…a lot of it is to do with the way the prison guards treat the prisoners and the way fellow prisoners treat them. The whole way the system works, if it is a more friendly, caring system, and the prisoners know that, then there is a decrease in suicides…And I think if you translate that concept into Loretto, Loretto was one of the more severe prisons in the 1960s, I suppose you could say. There certainly wasn't a concept, for a 12- to 13-year old boy, of being able to go and talk to anybody, and I

438 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.55.

439 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, p.25.

don't think there was any idea that the staff would be picking up on somebody who was clearly being ostracised and was shy and lonely and all the rest of it."[440]

Thinking of himself he went on: "I was a smart kid, they knew that. I was basically being put up for two years ahead of my contemporaries. I got a name which was significant, it marked me, if you like, and the masters obviously did know, or some of them did. It is hard to avoid the inference that the school would or could have known that there was something going on that they should have taken some account of."[441]

"Quentin" put it succinctly: "Everybody is good at something, you just have to take the time to tweeze it out of them in order to find out what that something is. It requires patience, skill and not a little love."[442]

"The sense of shame is horrendous…I wouldn't want to put that on my parents… it would be heart-breaking".

"Alec" reflected sadly on being able to talk about his experiences more fully following the death of both of his parents. He had been unable to tell them. "The sense of shame is horrendous. And for me, personally, I wouldn't want to put that on my parents. You would have to be—it would be heart-breaking for anyone. No one would ever want to hear that. So I just decided that I would not—that I would not make that public to them."[443]

School response

Loretto acknowledged that there was emotional abuse at the school, and that bullying remains a problem. It was still going on in 2008 when "Jack" joined Loretto, because child protection and pastoral care were, in his view, "[o]ld-fashioned and requiring renovation, reinvigoration and modernisation…instances of bullying going unchecked and certain policies were either no longer fit for purpose or were not being implemented."[444]

Loretto has been proactive since and was able to give the Inquiry helpful details of updated policies and the detail of its response to a bullying problem that had arisen in 2018 involving day pupils. It confirmed a new world of considerable intervention and proper communication with all concerned, including parents—a world away from the approach over the decades that preceded it.[445]

Graham Hawley, the current headmaster, made the following sensible observation on his first day of evidence: "We absolutely have to be on our guard. I don't think it is ever a battle that is won. It is always something that is going to be in society, unkindness that can grow and, at its worst, is some of the bullying that, with huge regret, has occurred at Loretto in the past. I suppose as a head one always has this concern that there are things that are going on that one is unaware of that could materialise years or decades down the line, and the impact that it has on victims is so acute that we would do everything that we can to prevent it. I think it is very

440 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, p.32.

441 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, p.26.

442 Transcript, day 219: read in statement of "Quentin" (former pupil, 1956-1959), at TRN-8-000000010, p.113.

443 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.175.

444 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, p.39.

445 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, pp.162-163; Loretto School, "Note on handling of incidents of bullying and inappropriate behaviour of form 2 boys in 2018, 2019", at LOR-000000767.

difficult to say with 100% certainty that it is not happening, but because the impact is so profound it is something, as a head, I don't think ever leaves us, and therefore informs us of the practice that we want to carry out."[446]

"We absolutely have to be on our guard. I don't think it is ever a battle that is won."

Having attended to listen to the evidence of former pupils, he returned to the theme of the 2018 problem and agreed that it should never be assumed bad things are not happening. "I think that is absolutely right, and it touches upon that whole issue of wishing to avoid any complacency, and I think in this particular issue we have largely resolved the problem, which at its heart I think was one of culture. I think…it was just that the way that (pupils) interacted was at its heart I think unkind, and I think if that is not checked that is when it can become normalised and, in my view, normalised unkind behaviour then becomes the root of the hierarchical bullying problematic behaviour. So for us the issue was taking in a sense the long view. We may not sort this out in two weeks because it's not a question simply of watching every one item of behaviour and coming down on it like a ton of bricks, to use a common parlance. It was, I think, and I believe we have been successful, a longer term strategy of changing the culture and the way the boys interacted with each other to become more positive, and that involves the buy-in of parents, the children need to know where the boundaries are, but I think most importantly there needs to be a culture of positivity. I am of the view that remove bad behaviour, you don't end up automatically with good behaviour, you have to have good role models. I think sometimes you have to teach children how to behave well."[447]

Conclusions about emotional abuse

For far too long, Loretto was complacent and failed to tackle the very real problem of all the forms of emotional abuse discussed above—abuse that dominated the lives of some boys, particularly those who did not fit the obvious Loretto mould. No systems were in place to either notice or protect those who were different, and the consequences for some were to make a misery of their lives as school children.

It is encouraging how much Loretto has grown in the last twenty five years, and continues to grow. If Loretto had paid heed to the need to nurture a culture of mutual respect and awareness amongst staff and pupils alike, the emotional abuse suffered by many may not have occurred. It is, though, heartening to see that they are doing so now.

446 Transcript, day 215: Graham Hawley (headmaster, 2014-present), at TRN-8-000000006, p.86.

447 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, pp.165-166.

7 Office politics and staff tensions

In any environment with a hierarchical structure, tensions or petty jealousies between staff are inevitable. There will be those who disagree with management and who think they know best. Sometimes they may be right. On other occasions they may be quite wrong.

Within a boarding school, the possibility of staff discord is heightened by the enclosed and somewhat insular nature of the organisation. The obvious risk is that the necessary focus on the children, and the need to ensure their care and protection, can be lost if loyalties and in-fighting are allowed to divert attention.

An example of the former has been seen already in Chapter 4 in the way "Martin" was protected by some of his over loyal departmental colleagues.

The experience of events at Loretto in 1991 are an example of the fallout that can arise from staff discord. Mutual and long-term antipathy between an English teacher, David Stock,[448] and the then headmaster, Norman Drummond,[449] meant that necessary investigations into allegations of bullying were not followed up in the way that they should have been.[450] That was a significant failure by the leadership of Loretto, at both headmaster and governor levels. It also emphasises that there was no policy or system to report, investigate, or follow up on complaints whether by staff or pupils.

From the evidence about the events of 1991, it became clear, at times, that individual battles were still being fought thirty years later. That alone should be a warning to all schools of the risks and harm that can result if these tensions are not dealt with swiftly and appropriately.

Norman Drummond (Headmaster, 1984-1995)

Norman Drummond's appointment to Loretto in 1984 came as a surprise to some.[451] He was young and did not have a background in teaching. He was a former army padre, albeit with experience as chaplain at Fettes College from 1982 to 1984. He was described as "a marmite figure" who was well regarded by many but loathed by some.[452] Equally, in evidence to the Inquiry, Dorothy Barbour, Head of English at Loretto under Norman Drummond, noted that he either did or did not like people, so it was "a two way thing."[453]

Norman Drummond certainly found David Stock to be a problem and remembered that, during handover, his predecessor had "described David Stock as 'my most difficult member of staff by far' with a 'practice of soliciting views, amongst the pupils,

448 Transcript, day 221: read in statement of David Stock (former staff, 1972-1991), at TRN-8-000000012.

449 See Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014.

450 See written statement of Dorothy Barbour (former staff, 1984-2008) paragraphs 85 and 86, at WIT-1-000000463.

451 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, pp.41-42.

452 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.91.

453 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.8.

against the school.'"[454] That was Norman Drummond's impression too, and he felt "David Stock had difficulty with authority. Any policies that we might have tried to pull together through not necessarily housemasters but heads of departments would often be criticised. He was difficult with not just myself."[455]

While Norman Drummond's approach did not always endear him to all staff, he was recognised as a headmaster with high standards, who took responsibility and, along with his wife, was tremendously welcoming and involved with the children.[456]

He could also be tough, and in the first week as headmaster he "dismissed the potential captain of the rugby First XV for bullying and disruptive behaviour.[457] The boy had been given a final warning for such behaviour, in the presence of his father, but had not taken heed.[458] Given the status of a captain of rugby within Loretto, it caused shock in the school but, as Norman Drummond said, "the rudeness and the comments that he had made to another younger boy were just totally unacceptable."[459] This shows that Norman Drummond was, at that time, willing and able to take decisive action when confronted with evidence about bullying.

He also tried to address the problems with scabbing in the dining hall, and introduced positive changes in late 1991 and early 1992 by enhancing the tutor system at Loretto so that each pupil would have an academic member of staff acting as a pastoral tutor throughout their time at the school.[460] This was intended to provide pupils with more regular access to staff and to encourage them to build a continuous and trusting relationship with their tutor.[461]

Certainly, former pupils whose evidence was led at the Inquiry hearings were positive about Norman Drummond. Even "Alec", a former pupil of Loretto who was extremely critical of the school as it was in the early 1990s could not "say a bad word against Norman Drummond. He is a friend of mine. He was always a very uplifting person, always gave very personalised care to every single pupil. I have huge respect for him. I can't lay any blame on him for what went on."[462]

"Gordon" said Norman Drummond had "a very strong and unequivocal sense of right and wrong, which made him a strong leader and educator of children…He took care to know every single pupil as well as their parents…He was a formidable and charismatic leader and somebody you would not want to cross. He was not afraid to take the whole school to task on his own. If something had gone wrong, he would let us know in assemblies".[463]

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454 Written statement of Norman Drummond (former staff, 1984-1995), paragraph 90, at WIT-1-000000591.

455 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.131.

456 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, pp.10-11.

457 Loretto School, Minute of meeting of the management committee of the Governors of Loretto School, 19 September 1984, at LOR-100000021, p.27.

458 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.99.

459 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.99.

460 Loretto School, Minute of meeting of the management committee of the Governors of Loretto School, 20 September 1995, at LOR-100000024, p.45.

461 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, pp.28-29; Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, pp.132-133.

462 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.167.

463 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, pp.15-16.

However, one written account received from a former pupil after the hearings was not complimentary. "Alan" wrote that the "abuse of the younger boys was extremely prevalent in my first year under the headmaster Norman Drummond because he was absolutely hopeless. He consciously turned a blind eye to the abuse and condoned and was complicit to what went on…When Keith Budge started things slowly got better for the younger ones and by the time I was in my last year it had all been done away with."[464]

Norman Drummond was certainly very good in the sphere of public relations and travelled widely to publicise Loretto. That was a change of approach for the school, although, as "Hunter" acknowledged, a reason for Norman Drummond's appointment was that it was thought he would cause the school to be more outward looking.[465] Prior to that, Loretto had been self-effacing and less interested in image or publicity.

David Stock (English teacher, 1972-1991)

The change wrought by the arrival of Norman Drummond was not welcomed by all the staff, including David Stock, a highly regarded English teacher appointed in 1972. Duncan Wylie, who began teaching at Loretto at the same time as Stock, "knew him socially, I knew him as a colleague, our wives knew each other. He was a highly strung person. He was a very talented person, an inspirational teacher."[466]

Pupils liked him. "Gordon" remembered him with affection: "Mr Stock was a great English teacher…He was passionate about English… He held the command of his class with charisma, enthusiasm, and perhaps a gentle cynicism. Mr Stock was well-liked as an English teacher by my class. We all probably felt that he was a little bit unusual. I have a feeling that he may not have been as well liked in the staffroom. I had an awareness that there was a bit of a culture of in and out within the staffroom."[467]

David Stock confirmed this tension himself, saying: "There was a small group of us who felt somewhat separate in the common room. We were literary or arty and probably more questioning. The sports group seemed to have a higher status in the school than our little group though almost all of us had some input into sports. It was tempting sometimes to think sports had greater importance than studies. I think this is an important matter because it did quite strongly help the sense of a split amongst the staff with the major team staff somewhat more in favour of Drummond than others."[468]

David Stock thought the public relations efforts for the school by Norman Drummond were somewhat "false".[469] "Hunter" confirmed that those tensions also meant hostility towards Norman Drummond: "David Stock was known to have a strong dislike of Norman Drummond. Many of the staff were critical of Norman Drummond's style of headmastership but without the antagonism which David Stock showed. It was quite widely felt that Norman Drummond was particularly concerned with external relations and the reputation of the school and that he relied on the senior staff to make the school function effectively as a teaching institution,

464 Written statement of "Alan" (former pupil, 1994-1999), paragraph 92, at WIT-1-000000997.
465 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.42.
466 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.86.
467 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.42.
468 Transcript, day 221: read in statement of David Stock (former staff, 1972-1991), at TRN-8-000000012, p.126.
469 Transcript, day 221: read in statement of David Stock (former staff, 1972-1991), at TRN-8-000000012, p.118.

which it did. There was therefore no serious general unrest about his headmastership."[470]

Another issue that may have aggravated divisions amongst staff was that David Stock did not actively engage with the non-academic side of the school. "Hunter" found "his sort of attitude to the boarding side and the general living side of the school was a little ambivalent. He didn't sort of participate so much in that aspect… There was one time when I needed a new house tutor for the following year, and the headmaster asked me to ask David Stock to be house tutor, which I wasn't actually terribly happy with but I did ask him, but he refused. He said he didn't want to be."[471]

Nonetheless, David Stock was clearly concerned about the welfare of the boys, especially the bright ones. Dorothy Barbour recalled that David Stock "cared about the wellbeing of the boys because he was himself very intellectual, and he felt that intellectual children weren't being given the freedom to watch cultural television, [that] was one of his things in those days. He felt that certain programmes should be available. And he went to a lot of trouble to post every week for the youngsters a list of cultural programmes that they might find interesting."[472]

It seems clear that there was quite marked division amongst staff in relation to their views both about Norman Drummond and David Stock.

The fifth-form essays

While "Hunter" saw David Stock's attitude to the boarding and pastoral aspects of the school as "ambivalent", David Stock himself was consistently critical of it and, it has to be said, of anyone with whom he disagreed. This attitude may be inferred from his statement and voluminous correspondence provided to the Inquiry, which offer multiple criticisms of the regime at Loretto under Norman Drummond, irrespective of whether his complaints are based on hearsay or subjective inference.[473]

From what Stock heard first-hand or picked up from others, his belief grew that the house and prefect systems were inadequate, and led to significant bullying. He had been concerned about this early in his career, publishing an essay in the school's internal magazine by a fourth-year pupil "about how sad it was that you got bullied in the third form, and when you got to the fourth form you'd think, yippee, I can get my own back and bully the other kids now."[474] The publication of this article led to Stock getting in trouble with the then headmaster, D.B. McMurray, which Stock "thought was wrong".[475]

He thought it worse under Norman Drummond for it "was quite clear to me that bullying and drunkenness escalated under Drummond, probably due to the fact that he did nothing about it."[476]

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470 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, pp.50-51.

471 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, pp.45-46.

472 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.30.

473 Written statement of David Stock (former staff, 1972-1991), at WIT.001.001.7710; and, for example, Correspondence between Headmaster of Loretto and David Stock, 2 February 2017 to 10 March 2017, at LOR-100000044.

474 Transcript, day 221: read in statement of David Stock (former staff, 1972-1991), at TRN-8-000000012, p.131.

475 Transcript, day 221: read in statement of David Stock (former staff, 1972-1991), at TRN-8-000000012, p.131.

476 Transcript, day 221: read in statement of David Stock (former staff, 1972-1991), at TRN-8-000000012, p.121.

Against that background he decided to set his fifth-form the task of writing essays about bullying. He described that his decision to set bullying as the topic "wasn't planned. It was an impromptu thing following people mentioning bullying in the common room immediately before I had the class. I didn't have any expectations of what the kids would write…I got a complete shock when I saw what they had written. I am still amazed today at the seriousness of what was going on."[477]

"Gordon", who wrote one of the essays, explained: "I remember that one day Mr Stock appeared to be visibly agitated when we came into the class. Looking back as an adult, something must have happened to act as a catalyst for him to go on this course…I can't remember his exact words, but he asked us to do an exercise where we wrote down everything that we knew about bullying at the school. He didn't, to my memory, differentiate between things that we had experienced and things that we had heard about. As far as I remember, anything and everything that we knew about bullying was supposed to go in the essay…I have a visual memory that we all sat there with our pens in our hands, looking at each other to see whether anybody was going to start writing. A couple of people started writing. I have always been and still am a people pleaser. If somebody in authority tells me to do something, I generally just do it. I can recall starting to write myself. I probably had a bit of anxiety about doing it, partly because Mr Stock's anxiety was infectious. He very much had the bit between his teeth. You could tell that this was not a normal lesson and that he was upset. I seem to recall that this took place over two or three lessons".[478]

"Gordon" also remembered that, after collecting these essays, Stock began to look "more and more tired. He appeared in class with stubble and dark circles under his eyes, as if he'd been up all night. I think he did say that he'd been up all night typing this up on a typewriter at home…I think he did say that he was going to present it to the authorities in the school…I think the essays may have increased his anxiety and concern over the whole issue."[479]

The essays were produced to the Inquiry and it is easy to understand why that would be the case.[480] They are litanies of dreadful bullying behaviour which are horrifying, but, as "Gordon" made clear, much of what he and, as he understood it, other pupils reported was hearsay or anecdotal, as opposed to personal experiences or eyewitness accounts of what had happened. When describing his own experiences, "Gordon" acknowledged that some practices which may have appeared to be bullying were in fact "a bit of fun", for him at least.[481] That, of course, is not to say that such actions did not feel like bullying when experienced by others.

David Stock believed the accounts of bullying given in the essays were true. He then relied on them to attack Norman Drummond. In particular, he was convinced that the headmaster knew about the bullying and sexualised behaviour of a particular senior in Pinkie House who had recently left the school, and that he, Norman Drummond, had covered it up.[482]

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477 Transcript, day 221: read in statement of David Stock (former staff, 1972-1991), at TRN-8-000000012, pp.131-132.

478 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, pp.43-44.

479 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, pp.44-45.

480 Loretto School, Pupil essays disclosing bullying at Loretto, at WIT-3-000000537.

481 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.54.

482 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.47.

Stock went to his friend, Dorothy Barbour, and to the school chaplain. As Dorothy Barbour recalled: "I think what distressed him beyond description was the fact that the boys were claiming that the headmaster knew and had done nothing, and the boys understood that the headmaster knowing was the same as the staff knowing. So the boys were actually in a way accusing David of having permitted this to happen and having done nothing when told about it. That was what distressed him beyond anything, because he was not in any sense a bullying man."[483]

Barbour made the point to Stock that neither she nor he knew if that was true and urged him to contact the Vicegerent and approach things within the school system.[484]

"Hunter" recalled that: "David Stock rang me one late evening in an agitated state and asked me to come to the house of a housemistress, Dorothy M Barbour, to hear of serious allegations against the Headmaster. When I arrived he told me that he was determined to expose the headmaster for condoning serious bullying by a former pupil and that he was prepared to ring the press about it, but that he now accepted that he should take it up internally before going public."[485] It was agreed that "Hunter" "would undertake an investigation into the facts and take action as appropriate."[486] In fact he decided to delegate the investigation to Duncan Wylie, then housemaster of Pinkie House, where the alleged bullying had reportedly taken place.

However, David Stock did not wait for the investigation to take its course. He persevered in his cause, and interviewed pupils, including taping one, all as set out in his full statement to the Inquiry. Two days after agreeing with "Hunter" that investigation should take place, Stock made an impromptu public announcement in the common room.[487] "Hunter" was horrified when Stock interrupted the common room proceedings: "David Stock suddenly rang the bell for attention and announced, in an agitated way, that he had made serious allegations against the headmaster and that he was now reporting himself sick to the school sanatorium, but he didn't share what the allegations were."[488]

Duncan Wylie recalled that Stock "rambled somewhat incoherently for seven or eight minutes. I was left with little understanding of the salient points but formed the impression he was having some kind of nervous breakdown."[489] Dorothy Barbour agreed that the description of Stock being incoherent, rambling, and appearing to be having a breakdown when making his announcement to the common room was, unfortunately, true.[490]

Following the public announcement by David Stock, "Hunter" felt that he had no other option but to take the allegations

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483 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.32.

484 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.33; Dorothy Barbour, Report on Bullying Incident, at WIT-3-000000098.

485 Written statement of "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), paragraph 80, at WIT-1-000000504; see also Transcript, day 221: "Hunter", at TRN-8-000000012, p.44.

486 Written statement of "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), paragraph 87, at WIT-1-000000504, p.17.

487 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.49.

488 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.48.

489 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.85.

490 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.36. See also written statement of Philip Meadows (former staff, 1987-2017), paragraph 36, at WIT-1-000000548.

to the headmaster: "I went straight to the Headmaster's study and interrupted him in conference with the Chairman of the Governors…I told them both of what had happened and the action I had taken… As far as I was concerned I had no further function in this matter".[491] "Hunter" assumed that Duncan Wylie, the then housemaster of Pinkie, would continue his investigations. As he told the Inquiry, "[i]n retrospect perhaps I should have followed it up more, but I felt the thing had been pushed on to the governors by that stage" and that the case had been taken out of his hands.[492]

While that may all have been understandable, it does reflect a remarkable lack of questioning by and communication between the staff. That lack of interest does not reflect at all well on the school management or the culture of the school at the time. As Dorothy Barbour recalled: "It was the mark of Loretto… This had been a major event…And nobody talked about it."[493] It should, however, have been spoken about, and loudly.

Duncan Wylie did make inquiries with the boys: "I interviewed them carefully, I re-interviewed them, I chatted to them, I spoke to one of the parents of the boys who I happened to know who clearly had no knowledge of it at all."[494] His investigation confirmed accounts of bullying of third-formers in Pinkie by fifth-formers, though his findings did not reflect the degree of bullying set out in the essays. As noted already, Wylie established that, two years earlier, the senior boy who David Stock thought had been protected by Norman Drummond had gone into the Gallery—the dorm for third years—and put a hockey stick against the anuses of third-formers when they were made to lie face down. He thought that the boys involved were not traumatised, though acknowledged that not only did he not have the skills to make that assessment but that they might have been traumatised.[495] Wylie recorded his investigations, and thought "this is a headmasterial thing, I will send this across to the headmaster, which I did."[496] As the housemaster responsible for Pinkie, however, he was horrified: "the whole thing was pretty traumatic for me, as a housemaster, to find this had been going on my watch."[497] The whole experience may well have driven his subsequent efforts when appointed Child Protection Coordinator but, at that time, he considered it a serious issue that was for the headmaster to deal with.

The headmaster's response

Against that background, any headmaster should have been determined to investigate fully the concerns raised, irrespective of background difficulties or the original source of the material. The priority should have been the welfare and protection of the children, and David Stock was absolutely right that there should have been full and meaningful inquiry by the governors or independent staff.[498] Any inquiry should have covered the whole school, not just one house. It should not have been led by the housemaster of the house complained of. But none of that happened.

491 Written statement of "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), paragraphs 94-95, at WIT-1-000000504, p.18.
492 Transcript, day 221: "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), at TRN-8-000000012, p.50.
493 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.37.
494 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.88.
495 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.89
496 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.88.
497 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.90.
498 Transcript, day 221: read in statement of David Stock (former staff, 1972-1991), at TRN-8-000000012, p.135.

Norman Drummond found this chapter difficult to deal with when questioned and I recognise he was being asked about events thirty years in the past. His evidence was at times confused and he often diverted to the dates of events rather than the issue itself. He insisted repeatedly that the problem arose at the end of the summer term 1991. He subsequently provided a supplementary statement saying the same thing seeking to garner support for his recollection from a former head of school who was supportive of him generally.[499]

The dates ultimately do not matter although, on the documentary evidence available from the time, it appears clear that David Stock made his announcement to the common room in November 1991 and the essays were written around late October.[500] If nothing else, "Gordon" remembers writing his essay in his fifth year, which was between September 1991 and June 1992.[501]

While Norman Drummond's inaction is at odds with his other efforts to deal with bullying, it is evident that he simply did not deal with this issue. He did not even read the essays, despite being aware of them. Ultimately, he accepted that that was a mistake when he gave evidence, and that he "should have asked to see them".[502]

He also acknowledged that he should have made fuller enquiries. As it was, he simply interviewed one boy, who he maintained was "a representative of others who had suffered, but I didn't know—I didn't research the names of the boys."[503] He apparently thought that "when I saw him I thought he was the main person who had suffered" although on reflection, Norman Drummond realised there were more victims.[504]

He suggested that he had been encouraged to speak to just the one boy by others but that does not sit well with the recollection of Duncan Wylie who had interviewed a number of boys and passed the details onto the head.

Once matters were made known to Norman Drummond, it seems to have been passed very quickly on to the governors, which he agreed was probably due to the difficulties between himself and David Stock.[505] He maintained, however, that he did not share the level of animosity David Stock had for him.

Governance errors

The intervention of the governors made matters worse. Rather than conducting a full and proper investigation into the claims made in the pupils' essays, their motive seems to have been to protect the headmaster, protect the name and reputation of the school, and swiftly remove what they saw as the problem, namely David Stock.

It appears likely that that view was hardened by the uncompromising and antagonistic approach David Stock had previously taken and was now taking towards the headmaster, bypassing any internal processes and doing things his way. However, the governors'

499 See Normand Drummond (former staff, 1984-1995), Further submission for the Scottish Child Abuse Inquiry, at WIT-3-000000808; and "Iain" (former pupil, 1983-1991), Handling of child abuse allegations at Loretto c.1990-91, at WIT-3-000000752.

500 See contemporaneous notes made by Dorothy Barbour (former staff, 1984-2008), as well as the involvement of governors in removing David Stock from the school, at WIT-3-000000098.

501 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.40.

502 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.116.

503 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.118.

504 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.118.

505 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.126.

response, if understandable at one level, was entirely inappropriate, both in principle and with respect to pupils', as well as David Stock's, wellbeing.

They acted too hard and too fast. Minutes from the time are instructive. There is simply no mention of the reports of serious bullying in the minutes of late 1991 or early 1992. Instead, the board meeting of 7 December 1991, for example, discussed the removal of David Stock, a process undertaken by one of the then governors:

> "Alan Johnston reported on his investigations into recent events concerning David Stock. A meeting had recently taken place between Alan Johnston and David Stock's union representative at which the terms of a proposed agreement had been discussed, namely: David Stock would remain employed by the school but on a sabbatical basis until the end of 1992; a letter of resignation to take effect from the end of 1992 would be signed by David Stock and delivered to the school by the end of Winter 1991 Term, together with an undertaking prohibiting him from school premises and publicising in anyway or manner anything relating to his recent investigations."[506]

This approach was approved. The headmaster's report at the same meeting was silent about bullying but did include a message of thanks to "the Board for their support in relation to the David Stock affair."[507]

That support, in practical terms, comprised the meeting between Alan Johnston and David Stock on Friday 15 November 1991, within a fortnight of his breakdown in the staff room. It was attended by "James", the clerk to the Board, who recalled that "it was a meeting to discuss—shall we call it the severance package upon his employment being terminated, so it was not an easy, pleasant meeting. They seldom are and this one wasn't…'Blunt' is probably a very fair way of describing it."[508]

"James" thought it odd that the headmaster was not dealing with matters himself, and it was the only time a governor was involved at that level. He added: "What I can say is that clearly the employer/employee relationship had broken down."[509]

A letter from Alan Johnston to David Stock—dated 19 November 1991—summarising their meeting is a good indicator of Loretto's attitude. Johnston wrote:

> "There seem to me to be two wholly separate issues.
>
> In the first place there is a natural concern of any teacher for the health and safety of his or her pupils and that, accordingly, that any teacher should be concerned to react to the discovery of bullying of any sort is an unanswerable proposition. However, what that reaction is is another question.
>
> In the second place there is an absolutely fundamental element that must exist in an institution such as Loretto namely, a degree of trust between the Headmaster

506 Minute of meeting of the management committee of the Governors of Loretto School, dated 7 December 1991, at LOR-100000028, p.31.

507 Minute of meeting of the management committee of the Governors of Loretto School, dated 7 December 1991, at LOR-100000028, p.32.

508 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, pp.85-86.

509 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.86.

and every member of his staff which is mutual and for the benefit of the school and pupils alike.

In this whole unfortunate business two immediate things concern me very much. The first is the fact that you should, as a teacher of English with no pastoral duties as such within the school, be discussing with your forms conduct between the boys to the extent of inviting them to write essays goes far beyond, in my view, what should be reasonably expected of a teacher in class.

Secondly, it is perfectly plain to me that the extent of your discoveries while disturbing in that they indicate ill-treatment among boys one to one or a number to one do not in general terms disclose a sexual abuse ring, or even to use your own phrase 'a culture of violence'. They disclose that, unfortunately, within the school there are some unpleasant people that do unpleasant things and it is highly desirable that should be stopped. It is perhaps significant that any reference to sexual abuse on the tape interview is raised initially by you and indeed when you pressed the boy to respond he denies any such suggestion. Accordingly, I am satisfied, from an objective viewpoint in the time available, that you were primarily dealing with incidents in the past and in so far as you were dealing with the present your conclusions are exaggerated.

However, the second issue is the real point. There is no doubt in my mind that your proper response to the discoveries you thought you were making should have been to take the matter directly to the Headmaster, who I understand incidentally was in the school at the time…The Vice-Gerent is not in the same position. That you should have embarked on a series of interviews with boys… in the way that it was carried out, quite frankly astounds me…More importantly however, it fundamentally destroys, in my view irreparably, the bond of trust that has to exist between a Headmaster and a member of his staff. I cannot avoid at least the thought you were as much concerned to criticise the Headmaster as you were to get to the bottom of what you thought you were investigating."[510]

The letter is, of course, right to acknowledge that all teachers should be concerned and that the discoveries were disturbing. The concern that David Stock was acting deliberately outwith the normal rules, in part at least to attack Norman Drummond, is understandable and probably correct.

However, the conclusion that Stock's findings about the present were exaggerated and that there was no culture of violence in the past was completely misplaced, and reflected the complacent attitude and ingrained defensive mentality that Loretto had at that time. There was no basis on which to conclude that events in the past did not reflect the present. Once again, Loretto was more interested in damage limitation, keeping face, and silencing complaint, than in doing the right thing.

The letter acknowledges that there had been little time for the governors to find out anything, and the reality can only have been that Loretto could and should not have been certain of anything. There had been a limited inquiry by one housemaster, into his own house, and the headmaster had failed to follow up. That was inadequate.

510 Letter from Alan Johnston to David Stock, dated 19 November 1991, at WIT.003.001.0125-0127.

As David Stock correctly said: "All the things reported in the writings needed probing, I had given him all the information. The people with key knowledge were the kids in my class. If the governors had really cared they would have sent for the kids. Indeed, it was their duty to have an inquiry which involved these 5A kids with them seen in such a way as to be sure they were not facing pressure to hide relevant things."[511]

Given my findings about sexual abuse and the culture of violence in the 1980s and 1990s, a golden opportunity to investigate and deal with abuse of pupils was missed. As a result, other children—such as "Alec" and "Alan"—suffered unnecessarily, and it is striking that, on the evidence, real changes to the institutional culture did not follow until the post-1995 era.

Two further aspects

The boy who had been repeatedly complained of in the essays, and whom Duncan Wylie confirmed had assaulted third-year boys with a hockey stick, left the school earlier in 1991—prior to the events described above. However, he later sought references from Norman Drummond and Duncan Wylie for gap year work in a school overseas. They took very different approaches.

Duncan Wylie refused to give a reference "because of what had happened" and "referred the reference to the Headmaster who gave the reference as far as I knew and made the remark verbally to me that 'every boy deserves a second chance'." [512]

Norman Drummond could not recall this in 2021, but I am satisfied it did happen and is a further example of the unchallenging approach he took to the problems of late 1991. Second chances may be merited, but I suspect, as happened so often with teachers, that relevant past events will have been glossed over. That was a mistake, given the nature of the employment.

By contrast, David Stock was treated badly. The compromise agreement, which included restrictive conditions, as mentioned above, was another example of Loretto seeking to manage reputations and keep image intact. Further, just as their approach failed to put the wellbeing of pupils and child protection as the heart of their response, they failed to have regard to the wellbeing of a man, David Stock, who was plainly vulnerable at the time as exemplified by what staff considered to be him having a nervous breakdown in the staffroom shortly before he was so summarily dealt with. It is difficult to avoid the conclusion that the school simply did not, at that time, have the right instincts in relation to those who were vulnerable—a category which included, importantly, the children in their care.

School response to the evidence

Loretto wrote to David Stock in 2017, as they did to all previous pupils and staff, to advise him of the work of the Scottish Child Abuse Inquiry. His response was to seek formal release from the conditions of the agreement to allow him to speak. The current Loretto management correctly agreed to the request, and the current headmaster encouraged him to contact the Inquiry or any other body he considered appropriate.[513]

511 Transcript, day 221: read in statement of David Stock (former staff, 1972-1991), at TRN-8-000000012, p.157.

512 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.90; Written statement of Duncan Wylie, paragraph 114, at WIT-1-000000524.

513 Correspondence between Headmaster of Loretto and David Stock, 2 February 2017 to 10 March 2017, at LOR-100000044, pp.1-2.

Peter McCutcheon, the current chair of the board, described a very different culture at Loretto now: "Nothing is hidden. Therefore… the opportunity, the idea that there could be some conspiracy or action to force a teacher out would not happen because the teacher, their colleagues, other governors, it is all there, and such a course of action would be challenged because of our open culture. It would now be challenged, and in that challenge would come a response, and it would be an open, fair and balanced response. So unilateral action could not happen."[514]

Conclusions in relation to David Stock and the fifth-form essays

Norman Drummond maintained that office politics did not distract him from child protection.[515] I cannot agree. The lack of any documented governor-led investigation into allegations of serious abuse suggests the same distraction affected the Board.

It is tragically ironic that these issues occurred at the same time as Norman Drummond was so actively trying to improve the house system. For example, he introduced an important change so "all members of common room should be attached to one of the boarding houses" to "allow a considerable reduction in the size of tutorial groups and ratio of future tutees."[516]

In closing his evidence, in what I accept was a sincere and genuine statement, Norman Drummond said: "To those who may have felt unsafe or insecure during our time at Loretto, I would apologise unreservedly on behalf of Elizabeth and myself, for nothing could have been further from our hopes and aspirations and intentions, as indeed of the Loretto staff".[517]

David Stock was acting in what he genuinely saw as the best interests of the children. However, his declining mental health in 1991 and his long-held animus towards authority, particularly that of Norman Drummond, appears to have deprived him of the necessary objectivity and did not help in his aim of protecting the pupils at Loretto. David Stock's determination to discredit the headmaster was the wrong approach to take, especially in the Loretto of 1991, where image and keeping the ship steady at all costs trumped more important considerations. Nonetheless, the school's response to the evidence of bullying and to David Stock was deplorable and misguided.

Taken together, the protection of children was lost sight of by all involved who were distracted by personality, office politics, tradition, and misplaced loyalty. Had matters been approached properly, with child protection given the priority it should have been, I am satisfied such inquiry might well have revealed and prevented some of the emotional and physical abuse I heard evidence of in the years following David Stock's departure.

Later heads did see the risk. Elaine Selley agreed that low morale or familiarity could mean that problems would be missed, while "Jack" stressed the need for objectivity both when dealing with colleagues and safeguarding.[518]

514 Transcript, day 224: Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000015, p.142.

515 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.131.

516 Headmaster's report to the governors, dated 15 January 1992, at LOR-100000024, p.14.

517 Transcript, day 223: Norman Drummond (former staff, 1984-1995), at TRN-8-000000014, p.138.

518 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, p.161; and Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000014, p.45.

This episode emphasises that schools and individuals must always communicate properly and have an open and respectful culture where the best interests of the children come first, and such bitterness is not allowed to flourish. It was encouraging to hear that Loretto has learned from the mistakes of the past.

Postscript

As part of the Inquiry process, Norman Drummond, and others, received a copy of relevant findings in their final draft form for any comments he wished to offer in advance of publication. He had clearly reflected carefully on Chapter 7, thought about the past events that are referred to, and responded. In his response, he acknowledged, in fuller terms than he had done in the course of his oral evidence, that he could, and should, have done more in 1991 in relation to the fifth-form essays and the events surrounding them. The limited nature of Duncan Wylie's investigation had, he accepted, affected his perception and approach. He continued: "In hindsight, this perception was misplaced. The extent or degree was not the important factor and distracted from the issue. It should have been irrelevant to the prime concern which was to establish the actual truth and deal with the protection of children where this was required. I should have read the essays which Mr Stock had ordered the pupils to write, including not only their own experiences, if any, but also if they had none, any they had ever heard of, and interviewed all the author pupils and made fuller enquiries. I should also have raised the issue emphatically with the board of governors. I now also accept that the treatment of Mr Stock and his now evident mental health issues deserved a different response from the Governors and me and, as importantly, [so] did the impact of his behaviour, in this state, have on pupils and what steps should have been taken to protect or counsel them."[519]

Such candour is impressive and encouraging. His ability to now recognise, accept, and learn from his mistakes, in combination with the many positive aspects of his leadership, reflects the necessary culture and mindset required of all boarding school staff to best protect the children in their care.

519 Normand Drummond, Letter to SCAI, 5 March 2023, at LOR-1000000086.

8 Reporting

Many of the children at Loretto did not report the abuse at the time. Some were scared to do so, having been warned not to disclose it; some did not realise that what was being done to them was abusive; some did not have the vocabulary to express what was happening to them; some did not wish to upset parents, particularly where they knew they were paying fees, some making sacrifices to do so; some simply had no one to confide in; some feared that they would not be believed; some feared that the consequences of doing so would be even worse than the abuse itself. All these reasons, in the circumstances, make perfect sense.

Some children did, however, report abuse but it was not entirely successful and, in at least one case, had detrimental consequences for the child.

Warnings

Guy Ray-Hills warned boys not to report abuse, or frightened them with messages designed to prevent them from reporting abuse. In the case of Kenneth Chapelle, Guy Ray-Hills waited outside his boarding house with the sole intention of cautioning him. "You can surely trust an old friend. You won't let me down," he said to Kenneth, who had just been referred to see a neurologist for "behaving a bit oddly emotionally" following Ray-Hills's abuse.[520] As Kenneth said: "He was obviously really worried that I had been affected emotionally by what had happened between us and that I might spill the beans."[521]

In "Calum's" case, Guy Ray-Hills told him "that he had been reported on a previous occasion and that he had been investigated. He just made the statement and the purpose of the statement was to suggest that I should remain quiet."[522]

Language and gaps in understanding

A number of former pupils explained that, at the time, they did not understand what was being done to them. Some did not realise that they were being abused. Some did not have the language to express the abuse or know in whom to confide. The evidence of "James" made this point well. A former pupil, he boarded in both the Nippers and the senior school from the 1970s. Later, he became clerk to the Loretto Board of Governors (between 1990-2009). Commenting on a letter that he had received as a clerk from a man who, as a child, was abused by Ray-Hills, he observed: "the writer of [the letter]…is/was fully five, six, seven years older than me…Therefore he has a slightly different perspective on Ray-Hills and what he got up to compared to myself, because I was only a nine-year old. So I can see a more mature overview here of what was happening and the angst and the damage that was being caused that honestly

520 Transcript, day 220: Kenneth Chapelle (former pupil, 1961-1966), at TRN-8-000000011, p.91.
521 Transcript, day 220: Kenneth Chapelle (former pupil, 1961-1966), at TRN-8-000000011, p.91.
522 Written statement of "Calum" (former pupil, 1960-1970), paragraph 8, at WIT-1-000000643.

I didn't see as a nine-year old…Clearly the writer of this letter could see, had the maturity to see, what was happening and that it was wholly unacceptable and to be deplored, and good on him."[523]

It was not only gaps in children's understanding that prevented the reporting of abuse. Generational gaps in the understanding of parents and grandparents were also problematic. As "John" said: "the only person I could have told was my granny but she wouldn't have understood it."[524]

Reporting to parents by letter

In relation to the period up to 1995, there is no evidence to suggest that children were unable to engage in private correspondence, or that they were prevented from writing about abuse in their letters to their parents or others. According to "John" letters "were checked by masters but I think it was really just to check the grammar and the spelling."[525] Rather, the evidence suggests that children would simply not report abuse to their parents largely due to the pervasiveness of the code of 'silence', as discussed in Chapter 3.

Additionally, since the parents of some of the Loretto pupils who were abused lived abroad, the physical distance between parent and child acted as a disincentive. And, as "John" explained, even just being a boarder "made you more distant from your parents."[526]

Reporting directly to parents or other family members

Some children chose not to disclose the abuse that they experienced out of a desire to protect their parents by not upsetting them. This demonstrates the insidious nature of child abuse which often operates so as to protect abusers because victims want to protect their loved ones from the knowledge that they are being abused. As "Alec" said, such knowledge "would be the most horrendous thing. Who would want to find out that their children had been abused, abused for eight years?…I have connected with lots of people who have been to boarding schools…It's the same thing every single time. The sense of shame is horrendous. And for me, personally, I wouldn't want to put that on my parents."[527] Further the desire to protect loved ones by keeping childhood abuse secret can extend past childhood and, often, throughout adulthood.

Some children chose not to disclose their abuse at the time because their parents were paying fees to the school and meeting that financial commitment was a struggle for them.[528] Again, the child's desire to protect their parents played into the hands of the abusers.

However, some children did disclose aspects of their abuse to their parents or other family members. For example, both "Calum" and "James" reported the abuse by Ray-Hills to their mothers. When children did tell parents or other family members, reactions varied. Following the disclosure, "Calum's" mother

523 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, pp.37-38.

524 Written statement of "John" (former pupil, c.1962-1971), paragraph 49, at WIT-1-000000680, p.11.

525 Transcript, day 219: read in statement of "John" (former pupil, c.1962-1971), at TRN-8-000000010, p.155.

526 Transcript, day 219: read in statement of "John" (former pupil, c.1962-1971), at TRN-8-000000010, p.161.

527 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.175.

528 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, pp.16-17.

met with the headmaster but, as discussed above, "she may have just found the whole thing too intimidating."[529] However, "James's" mother "rather laughed it off and told me not to be so silly. During this era you simply didn't talk about such subjects with your parents."[530]

Some applicants were only able to disclose the abuse in adulthood. Kenneth Chapelle never disclosed his abuse until later in life when he told his father, but not his mother, what had happened to him whilst at Loretto. His father died days afterwards and he was pleased to have shared his experience, because "I think any parent must wonder, when a child attempts suicide, what they have done wrong…he must have just wondered if there was something I had never told him, and he was quite right, there was. I told him just in time."[531] Disclosing his abuse to his father was a double blessing for Kenneth: "It was very odd, he rang me at 10 o'clock at night, which he never, ever did, but he just rang to say how sorry he was."[532]

The evidence supports the view that children may be more likely today to report concerns, including abuse, to parents.[533] Parents, in turn, now report more concerns to the school. According to Graham Hawley, "I think in part that is because positively they [the parents] are more involved with their children's education. So it is rare that the model of dropping the children off at the beginning of the term and not seeing them for a number of months, that doesn't really happen so much. So I think parents are that much more aware which is a good thing."[534] However, it cannot be assumed that abuse will be reported by either the child or the parent. Much will depend on the individual child, the parents and the particular circumstances including, importantly, the culture within the school—is it an institution that listens, learns, is always looking to improve, and is genuinely open to constructive discussion?

Reporting to persons outwith Loretto

The children who attended Loretto were not permitted, or at least not encouraged, to mix with the local Musselburgh community, with the result that children were really quite isolated during termtime, had little connection with life outside of school, and so, had few opportunities or avenues for disclosure or reporting.[535]

Reporting to Loretto pre-1995

Within Loretto itself, and especially pre-1995, there were few people to whom children felt that they could speak about what was happening to them. Speaking out would also have been contrary to the code of silence that had existed in Loretto for decades, which was underpinned by the mentality of what some referred to as "the stiff upper lip" that prevailed until at least the 1960s.

Some children were too frightened to speak at all and/or there was no one they felt they could trust. "John" "wouldn't have told a teacher at the time out of fear of not being believed and getting the cane because

529 Written statement of "Calum" (former pupil, 1960-1970), paragraph 46, at WIT.001.001.4824.

530 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.54.

531 Transcript, day 220: Kenneth Chapelle (former pupil, 1961-1966), at TRN-8-000000011, pp.95-96.

532 Transcript, day 220: Kenneth Chapelle (former pupil, 1961-1966), at TRN-8-000000011, p.96.

533 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, pp.168-169.

534 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, pp.168-169.

535 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, p.23.

we were making allegations we couldn't substantiate. We didn't have teachers or anyone we could speak to on a one-to-one basis."[536] "Geoffrey", who was left feeling disgusted and shocked by the sexually abusive conduct visited on him by a prefect, including on the prefect's last night at the school, "couldn't report him because he had gone" and "I was also worried that I would be labelled a troublemaker, because it was an accepted way of life. I didn't tell anybody because there was nobody I could trust."[537]

A few did report abuse, but to little effect, as demonstrated in Chapter 4 in relation to the complaints about Guy Ray-Hills. For example, when his sexual abuse was reported to the two heads of the Nippers, C. S. Coleman and Hamish Galbraith, Ray-Hills remained in post and one child who had been courageous enough to make a complaint was ostracised for doing so by other pupils.[538]

Even when matters came to a head in 1967 and Loretto allowed Ray-Hills to resign, the school's response to the reports of abuse was lacklustre.

Even in 1991, as demonstrated by the experience of David Stock and set out in Chapter 7, reports from pupils about physical and sexual abuse, even when raised by a teacher, were downplayed and ultimately ignored. That had a negative and confusing impact on the children involved.

"Gordon" remembered how, "[a]s a child, I think my mind was pulled in two different directions. I remember thinking that Mr Stock was clearly so upset with the whole situation that he may just have felt he had to walk away. There was also a part of me wondering whether he had somehow stuck his head above the parapet and been pushed out. At that age, I didn't know anything other than to trust the people in charge. To some degree, I still do trust that they would have done what they considered to be right. I had a sense that something about it might be unfair, that he had brought all this up and then just disappeared. But I couldn't quite bring myself to believe that he'd been mistreated by the school, I squared that by telling myself that he must have been under a great deal of stress and the whole thing had become too much for him."[539]

While it might be said that the trust in the school "Gordon" described having as a child could encourage reporting, that potential benefit would have been bound to be erased by the doubts created by the school's response. It was still not a reporting culture.

Reporting to Loretto post-1995

After 1995, changes indicated that Loretto accepted that child protection needed to be taken seriously. There was, for instance, an increase in the use of tutors in the houses, first introduced in by Norman Drummond in the early 1990s, and the role of Child Protection Officer was created. Whilst these changes were driven partly by the impact of the Children (Scotland) Act 1995, they did provide far greater scope for concerns to be raised by the pupils.

Another example of the change in Loretto's approach to reporting followed the publication of the article about Guy Ray-Hills in the *Observer* newspaper, written by Don

536 Transcript, day 219: read in statement of "John" (former pupil, c.1962-1971), at TRN-8-000000010, p.160.

537 "Transcript, day 219: "Geoffrey" (former pupil, 1958-1962), paragraph 114, at WIT.001.0012.3421.

538 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.51.

539 Written statement of "Gordon" (former pupil, 1989-1994), paragraph 129, at WIT-1-000005541, p.9.

Boyd, on 21 August 2001, and more fully discussed in Chapter 4. After the article came out, the school actually invited the reporting of past abuse. The "chairman and the heads decided we would cover every avenue, that we would go on the front foot. So, not necessarily in this order, but pupils were spoken to, staff were spoke to, former pupils were written to, and in particular former pupils of the junior school were written to. The heads got in touch with the like of the HMC and other professional organisations. We got in touch with the police. A press release was prepared. We went right on the front foot and we spoke to the police and made sure that they were totally comfortable with what we were intending to do, and they were, and they supported the steps we were going to take, and we got on and we did it."[540] Loretto "sent out approximately 500 letters to parents of pupils, current pupils and old boys drawing their attention to the Don Boyd article and requesting, should they have any area of concern, they should contact the school or contact the police directly."[541]

All of that said, damage limitation plainly lay at the centre of their thinking and, in an era of aggressive press reporting, the school had little option but to act.

Further evidence of changing attitudes can be seen through an incident of March 2007, when a group of girls reported to their tutor that they were "feeling increasingly uncomfortable in…["Colin's"]…presence".[542] The pupils complained that they were uncomfortable with "too much hugging and putting arms around them; swearing in class; inappropriate references to breasts and comments with sexual innuendoes; the occasional flicking of a 'V' sign; occasional 'slagging off' of colleagues and on one occasion of a girl; an inappropriate reference to one set of parents and too much reference…to [his]…family and sometimes in an inappropriate way."[543]

The tutor was told of the problems on 2 March 2007, and emailed Duncan Wylie—by then one of the Child Protection Coordinators—at 11:11 am on the same day. He had a meeting with her at 11:27 am. The headmaster was informed at 12:30 pm. Investigations continued and further discussions took place with two further teachers. "Colin" was summoned to a meeting with the headmaster on the morning of 3 March 2007, and was issued with a final warning on 7 March 2007, just five days after the initial report to the tutor.[544] The speed of this response is impressive, and a world away from the pre-1995 era.

That the girls were minded and felt able to report their concerns is perhaps also indicative of the beneficial impact of having introduced co-education to Loretto, facilitating a move away from the traditional male code of silence.

Complaints were also raised by pupils about the behaviour of "Martin", discussed in Chapter 4. Both boys and girls were willing to take matters further regarding his drunkenness and inappropriate conduct at and after the sixth-form Christmas Ball in 2014, and they were able to report that he hugged a female pupil, kissed her on the

540 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, pp.21-22.

541 Transcript, day 223: "James" (former pupil, 1966-1975; clerk to the Loretto Board of Governors, 1990-2009), at TRN-8-000000014, p.22.

542 Loretto School, Senior School Complaint, at LOR-000000296, p.11.

543 Loretto School, Senior School Complaint, at LOR-000000296, p.11.

544 Loretto School, Senior School Complaint, at LOR-000000296, pp.1-23.

head, stroked the legs of another, and asked another female pupil loudly on a bus if she would like "to relieve him."[545]

Again, a disciplinary investigation and subsequent processes were carried out swiftly, although the focus of inquiries was allowed to shift towards the issue of drunkenness and away from that of plainly inappropriate behaviour. Both Elaine Selley and Graham Hawley said in evidence that, for them, the most important allegation was the inappropriate conduct, but available documents suggest otherwise.

It seems likely that there was reticence on the part of some staff to report and thereafter deal with an allegation against a popular member of staff who was also a friend of the Child Protection Coordinator.

What is particularly encouraging, however, is the fact that the pupils would not let the behaviour pass unnoticed. The case report that was passed to senior management recorded "[f]ollowing the Christmas Ball, I heard some comments made by boys and girls about ["Martin's"] behaviour that evening. Initially, I did dismiss the comments and did not think much more but the rumblings continued into Monday and on Monday evening I was told that some girls had decided that they wanted to speak to a member of staff about the situation…I was on duty on Monday evening so I decided to go and see if what I was hearing had any truth or if it was more gossip…All of them were quite open about what had happened. I was told that it was apparent that ["Martin"] had had too much to drink. He had been behaving in what they thought was an inappropriate way on the dance floor. I asked in what way, Girl A told me that he demonstrated lewd behaviour when dancing, kissing and touching girls inappropriately…I had no option at this point but to escalate this. I decided in the first instance to speak to Mr Cooper as they told me that he had witnessed ["Martin's"] behaviour on the dance floor. We decided that the situation had to be escalated to senior management."[546]

What is clear is that it was the pupils who insisted on calling out the behaviour, not the staff of Loretto who were either present at the sixth form Christmas Ball or heard of the complaints thereafter. Moreover, staff seem to have been initially reluctant to respond to allegations or concerns, given their repeated use of terms of "escalation" and also "no option", not to mention that the first instinct of the reporting staff member was to "dismiss the comments" as gossip, despite the concerning content.

This account tends to confirm the description of colleagues being protective of "Martin" and makes the important point that reporting must be done properly by everyone in schools, staff, and pupils alike. The problem when it comes to reporting is not just reticence on the part of pupils.

School counsellors

The introduction of an independent school counsellor in 1995 by Duncan Wylie, following his appointment as Child Protection Coordinator, was a great help in allowing children to report problems. As he said, "the pupil could speak to the counsellor about any concerns or worries on a totally confidential basis and, unless they were a danger to themselves or others, their problems would not be discussed by staff or with staff."[547]

545 Loretto School, Senior School Complaint, at LOR-000000295, p.2.

546 Loretto School, Senior School Complaint, at LOR-000000295, p.2.

547 Written statement of Duncan Wylie (former staff, 1972-2007), paragraph 117, at WIT-1-000000524.

Elaine Selley thought that Loretto was ahead of its time in that regard when she joined in 2000. She thought the provision needed to be expanded, because "the more you get under the skin of what is going on in a house or what is going on within a school, you will find more people in need of either professional counselling or a sounding board. But you need to create that culture and environment that people will step up and they will tell you if—the pupils will tell you about someone they are worried about or a member of staff that they are not happy with, or…the counsellor helped that and for—as assistant head, I was pretty determined when I came out of the boarding house that I would put in more support for the staff that were working with young people in terms of reflected practice, and opportunities for the staff both to discuss their concerns, and also that children could approach the counsellor."[548]

Crucially—and this was a theme I heard echoed by all the schools—reporting remained confidential unless child protection concerns arose and that caveat was made clear to pupils at the outset. Issues might be discussed but the child would not be identified. Parents would not know of their child visiting the counsellor unless they were very young, essentially in the Nippers.[549]

Response to evidence about reporting

Loretto accepts that the culture that existed pre-1995 was not one that was conducive to reporting.

Loretto responded to the evidence about the past by providing comparative evidence of how reports of potential abuse are dealt with now. For example, Loretto produced a document entitled "Note on handling of incidents of bullying and inappropriate behaviour of form 2 boys in 2018 and 2019."[550] It related to "a pattern of persistent poor behaviour amongst a group of second form boys aged 12 to 13 years. It manifested itself in verbal put downs, some pushing and shoving and general unkindness. Because few of the incidents took place while under supervision or were reported, it permitted a tone of unpleasantness to become normalised…which impacted a number of children and, by default, the wider year group. In a number of cases the impacts were communicated to the school by concerned parents who were noticing an effect on their own children."[551]

The children involved in this complaint were day pupils, but I have the impression from the case study evidence overall that parents of boarders are now more willing to report because their children are willing to do so. Loretto dealt with the matter thoroughly, not just by speaking to the children but thinking broadly about the problem. The conditions within the school that allowed such a situation to develop were considered and Peter McCutcheon, chairman of the Loretto Board of Governors, was made aware of the situation as was the Governor with responsibility for safeguarding.

The school came to the view that at the heart of the issue was the way in which the boys were interacting with each other which was unkind. It was concerned that, if unkindness was left unchecked, it could

548 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, pp.155-156.

549 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, p.157

550 Loretto School, Note on handling of incidents of bullying and inappropriate behaviour of form 2 boys in 2018-2019, at LOR-000000767; Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.162.

551 Loretto School, Note on handling of incidents of bullying and inappropriate behaviour of form 2 boys in 2018-2019, at LOR-000000767, p.2; Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.162.

become normalised and lead to hierarchical problematic bullying.

An investigation was also carried out by the chairman of Loretto Board of Governors who, in turn, requested that the school carry out a review of the incident and that the headmaster use the complaint as a learning outcome case study for the prefectorial body. Peter McCutcheon said that the complaint and the process which followed is an example of Loretto's willingness, openness, and readiness to learn.[552] I accept that.

This willingness to learn was also evident in the evidence relating to "Martin's" dismissal in 2018 with the lessons learned process already described in Chapter 4.[553]

Finally, I heard evidence throughout this phase of the Inquiry of the need for schools to report allegations of abuse to a variety of external bodies. Upon returning to the school after attending a full day of SCAI hearings, the headmaster of Loretto received a fresh complaint. He was briefed at 5:45 pm, and I was informed that an allegation of potential abuse was reported to the Care Inspectorate and to the police within less than an hour. It was reported to the Chair of Governors first thing the following morning. On the evidence, including in particular that of Graham Hawley and Peter McCutcheon, I am satisfied that that can be taken as an indication that this school now takes its duties to report to outside bodies seriously, although Graham Hawley did suggest that having a single point of contact would help.[554]

Conclusions about reporting

Pre-1995

In the period up to 1995, many of the children who were abused at Loretto did not report what was happening to them at the time. Some did not know what to report, how to report, or to whom to report, and many would never have felt comfortable or safe in reporting abuse. Others did not want to upset their parents or thought that their parents would not believe them. A code of silence was an insurmountable barrier for many.

When children did report abuse at the school to parents and teachers, including to headmasters, they were not always taken seriously, and allegations were not always investigated as they should have been. In the few cases where action was taken by the school, reports of abuse were not passed on to the police.

At times in its history, Loretto has failed to take appropriate action to protect children from abuse. Those failures exposed children to further abuse and were grave omissions.

Post-1995

Since 1995, children and their parents have been ever-more prepared to report concerns to the school and its governing body. I accept that there is now a clear process at Loretto which not only assists the school and the parents with such matters, but also the pupils. The process seeks to assure children that a complaint, whatever it relates to, will not be swept under the carpet. It will be

552 Transcript, day 224: Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000015, p.170.

553 Loretto School, Follow-up note covering lessons learned activity in respect of investigation and subsequent dismissal of "Martin" in Sep 2018, dated 7 November 2019, at LOR-1000000036, p.51. See also follow-up note covering lessons learned activity in respect of investigation and subsequent dismissal of staff update, 3 November 2020, at LOR-000000758; and follow-up note covering lessons learned activity in respect of investigation and subsequent dismissal of staff update, 22 September 2022, at LOR-1000000080.

554 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, pp.173-174.

investigated and treated seriously. In short, Loretto's hope and intention is that children will know that they have a voice; that they will be listened to; and will be treated respectfully; and with dignity. However, as this case study has shown, there can be a gap between institutional aspiration and reality for the pupil. There can be no complacency and Loretto must continue to be judged by its actions.

9 Reflections

This case study produced many thoughtful and insightful reflections. Some of these are referred to below.

Childhood vulnerability

A consistent lack of compassion and positive engagement with children was a common theme for applicants who attended Loretto prior to 1995. Such treatment could not have helped their development. Children are, by definition, vulnerable. By virtue of their age, they are in need of care, support, and protection. Other factors such as living away from home, not fitting the established school mould, not being sporty, being 'nerdy' or just being different from the majority, add to their vulnerability. That was not always understood by those at Loretto responsible for their care.

As "Quentin" said: "There is good and bad in everybody but it is up to our seniors to appreciate the good things and nurture them."[555]

Not all children are developmentally the same. Children need to feel safe and must have opportunities to belong: "For whatever reason, some children arriving at Loretto hadn't developed the skills to integrate with new social groups as well as some of the other children had. I wouldn't hold any child to account for their own social development, but there was certainly a diversity of backgrounds given the boarding setting…So all these different boys were flung together at the age of 12 or 13 at Loretto. When you combine a lack of normative social skills in some with a group dynamic that could be quite unappreciative of difference, what resulted was that certain boys found themselves on the outside. In those days… to be an outsider there, away from the family home, probably felt like the most lonely place in the world…They were seen as being a little bit odd, and they didn't have the skills or a sustained and generous opportunity to integrate with the rest of the year."[556]

Efforts must be made to help children integrate with the rest of their year-group. It must also be recognised that some schools may simply not be the correct fit for a particular child, as this case study has illustrated. Parents and schools must be alert to this reality and, if need be, schools may have to have difficult conversations. "Gordon" reflected on this in adulthood and concluded that there were two boys who did not fit in and ought not to have been sent to Loretto. One of them "probably wasn't provided with the learning opportunity to know how to fit into a group…he struck everyone else as being rather odd. He didn't seem to have the skills that he needed in order to initiate friendships. Because he was odd, I think people pushed him away."[557] "Gordon" concluded that this child's parents had "some responsibility for the situation as well, as do his fellow pupils, including myself. It can be quite hard to engineer someone's

555 Written statement of "Quentin" (former pupil, 1956-1959), paragraph 89, at WIT-1-000000540, p.21.

556 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, pp.59-60.

557 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.59.

acceptance within a group of young teenagers when they appear to that group to be so different."[558]

Painful journeys

Former pupils who came forward to the Inquiry to provide evidence of the abuse they suffered have had to revisit their childhood sufferings. It was a painful journey for some.

Common themes emerged in relation to the lasting impact of the abuse suffered, including suspicion of authority, a wariness of new people, and, fundamentally, an inability to trust others.

As "Alex" said: "the inability to trust people, I think, comes from my experiences as an adolescent at Loretto. It was just very, very hard to form any trusting relationships with people."[559] He added "that at my age now I can see the strand of that travelling all the way through my life, and…it's a little difficult to talk about now, it was a long time ago, but I think it should be brought out into the open".[560]

While some children who were abused, as adults consider themselves relatively unaffected, others have never been able to forget about the abuse they endured. "Geoffrey", who was sexually abused by an older boy, is not trusting: "I suppose in a sense it did make me sort of wary, just sort of, dare I say, watching my back. If there is somebody out there who I came across who I was not sure of, I would just step in the opposite direction."[561] He cannot forget either: "it is always there…I suppose all I think about it is the what ifs: what if I had done this, what if I had shouted, what if that".[562]

> **"I suppose in a sense it did make me sort of wary".**

"Gordon" worried that some of the girls who attended Loretto in the 1990s might still be traumatised by the cruel nicknames boys gave them in a bid "to get a laugh from a peer…Quite often, that nickname wouldn't be very complimentary. For that moment's laughter, that girl could well be known by that nickname for the rest of her time at school. To be frank, she might then be known by that name for decades later to the extent that her true identity became subsumed in the nickname."[563] There was sadness and poignancy in that observation, and it could have been avoided had the school been alert to what was happening and stopped it.

Teachers and housemasters were not provided with any specific training in child protection, safeguarding, or pastoral care matters prior to 1995, and so were likely, at times, to miss signs that a child might be suffering abuse. Duncan Wylie accepted in evidence that the pupils under his supervision "could have been traumatised and I would have misread the situation."[564]

Parental expectations

Some former pupils bemoaned the fact that their parents had sent them to Loretto with great expectations of a healthy environment

558 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.67.
559 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, p.25.
560 Transcript, day 220: "Alex" (former pupil, 1963-1967), at TRN-8-000000011, p.35.
561 Transcript, day 219: "Geoffrey" (former pupil, 1958-1962), at TRN-8-000000010, p.142.
562 Transcript, day 219: "Geoffrey" (former pupil, 1958-1962), at TRN-8-000000010, p.142.
563 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.68.
564 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.89.

"I find it strange that parents wilfully put you through this abusive system when they in turn have been subjected to it."

and good education that would advance their children's life prospects. Instead, some former pupils feel they have been short-changed by an abusive and inferior experience.

"Quentin" on the other hand, found it "strange that parents wilfully put you through this abusive system when they in turn have been subjected to it. My father specifically must have known what went on in these places and yet he sent me there. Why would he do that?"[565]

The importance of an effective voice

Children need not only the opportunity to have their voices heard, but for those voices to be truly listened to. Don Boyd, having reflected on the harmful impact of his own experience, had clear views on what is required: "I think that the opportunity for kids to pass on stuff at a time it's going on… when they are victims of any form of abuse, bullying, or whatever, I think the atmosphere within institutions should be that children can find a way to pass on their fears or their anxieties in that arena at an early enough stage before it takes the form where it becomes obsessive to have to do it, and then that increases the degree to which you are secret about it."[566]

Peter McCutcheon, a former pupil of Loretto and the current chair of the Loretto Board of Governors, attended the Inquiry and listened to all of the evidence. He said that he had "been struck over the last few days that a failure to listen has woven through much of the evidence. Not only a failure to listen but a failure to look, a failure to see, and that has had severe consequences, to my regret."[567]

"Arthur", a former teacher at Loretto, made the very good point that "the processes by which children and adults can report incidents or situations with which they are uncomfortable need to be clearly defined and encouraged. However, this formalisation needs to be in addition to, and not instead of, the fundamental trust that should exist between adults and children, adults and adults and children and children…The default position for a child must be one of trust rather than distrust and the teaching and learning environment must be built around that".[568]

The dangers of children being silenced are clear from many of the accounts I heard. "Gordon" summed it up well: "There was a maxim that I remember from that time which may have come from my mum or dad, or just been in general currency: 'Don't show them how you feel, don't react, otherwise they will just do it again'…When I came in, there were a few comments…I remember being hot with rage at these comments. I can consciously remember telling myself that I needed to bury that feeling…Over time, I learned to stuff down the rage and not react, and eventually people stopped teasing me…The maxim was therefore true, but it doesn't

565 Transcript, day 219: read in statement of "Quentin" (former pupil, 1956-1959), at TRN-8-000000010, p.113.

566 Transcript, day 219: Don Boyd (former pupil, 1958-1965), at TRN-8-000000010, pp.43-44.

567 Transcript, day 224: Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000015, p.176.

568 Written statement of "Arthur" (former staff, 1970-1991), paragraphs 95-96, at WIT-1-000000476, p.20.

"People say that school days are the happiest days of your life. Mine were absolutely ghastly."

account for the cost. When you ignore your own feelings it can become deeply problematic later in life."[569] "Gordon" "lost something [of his rage and reactivity] through that process. When you learn to ignore your feelings, you lose quite a lot of other things. It took me a long time to get that back."[570]

Assumptions about privilege: dispelling the common perception

Boarding schools, such as Loretto, are often perceived as places of privilege attended by privileged children who, it is assumed, are thereby necessarily advantaged and happy. As with other assumptions I have discussed in this volume, that is a dangerous assumption to make. The fact that parents are able to afford or find the fees—often only with assistance from, for example, family or others—does not mean that the life of a child at a boarding school will be easy, happy, fulfilling or, importantly, free from abuse. The findings I have made amply demonstrate that. Nor does it mean that the home background is a secure, settled, happy one. A boarding school may be chosen for a child to protect them from difficulties at home.

Further, children may be told—or feel—that they should be grateful, knowing that boarding school fees are costly. In these circumstances, it may be difficult for children to voice any concerns about, or difficulties they may be facing at the school. Some Loretto pupils came from highly privileged backgrounds in financial terms but that did not prevent them suffering. Take "Quentin", for example, who acknowledged that he "had a very privileged upbringing but when you are young you don't know any differently. People say that school days are the happiest days of your life. Mine were absolutely ghastly. I loathed pretty much every single day."[571]

Trusted confidantes: independent counsellors

The appointment of an independent counsellor in 1995 was a real step forward at Loretto. A number of former pupils who never had access to such support saw the merits of the change in light of their later experiences. As "Alec" explained: "I think it is a service that is absolutely essential for schools, not just boarding schools, particularly boarding schools because people have no other outlets. I think it should be mandatory in schools. I can't see… otherwise who do you get rational support from? You can't get rational support always from teachers, and you certainly can't get rational support from pupils that are beating you."[572]

Responsible prefects

The original intention underlying delegation of the power to punish to prefects was no doubt well meant. However, it was always going to be a high risk strategy, it was not monitored adequately, and it became a vehicle for serious abuse. Giving

569 Written statement of "Gordon" (former pupil, 1989-1994), paragraphs 164-165, at WIT-1-000005541.

570 Written statement of "Gordon" (former pupil, 1989-1994), paragraph 189, at WIT-1-000005541; Transcript, day 249: read in statement of "Gordon", at TRN-8-000000042, pp.70-71.

571 Written statement of "Quentin" (former pupil, 1956-1959), paragraph 81, at WIT-1-000000540, p.19.

572 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.183.

responsibility to pupils is an important aspect of their education but clear guidance was required: "One of the best things you can do for a child or an adolescent is to give them real responsibility. It's a hugely important part of their learning experience. I have mixed feelings about taking that away [from pupils]. Pupils disciplining other pupils needed more of a guiding hand from staff, although there was a philosophy behind pupils being given that level of responsibility in the first place. The intention of that was to allow them to develop as people…I understand that in terms of absolute safety of children, more scrutiny and more supervision needed to come from staff…There's something lost when you take away that responsibility, but I do understand that it had to happen."[573]

I accept that it is important to empower pupils as they develop but there is a balance to be struck between doing so and ensuring the safety and wellbeing of all pupils and staff. The conferring of power must be in line with the relevant pupils' age and capacity. It must be accompanied by clear guidance as to how the power should be used and, importantly, as to the need to understand that since all power should be held in trust, it ought only ever to be used responsibly.

Complaints policy

Schools must have systems which allow them to deal effectively with all complaints. As "Alec" put it: "we have to find ways of taking the power away from abusers. This is the key. I think the biggest powers that abusers have are silence, normalisation and ignorance."[574] What is required is a system where it is "very easy and open to report, then that is going to be a deterrent to abusers and it's going to be a safety blanket to victims."[575]

"I think the biggest powers that abusers have are silence, normalisation and ignorance."

References

All references must be accurate and honest. This is, however, a difficult subject, fraught with tensions, as was clear from "Jack's" evidence about inheriting a teacher who had already received a final warning and being asked to write a reference for him. He wrote to the teacher at the time explaining that "the decision I face is whether or not your actions as described in the documentation that resulted in the final written warning has compromised a child's safety or whether you pose a risk to anyone. If this were the case, I would have to disclose it on any reference. However the fact that the school kept you on as an employee working with children and did not refer you or the matter to the Scottish Ministers again suggests that the governors and headmaster did not believe that you had either compromised a child's safety or that you pose a risk to children. In short, I see no reason why the contents of the warning, or the fact there was a warning at all, should form part of any reference in the future."[576]

"Jack" accepted that potential employers should know about such backgrounds, but he still worried that if that approach was followed the teacher would never get an interview. I have, however, become convinced that reference practices must

573 Written statement of "Gordon" (former pupil, 1989-1994), paragraphs 200-201, at WIT-1-000005541. Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, p.73.

574 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, pp.186-187.

575 Transcript, day 220: "Alec" (former pupil, 1990-1999), at TRN-8-000000011, p.188.

576 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, p.62.

change. A culture of transparency and openness is called for. The author should not withhold information that is potentially relevant to child protection. To take the reference "Jack" wrote, he did not disclose because *he* decided what inferences were to be drawn from known facts that were relevant to child protection. That was not, in my view, a matter for him. The recipients of the reference should have had been given the facts and left to decide for themselves what inferences to draw or, at the very least, to explore the background with the candidate if they were minded to interview him. Regarding the future for references, Graham Hawley, the current headmaster, noted that "transparency it seems to me, with the children being the primacy, needs to be the right approach and how we mould ourselves around it I think will require further reflection but I think that is the direction references need to go."[577]

Wise words

As with other case studies, I was impressed by the motivation of the witnesses who provided evidence. Many were teachers who joined the profession with the best of intentions and have been horrified to learn of the abuse that has occurred. Without exception there was a recognition that the culture and regime at Loretto had, for many years, enabled significant abuse to occur. Much thought was given to the future as well as the past, and there were a number of striking observations.

"Quentin" said: "People at large should realise that no embryonic child in the womb, given the option, chooses to be academically and sportingly inept. These particular handicaps can prove pretty challenging at school, if not for the rest of their lives."[578]

Duncan Wylie said what was vital "is training, training, training. It's giving enough time, pastoral time, to each individual pupil."[579] "Jack" added: "I didn't feel we were doing the other side of it, in other words making sure that after the training had happened, were we making sure that there was awareness and making sure the policies that were being discussed and explained in training, were being fully implemented… always consider the possibility of abuse exists, and so be vigilant."[580]

Dorothy Barbour suggested that "very much, as always, it depends on the person who is filling the role, how children relate to that individual."[581]

Elaine Selley felt that: "Yes, there are financial realities, but I think pastoral care has to be core central, and the money spent on that is money well spent in terms of looking after children."[582] This is achieved by "[w]orking together, the regulatory bodies, inspection teams. Really having dialogue and working together. Being in schools, seeing staff in charge of child protection and headteachers around schools. Governing bodies who put pastoral care front and central all the

577 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.132.
578 Written statement of "Quentin" (former pupil, 1956-1959), paragraph 90, at WIT-1-000000540, p.21.
579 Transcript, day 221: Duncan Wylie (former staff, 1972-2007), at TRN-8-000000012, p.110.
580 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, p.41.
581 Transcript, day 222: Dorothy Barbour (former staff, 1984-2008), at TRN-8-000000013, p.5.
582 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, pp.159-60.

time. And I know economics come into it, I understand that, and I understand they are businesses, but it needs to be front and central so that children feel listened to and notice. And training is really important, that people are trained in the roles that they are in."[583]

"John Stuart" felt that "[t]here could be more thought given to the role of parents. Peer to peer bullying probably constitutes the bigger threat to children's welfare at present".[584] All of these are valuable reflections.

Words of caution

I also heard evidence of practices in Loretto that were likely to be unhelpful in preventing the abuse of children. These touch on the negative impact that the pressures—including regulation and inspections—on a school like Loretto can have on staff.

Schools need guidance and oversight that helps rather than hinders. Loretto found that the multiplicity of outside bodies now involved in lines of reporting caused difficulties and confusion when it came to reporting incidents that gave rise to child protection issues. There needs to be a system that affords schools straightforward and appropriate points of contact when they need help in relation to a child protection matter that may require to be reported.

The following observations and concerns, expressed by staff and a former governor of Loretto, are of interest looking to the future: "There is still I think a little bit unknown about the independent sector, although there are I think about 3,300 staff in it, so it's a small council, and I think sometimes the main bodies forget it is actually a large group of people that have to be regulated, make sure they have the right qualifications, and pulling all that together."[585]

"In the period from 2008 through to 2012/2013 I think the staff morale was very low, so I spent quite a bit of my time trying to make sure that, from a pastoral care/child protection perspective, the school was functioning well. But I was aware there were issues within the school in terms of staff morale."[586]

"In the generation since I left education, Heads and their deputies, as the administrative load has increased, have become ever more remote from the pupils. I'm not sure that is a good thing. Children need to know personally the person who is ultimately responsible for the school."[587]

"I would never say abuse could not occur or go undetected. However many policies of protection may be in place, it is impossible to monitor what goes on between two people in privacy in a school or anywhere else. If two people can be in a room together, whether one is old and one is young or whatever they are, there is no way of knowing what is going on unless they tell you. We want to make all situations, not just schools, as safe as we possibly can for children. The bottom line is we don't live in a perfect world and you can't legislate for every possible contingency."[588]

583 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, p.171.
584 Written statement of "John Stuart" (former staff, 1989-1999), paragraph 60, at WIT-1-000000487, p.11.
585 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, pp.149-150.
586 Transcript, day 223: Elaine Selley (former staff, 2001-2015), at TRN-8-000000014, p.161.
587 Written statement of "Arthur", paragraph 97, at WIT-1-000000476.
588 Transcript, day 224: read in statement of "Poppy" (former member of Board of Governors, 1999-2006), at TRN-8-000000015, p.104.

Reflections by Loretto

Loretto has adopted a reflective approach to the evidence it has read and heard. Of that I have no doubt. For example, the school produced a report entitled, "A note on a comparison of witnesses' observations and recommendations as compared with Loretto of today."[589] It was not asked to provide such a report, and the fact that it chose to do so is, I accept, good evidence of its genuine desire to learn from the past.

The criticality of achieving a culture where one does the right thing on a bad day

Peter McCutcheon, chairman of the Loretto Board of Governors, summed up very effectively the culture that schools, and all individuals within them, should aspire to in this way:

"My background is a military background and I spent time at Royal Military Academy, Sandhurst…and one of the phrases we pushed at cadets was constantly ensuring you had a mindset which would optimise your chance of doing the right thing on a bad day. And I think that is one of the precepts that has been reinforced as I listened to the evidence over the Loretto phase, the criticality of achieving a culture where one does the right thing on a bad day."[590]

He is absolutely right.

Black Box Thinking

Graham Hawley, the current headmaster, agreed unequivocally that transparency was vital: "I think that in this whole realm that the Inquiry is looking at, transparency must be the way ahead."[591] He also thought education could learn from other worlds: "I recall a book I read eight/nine years ago by an author Matthew Syed, the table tennis player and occasional columnist, called Black Box Thinking, and his central thesis in that book was the difference between the aviation industry and how they deal with accidents and near misses, and he was comparing that with the then health service. It was a stark contrast that the aviation industry in general terms is very open. If there is an accident with an aircraft, that is shared immediately worldwide, and the whole tenor is safety. He contrasted that with the health service where his view "was that the culture was much more about protecting individuals, protecting reputations. I think the health service has moved on…it seems to me that perhaps within education we are at the crossroads as well, and we need to embrace all the difficulties and the nuances of litigation and legislation, but fundamentally an aviation model of transparency."[592]

I agree that this is a valuable comparison.

Final thoughts from current leaders at Loretto

I was impressed by closing remarks of both Peter McCutcheon and Graham Hawley on the final day of Loretto evidence. I found them both professional, genuine, and sincere in their apologies. Graham Hawley said that Loretto was "very keen to reach out, do what we can for those people who have suffered. It is one thing to have on record an apology, but there is something very powerful about human to human contact, and I was fortunate enough to have that with one of the

589 Loretto School, note on a comparison of witness' observations/recommendations with Loretto today, at LOR-000000771.

590 Transcript, day 224: Peter McCutcheon (former pupil, 1976-1981; chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000015, p.137.

591 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.132.

592 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, pp.132-133.

witnesses last week. So for the witnesses, for those who perhaps are still seeking to come forward, we want to do what we can to make amends for the dreadful abuse you have suffered and for which we are profoundly sorry."[593]

It is clear that both possess the growth mindset that all boarding schools' leaders require if they are to ensure that abuse is prevented as much as possible. But Loretto, as with all schools, must not become complacent. It was far too complacent in the past and far too ready to assume that all was well when it was not, and children suffered dreadful abuse as a result.

593 Transcript, day 224: Graham Hawley (headmaster, 2014-present), at TRN-8-000000015, p.178.

10 Records

Introduction

As part of the Inquiry's investigations, I requested and recovered documents from a number of sources. I am grateful for the input and assistance provided in this regard by Loretto and by others who were issued with notices in terms of section 21 of the Inquiries Act 2005.

Loretto School: records available

For most of the period under consideration, Loretto did not have a records retention and destruction policy.[594] From the evidence available to the Inquiry it seems that, until relatively recently, it was left to individual staff to decide what information should be recorded, as well as where and how it should be preserved. Thus, the Inquiry experienced difficulties in creating a clear picture of what happened over the period under consideration.[595] In its response to the Inquiry, Loretto conceded that: "It has been a challenge in the absence of full records, to determine the extent to which systemic failures may have led to abuse. Loretto is unable to provide a specific explanation for this without speculating."[596]

Those available records were reviewed by Loretto during its preparation of the section 21 response to SCAI. Copies of these and other documents were made available to SCAI, and included the *Loretto School Rules; Loretto Register: 1825 to 2000* ; *Loretto One-Fifty* (a book which narrates the story of Loretto from 1827-1977); Loretto school minutes from the 1920s to the current date; Loretto School headmaster's reports (1939-1976); copies of employment manuals; and copies of child protection policies.[597]

The *Loretto Register: 1825 to 2000* is a record of pupils who attended Loretto during this period. However, it is neither an accurate nor comprehensive record of all pupils. All children who attended Loretto are considered Old Lorettonians (OLs) and, in addition to the *Register*, the Lorettonian Society (established in 1947) kept and continues to keep records of pupils, including leaver destinations.[598]

Retention of records

The retention of school records was not regulated until the early 2000s. The Pupils' Educational Records (Scotland) Regulations, 2003 requires that educational records "shall be preserved by the responsible body for a period of five years following the pupil having ceased receiving school education."[599]

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594 Loretto implemented a File Retention Policy in August 2019. See Loretto School, File Retention Policy, at LOR-1000000084.

595 Loretto School, Closing Submissions, at LOR-000000777, pp.11-12.

596 Loretto School, Parts A and B response to section 21 notice, at LOR.001.001.0223.

597 Loretto School, *Loretto School Rules*, undated, at LOR-000000049; *The Loretto Register: 1825 to 2000* (2000), Musselburgh: Loretto School, at LOR-000000019; Frank Stewart, *Loretto One-Fifty: The Story of Loretto School from 1827 to 1977* (1981), Edinburgh: William Blackwood, at LOR-000000020; Loretto School, Headmaster's Report, at LOR-000000772 Loretto School, Headmaster's Report, at LOR-000000772; see, for example, Loretto School, Employment Manual: Support Staff (2007, revised 2013), at LOR-000000047; see, for example, Loretto School, Loretto Child Protection Policy (2013), at LOR-000000091.

598 Loretto School, Parts A and B response to section 21 notice, at LOR.001.001.0136.

599 The Pupils' Educational Records (Scotland) Regulations, 2003, reg.4.

Educational records are defined as records of information that:

(a) are processed by or on behalf of the responsible body;
(b) relate to any person who is or has been a pupil at the school;
(c) relate to the school education of that person; and
(d) originated from or was supplied by any of the persons specified in paragraph (2).[600]

Persons specified in paragraph (2) are: teachers, other school staff, the pupil, and his or her parent. There are no similar regulations governing the retention of child protection records in schools. However, in 2011 the Scottish Council of Independent Schools (SCIS) advised its members that: "The Scottish Child Law Centre has advised that child protection records should be kept until the 26th birthday of the individual concerned in line with NHS guidance."[601] In 2014, SCIS confirmed this was still its recommendation. SCIS also considered the length of time records relating to allegations against staff should be kept. After reviewing advice on documents' retention issued by the Scottish Council on Archives and its equivalent in England, the Information and Records Management Society, SCIS concluded that, where justified, schools should keep staff records "until the person's normal retirement age, or 10 years from the date of the allegation whichever is the longer."[602]

Record-keeping systems

Since 2003, Loretto has kept pupils' records up until their twenty-fifth birthday, unless there were child protection or wellbeing concerns, in which case the records would be preserved without a time limit.[603]

In 1993, an inspection by HMI for Schools noted that Loretto's "collection, collation and exchange of information about pupils' welfare were effective despite being largely by word of mouth."[604] Subsequently, in 1999 the HM Inspector for Schools recommended that the school "should improve its procedures for recording complaints and noting the courses of action taken," and should have "consistent forms of record keeping" for care and welfare issues.[605]

Following an inspection of the school on 14 December 2016, the Care Inspectorate advised that an "effective system for gathering, storing and sharing information should be put in place to enhance communication about pupils and their needs across all areas of the School."[606] In response, and to ensure that student welfare information was easily available, Loretto introduced a digital pastoral management system to securely hold information relating to students' wellbeing and any child protection concerns. This was intended to be the central place where all documentary material related to a pupil would be kept. The system was piloted in the senior school in September 2017. Following the pilot the

600 The Pupils' Educational Records (Scotland) Regulations, 2003, reg.3.

601 SCIS, *Child Protection Guidance*, (October 2011), quoted in SCIS, *Retention of Child Protection Records in Schools*, (December 2013, revised October 2014), at LOR-000000112, p.1.

602 The Information and Records Management Society, *Toolkit for Schools*, quoted in SCIS, *Retention of Child Protection Records in Schools*, (December 2013, revised October 2014), at LOR-000000112, p.2.

603 Loretto School, Closing submissions, at LOR-000000777, pp.11-12.

604 HMI of Schools, *Loretto School, Musselburgh* (April 1993), Scottish Office, at SGV-000000847, p.15.

605 HMI of Schools, *Inspection of the Care and Welfare of Residential Pupils: Loretto School, Musselburgh,* (June 1999), Scottish Office, at SGV-000000847, pp.3 and 8.

606 Loretto School, Parts A and B response to section 21 notice, at LOR.001.001.0147.

system was implemented in the senior school in 2017 and, later, in the junior school.[607] In its closing submissions to the Inquiry, the school suggested that this is an effective system to ensure that all information about pupils, including complaints against them, is held in one place.[608] This should facilitate the identification of patterns emerging. Appendix C contains an outline of Loretto's Pastoral Management Information System as of April 2021.[609]

In 2019, Loretto commissioned an independent audit which recommended that policies on how to record and monitor incidents should be reviewed; that an integrated system for recording wellbeing and child protection concerns should be utilised across the whole school; and that further training should be provided to staff on how to record child protection and safeguarding matters.[610]

Loretto has confirmed its intention "to strive to deliver best practice in this critically important aspect of the School's Life and activities."[611]

Recording of complaints

In 2001, Loretto introduced a complaints procedure "for complaints between or about staff members."[612] Loretto's section 21 response to the Inquiry states that, in 2013, "while complaints were recorded at Nippers", the chair to the education committee (a core committee of the Loretto Board of Governors) recommended that "a central record was introduced to ensure that all such complaints were kept in one place with a record of the complaint, action taken and outcome along with relevant dates."[613] Loretto stated that this recommendation was implemented.[614] As a result,

> "[s]ince September 2013, the Chair to the Education Committee visits Nippers each academic term to consider the complaints book…The Chair to the Education Committee also audits the complaints made to the Senior School."[615]

Thus, since 2013 at least there was a record of complaints made about pupils in both the junior and senior schools.

The February 2021 Safeguarding and Child Protection Audit also touched on complaints. Loretto accepted Recommendation 7 of the audit, which stated that:

> "There should be a specific Complaints' [sic] Policy for Senior School students which is explicitly for reporting concerns re staff behaviour. The devising of this policy should involve parents, students, be student friendly and be widely disseminated. The Complaints' [sic] Policy should include reference to unfair or discriminatory behaviour which should be part of an Equality, Diversity and Inclusion policy."[616]

607 Loretto School, response to specific questions, 23 September 2022, at LOR-1000000082.

608 Loretto School, Closing submissions, at LOR-000000777, p.20.

609 Loretto School, Pastoral Management Information System, at LOR-10000000047.

610 Loretto School, note on an Independent Safeguarding and Child Protection Audit of Loretto School, dated February 2020, at LOR-000000775, p.5.

611 Loretto School, note on an independent safeguarding and child protection audit of Loretto School, dated February 2020, at LOR-000000775, p.1.

612 Transcript, day 229: Loretto School, Closing submissions, at TRN-8-000000020, p.29.

613 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0193.

614 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0193.

615 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0190.

616 Loretto School, note on an independent safeguarding and child protection audit of Loretto School, dated February 2020, at LOR-000000775, p.6.

All complaints relating to and from pupils and staff are now logged centrally by the headmaster's office.[617]

Staff recollections of record-keeping

Duncan Wylie worked at Loretto School for thirty five years in a variety of roles including teacher, Head of Department, Housemaster, Director of Personal Social and Health Education, and Child Protection Coordinator.[618] He recalled that "there was no written or unwritten policy, guidance or instructions given by the school regarding the keeping of records."[619] However, staff did keep their own records. According to Duncan Wylie, the school office kept general records, and information on punishments, visitors, and inspections were kept by headmasters and housemasters or housemistresses.

As a housemaster, Duncan Wylie kept "numerous records from punishment books to pocket money books to interviews. Every pupil had a file kept in the boarding house which was amended and added to as was necessary."[620] These files were kept in his office as long as the pupil concerned remained in the school. During his time as the Child Protection Coordinator, he kept records of all "interviews, incidents and the bullying book".[621] The bullying book was an innovation introduced by Duncan Wylie and he invited colleagues to record all incidents there so that patterns of behaviour could be more easily identified. The book recorded "details of the child being bullied, the perpetrator, the nature of the bullying, the date, the time and the person reporting it."[622] Any further action following the incident was also recorded in the book. Records were destroyed when a pupil left school, unless Duncan Wylie "deemed them important enough to be kept by the school in the central office."[623] It is unclear what criteria was used to identify what was "important enough". When Wylie left the school, all records were transferred to his successor.

Norman Drummond, who was headmaster of Loretto from 1984 to 1995, confirmed that his office "kept files of all matters such as pupil records, as did the respective Housemasters/Housemistress."[624] There were no separate files for the recording of child welfare and protection concerns. This had been the system in place when he arrived at the school, and he did not see a need to change it. "Jack", former headmaster in the 2000s told me that he was unimpressed with the standard of record keeping when he took up post at Loretto, describing it as "patchy".[625]

The position was the same in the junior school. Charles Halliday, headmaster at the junior school from 1987 to 1991, did not recall there being any record-keeping, other than for academic matters.[626] More recently, Philip Meadows, who worked at the junior school from 1987 and was its headmaster from 2009 to 2017, "tried to maintain accurate and comprehensive records although the policy on record keeping was

617 Loretto School, response to specific questions, 23 September 2022, at LOR-1000000082, p.2.
618 Written statement of Duncan Wylie (former staff, 1972-2007), at WIT-1-000000524.
619 Written statement of Duncan Wylie (former staff, 1972-2007), paragraph 73, at WIT-1-000000524, p.15.
620 Written statement of Duncan Wylie (former staff, 1972-2007), paragraph 74, at WIT-1-000000524, p.16.
621 Written statement of Duncan Wylie (former staff, 1972-2007), paragraph 75, at WIT-1-000000524, p.16.
622 Written statement of Duncan Wylie (former staff, 1972-2007), paragraph 76, at WIT-1-000000524, p.16.
623 Written statement of Duncan Wylie (former staff, 1972-2007), paragraph 81, at WIT-1-000000524.
624 Written statement of Norman Drummond (former staff, 1984-1995), paragraph 85, at WIT-1-000000591.
625 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, p.72.
626 Written statement of Charles Halliday (former staff, 1987-1991), paragraphs 93 and 95, at WIT-1-000000501.

always a little vague".[627] As a result, "the quality of the records…was always variable and historically increasingly sketchy."[628] During his time at Loretto, Philip Meadows had not seen any records relating to "reports of abuse, ill treatment or inappropriate conduct."[629]

Pupils' recollections of record-keeping

One former pupil recalled there being a house punishment book,[630] and another believed that the headmaster during his time at the school (Norman Drummond) must have kept records on individual pupils as he knew something about every one of them.[631] Some former pupils indicated that prefects had to record the punishments they dispensed to other pupils.[632] Others believed this was not the case, and that punishments went unrecorded.[633]

Former pupils who provided evidence to SCAI did not disclose any experience of trying to recover their records from the school.

Response to evidence about records

In its closing submission to the Inquiry, the school observed that: "As the Inquiry heard in Phase 1, the retention of records and the duration for this, is an area of some ambiguity. A recommendation from the Inquiry which unifies and standardises the approach to retention of records across all schools would be welcome."[634]

Conclusions about records

The records produced to SCAI fail to disclose the whole nature and extent of the abuse inflicted on children at Loretto. To a material extent, that is perhaps unsurprising given the breadth of time the Inquiry is looking at. However, it is also clear, from the records that do exist, that when abuse was, on occasions, being discussed, or where matters associated with abuse were being discussed, the minutes or records of such discussions were not detailed but tended to be opaque and reflective of very high level reporting. In the circumstances, it seems highly likely that was a conscious decision.

Loretto has accepted that its record keeping was inadequate, including the preservation of records made. As a result, until relatively recently, Loretto failed to create or preserve relevant records that children entrusted into its care are able, subsequently, to scrutinise. Records from any period in care, including when at a boarding school, are an important part of a child's life history, and failure to keep and maintain them constitutes a failure in care.

627 Written statement of Philip Meadows (former staff, 1987-2017), paragraph 49, at WIT-1-000000548.

628 Written statement of Philip Meadows (former staff, 1987-2017), paragraph 49, at WIT-1-000000548.

629 Written statement of Philip Meadows (former staff, 1987-2017), paragraph 49, at WIT-1-000000548.

630 Written statement of "Mill" (former pupil, c.1967-c.1971), paragraph 39, at WIT-1-000000448, p.8.

631 Transcript, day 249: read in statement of "Gordon" (former pupil, 1989-1994), at TRN-8-000000042, pp.39-40.

632 Transcript, day 220: read in statement of Peter McCutcheon (former pupil, 1976-1981; Chair of the Loretto Board of Governors, 2017-present), at TRN-8-000000011, p.55; Written statement of "Geoffrey" (former pupil, 1958-1962), paragraph 90, at WIT.001.002.3417.

633 Written statement of "Alec" (former pupil, 1990-1999), paragraph 99, at WIT-1-000000462, pp.25-26.

634 Loretto School, Closing submission, at LOR-000000777, p.12.

11 Inspection reports

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 an independent boarding school by private individuals, organisations, or religious groups.[635] Thereafter, and until 1995, the regulation that did exist afforded the state little oversight of how independent boarding schools operated; or the power to provide any 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 the Inquiry confirm that regular inspections of boarding schools was taking place regularly from at least the 1920s. At Loretto, inspections are confirmed from 1924 and continued regularly until the end of the Second World War, ostensibly under the Secondary Schools (Scotland) Regulations 1923, and in accordance with the provisions of section 19 of the Education (Scotland) Act 1878.[636]

Education (Scotland) Act 1946

The Education (Scotland) Act 1946 introduced a number of significant changes to the inspection of schools more generally, and 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.[637] 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.[638]

Part V of the 1946 Act required independent schools to register with the newly created Registrar of Independent Schools in Scotland; not doing so was a criminal offence. However, it was not until 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

635 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.

636 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 7 July 1924, at SGV-000000844, pp.16-17.

637 Education (Scotland) Act 1946, sections 61 and 62.

638 NRS ED48/1377, Registration of Independent Schools: General Policy, 1953-1967, Minutes, 6 October 1955, at SGV-000007325, pp.41-42.

required. Whilst the 1957 Regulations did not establish standards for the care or education of pupils, they bolstered the inspection provisions outlined in Part IV of the 1946 Act, by bringing into effect a complaints mechanism that, as Norrie stated, "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."[639] The Secretary of State or the Department of Education could strike a school off the registry, or disqualify a proprietor or teacher. No further details were provided, however, as to how proprietors of independent schools or teacher may be judged to be 'not a proper person' for these roles. Loretto has been registered as an independent school since 1957.[640]

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.[641] The 2006 Regulations continue to apply today.

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.[642] 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 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 it has been substantially amended. 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 children and young people whilst resident at a school.[643] It also gave HM inspectors the power to inspect a school in order to determine whether pupils' welfare was adequately safeguarded and promoted. Until 2001 it was HM Inspectorate's responsibility to inspect the boarding facilities within a school.

Inspections of Loretto's academic provisions continued to be carried out by HMIe until 2011, when Education Scotland was formed and took over responsibility for the inspection of schools. Education Scotland has inspected Loretto every year since 2012.[644]

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639 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.

640 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.

641 The Registration of Independent Schools (Scotland) Regulations 2005; The Registration of Independent Schools (Scotland) Regulations 2006.

642 Education (Scotland) Act 1962, section 67; Education (Scotland) Act 1980, section 66.

643 Children (Scotland) Act 1995, section 35; Education (Scotland) Act 1980, section 125A.

644 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0215.

Other significant amendments to the 1980 Act were made by the Standards in Scotland's Schools etc. Act 2000; and the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004. The 2000 Act introduced a new ground for refusing registration of a school, and a new ground of complaint.[645] The 2004 Act restructured the registration rules found in the 1980 Act, and for the first time included the criteria for the granting of registration.

The Care Commission and the Care Inspectorate

The Regulation of Care (Scotland) Act 2001 establishes the Scottish Commission for the Regulation of Care (the Care Commission).[646] The Care Commission was established in 2002, and took over the regulation and inspection of care services, including boarding facilities at independent schools. The National Care Standards were published in 2002.

The Care Commission—and its successor, the Care Inspectorate—could make recommendations and set out requirements for the improvement of services. Recommendations set out actions the care service provider should take to improve or develop the service. Whilst service providers are expected to meet these recommendations, recommendations are not enforceable.

Requirements are legally enforceable and are set out to ensure the care service complies with legislation and policy. The care service provider must make the required improvements within a given timescale. A service's registration may be cancelled if a requirement is not met within the given timescale. The Care Inspectorate can apply to the Sheriff Court for emergency cancellation of a service's registration if it believes that there is a serious and immediate threat to life or well-being.

In 2011 the Care Inspectorate took over the functions of the Care Commission, the Social Work Inspection Agency and the child protection unit of HM Inspectorate of Education. Since then the Care Inspectorate has been responsible for the regulation and inspection of boarding facilities at independent schools. The National Care Standards were replaced by the Health and Social Care Standards in 2018.

Based on these standards the Care Inspectorate has developed several quality frameworks to evaluate the quality of care of services, including those provided by school accommodation. Before these frameworks were introduced the Care Inspectorate (and its predecessor, the Care Commission) carried out its inspections against themes and statements. In 2021 the Care Inspectorate published its quality framework for boarding schools.[647]

Loretto was registered with the Care Commission from 2005, and has been registered with its successor, the Care Inspectorate, since 2011. In its submission to SCAI, Loretto stated that its continuous registration with both regulatory bodies demonstrates compliance with all national care standards in place.[648]

645 Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents (November 2017), p.323.

646 Regulation of Care (Scotland) Act 2001, section 1.

647 Care Inspectorate, A quality framework for mainstream boarding schools and school hostels, April 2021.

648 Loretto School, Parts C and D response to section 21 notice, at LOR.001.001.0008.

Inspection records

Whilst there were no legislative provisions governing inspection of a boarding school prior to 1946, as noted already, available records confirm that the Scottish Education Department inspected Loretto from at least 1924. Appendix D contains four tables setting out details of inspections carried out by: the Scottish Education Department (1920s-1960s), HM Inspectorate of Education (1990s-2000s), the Care Commission (2000s-2010s), and the Care Inspectorate (2010s).

Loretto was inspected by the Scottish Education Department nine times in the 1920s; eighteen times in the 1930s; seven times in the 1940s; twice in the 1950s; and once in the 1960s. The focus of these inspections was on pupils' academic performance, with inspectors being mostly positive about the quality of education provided by teachers in the junior and senior schools.[649]

Throughout the 1930s, there was repeated affirmation of classroom conditions and staff numbers, with a comment in 1937 that "[t]he school is suitably housed in two closely adjacent houses with well-lighted and airy class-rooms. The surrounding grounds, extending to several acres, provide ample facilities for fresh air and exercises at the breaks between school periods, and adjoin the school cricket ground. In all respects the school is exceptionally fortunate in its material conditions. On the scholastic side it is also fortunate in being well-staffed, and in being organised in classes of a size which permits of the pupils receiving individual attention. Organised games and recreative activities of various kinds receive due attention, and the atmosphere of the school is a pleasant one." [650]

The Second World War brought about many staffing difficulties for Loretto, as well as other schools. Nonetheless, in 1944 an inspector noted that in the mathematics department, "[w]ar time conditions have been successfully faced and at the inspection an impression was readily formed of teamwork, goodwill, purpose, and a variety of gifts and experience, and that this staff was a significant part of the whole like of the school."[651] In that period, some brief notes were made about how the shortage of staff negatively impacted on children's learning: "Staffing difficulties…retarded the work of the Modern Languages classes"[652] and "the many changes in the biological department have undoubtly [sic] retarded progress and left the senior boys with a number of gaps in their studies."[653] In 1949 an inspector noted that: "Loretto suffered from severe staff difficulties during the war. Two years ago, however, the present assistant masters were appointed; they have helped the head of the department to effect a marked improvement in the standard of work, and their efforts have been rewarded by good record of successes in recent external examination."[654]

Inspections from the early 1950s and 1960s provide some information about school life and accommodation. In 1953 there were 260 boys attending Loretto—just over 200

649 See, for example, Scottish Education Department, Inspections of Loretto, 1 July 1930, 8 July 1931, 27 July 1935, 27 March 1937 at SGV-000000844, pp.44-45, pp.50-51, p.63, pp.71-72.

650 NRS ED32/302, Scottish Education Department, Inspection of Loretto, SGV-000000844, p.71.

651 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 1 August 1944, at SGV-000000844, p.120.

652 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 12 July 1941, at SGV-000000844, p.105.

653 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 23 June 1946, at SGV-000000844, p.122.

654 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 26 July 1949, at SGV-000000844, p.132.

were aged 13 or over, thus attending the senior school. The 1953 inspection report also recorded that: "The bedrooms, common rooms and other domestic premises are very suitable, and the recent acquisition of the mansion and grounds of the nearby Pinkie House will provide very desirable additional accommodation…and will enable the roll of the upper school to be increased to about 225. Arrangements for the supervision of the boys' health are admirable."[655] The inspection concluded that "[t]he tone of the school is excellent, and the general atmosphere of happy co-operation among both staff and boys makes a very pleasing impression."[656]

By 1965, the school roll had increased to 295 boys, and the school had embarked on "a major programme" of reconstruction and building. The teaching provided at Loretto is described as "efficient" and "progressive", and "adequate attention appears to be paid to the varying abilities and interests of the boys."[657]

The first HMIe inspection is listed as having been carried out in 1992, some 27 years after the final Scottish Education Department inspection. It is unclear why there was such a long gap.

Increasingly, HMIe inspections looked beyond educational provision towards the care and wellbeing of pupils. The 1992 inspection, for example, noted "Loretto was a warm and supportive community where all pupils were known and treated as individuals by a committed and caring staff…Pupils were very well mannered…showed that they could accept responsibility and take initiatives in a mature way and could work effectively in cooperation with others."[658] House staff were described as having "a key role in ensuring that the personal and social needs of pupils were catered for" and did so by working effectively as a team in gathering and sharing information about pupils' welfare, despite the lack of a system for recording such information.[659] It noted that Loretto had pastoral care policies in place, but that these would be more effective if written down and shared with staff.

The focus of the inspection carried out in 1999 was pastoral care, support, and supervision of pupils. It noted that most boarders were satisfied with the quality of pastoral care and felt safe and well cared for. The inspectors noted: "Advice to pupils on child protection issues, complaints procedures and on the school's 'listening policy' was clearly displayed in the senior school. Pupils were aware that there were a number of adults to whom they could turn in case of difficulty…The school had a clear and well defined anti-bullying policy and all incidents were recorded centrally. Pupils were clear about what to do in the case of bullying…There were clear guidelines for dealing with serious matters…Significant breaches of school discipline were dealt with effectively."[660] Importantly, "the headmaster and house staff were taking steps to stamp out the practice of 'scabbing', of the inappropriate exercise of influence by older

655 NRS ED32/302, Scottish Education Department, Inspection of Loretto, February/March 1953, at SGV-000000844, p.146.

656 NRS ED32/302, Scottish Education Department, Inspection of Loretto, February/March 1953, at SGV-000000844, p.146.

657 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 12 August 1965, at SGV-000000845, p.44.

658 NRS ED64/1889, Loretto School, Musselburgh: A Report by HM Inspectors of Schools, 27 April 1993 (date of report), at SGV-000000857, p.5.

659 NRS ED64/1889, Loretto School, Musselburgh: A Report by HM Inspectors of Schools, 27 April 1993 (date of report), at SGV-000000857, p.15.

660 NRS ED64/1891, Inspection of The Care and Welfare of Residential Pupils, Loretto School, Musselburgh: A Report by HM Inspectors of Schools, 22 June 1999), at SGV-000000847, p.5.

boys over younger boys. However…vestiges of the practice persisted. Continued vigilance was needed to ensure that the school's policy was fully implemented and was understood by all older boys."[661] One of the recommendations made by the inspectors was for Loretto to develop common care and welfare policies and consistent forms of record keeping.

HMIe inspections of the school in 2005 and 2006 observed that there was a strong sense of community in the school, and that relationships between teachers and pupils, and amongst staff, were positive and supportive.[662] The 2006 inspection, which was jointly carried out with the Care Commission, stated that: "The school had an appropriate child protection policy and generally implemented it well. However, a few members of staff were not fully confident with its procedure."[663]

Between 2006 and 2010, the Care Commission inspected Loretto on an announced and unannounced basis on eight occasions. During inspections the Care Commission often sought the views of pupils, parents or carers, care and teaching staff, and members of the Board of Governors; and paid visits to boarding houses. It also examined a variety of documents such as school policies and procedures, and minutes of meetings.

The Care Commission used the National Care Standards 2002 to assess the quality of care provided by Loretto. Between 2008 and 2010, Loretto received the following quality grades:

Table 3: Care Commission's quality grades for Loretto, 2008-10[664]

Date	Care & Support	Environment	Staffing	Management & Leadership
25 June 2010	Good	Good	Good	Not assessed
17 Feb 2009	Not assessed	Not assessed	Good	Not assessed
10 Oct 2008	Very good	Very good	Good	Very good

661 NRS ED64/1891, Inspection of The Care and Welfare of Residential Pupils, Loretto School, Musselburgh: A Report by HM Inspectors of Schools, 22 June 1999), at SGV-000000847, p.3.

662 HMIE, Loretto School, Musselburgh, 3 May 2005, at SGV-000008315; Inspection of mainstream school care accommodation services: Loretto School, Musselburgh, A report by HM Inspectorate of Education and the Care Commission, 31 October 2006, at CIS.00.002.6651.

663 Inspection of mainstream school care accommodation services: Loretto School, Musselburgh, A report by HM Inspectorate of Education and the Care Commission, 31 October 2006, at CIS.00.002.6651, p.7.

664 Care Inspectorate, Loretto School: School care accommodation. Quality grades were not provided for earlier inspections.

In 2010, the inspection's focus was on "quality assurance for care at home and combined care at home and housing support services."[665] It found that: "Most of the young people we spoke with knew about the school's policy on child protection. We looked at Child Protection records and discussed these with the Director of Inspections, Compliance and Child Protection. This confirmed that child protection concerns which had been raised with the Child Protection Co-ordinator had been addressed appropriately, and suitable records kept. The Child Protection Co-ordinator was a member of East Lothian Child Protection Committee, through which she continued to keep updated on current best practice."[666] However, as with the HMIe inspection of 2006, there were concerns that not all staff were fully "confident in their knowledge about the procedures for Child and Adult protection."[667] Consequently, the Care Commission issued the following requirement: "It is a requirement that the Provider ensures that all staff have a clear understanding of the school's Child and Adult Protection procedures, and the legal requirement that the school follows these. These procedures should be explained in full the parents and pupils so that all parties are aware of the steps which must be taken if the school have any concerns about the welfare of any pupils."[668] When the inspector returned to the school in January 2012 they found the requirement had been met by Loretto.[669]

The Care Inspectorate took over the functions of the Care Commission in 2011. Since then it has visited Loretto on an announced and unannounced basis on six occasions, following a similar methodology to that adopted by the Care Commission. Since then Loretto received the following quality grades:

Table 4: Care Inspectorate's quality grades for Loretto, 2012-16[670]

Date	Care & Support	Environment	Staffing	Management & Leadership
14 Dec 2016	Very good	Very good	Not assessed	Not assessed
15 Jan 2016	Very good	Good	Very good	Very good
18 Mar 2015	Very good	Good	Very good	Very good
12 Nov 2013	Good	Good	Good	Good
15 Jan 2013	Good	Good	Good	Good
19 Jan 2012	Good	Good	Good	Not assessed

665 Care Commission, Inspection report, Loretto School: School Care Accommodation Services, 25 June 2010.
666 Care Commission, Inspection report, Loretto School: School Care Accommodation Services, 25 June 2010, pp.18-19.
667 Care Commission, Inspection report, Loretto School: School Care Accommodation Services, 25 June 2010, p.19.
668 Care Commission, Inspection report, Loretto School: School Care Accommodation Services, 25 June 2010, p.12.
669 Care Commission, Inspection report, Loretto School: School Care Accommodation Services, 19 January 2012, p.8.
670 Care Inspectorate, Loretto School: School care accommodation.

The gradings clearly suggest that from 2015 there was a marked improvement in the care support provided by Loretto, as well as in staffing, and management and leadership.

Pupils' recollections

"Alec" recalled inspectors visiting the school once whilst he was a pupil. The inspectors "asked about every aspect of the school" and visited the classrooms and boarding houses.[671] "Alec" thought he was asked questions by one of the inspectors, but he noted that "[n]obody ever said anything about abuse and things like that. You would be terrified that it would come back to haunt you."[672]

"Gordon" also recalled there being an inspection in the early 1990s. Pupils were made aware of the inspection, and the message seemed to be that pupils "shouldn't be mucking about too much", although "Gordon" did not feel they were being coached.[673] The inspectors spoke to some of the children, but not "Gordon". He did not know if children were spoken to in the presence of staff, but if staff were present during interviews with pupils he thought it would not "have prevented children from speaking their minds."[674]

"Alec's" and "Gordon's" contrasting views about how much information children may voluntarily give to an inspector highlight the need for consultations with children to be carefully planned, so that they can "speak their minds".

Staff recollections

I was struck by the evidence of "Jack", former headmaster of Loretto in the 2000s. "Jack" felt that those carrying out inspections did not quite understand boarding schools. He offered the following as one example: "In one of the conversations I had with one of the Care Inspectorate they said they were very surprised the children seemed to like boarding…There was a feeling from my side that the assumption had been that these children were somehow forced to board or had to board, and they were squirrelled away in this boarding school, and then the inspectors came in and they found they actually quite liked it…So I think whilst I have no criticism or concern about any of the professional standards and qualifications of any of the school care accommodation service who visited us, I did feel they hadn't quite—how can I put it—got it when it came to kids who quite liked boarding."[675]

That sentiment was echoed later in the hearings by other evidence that suggested there would be benefit in having inspectors who were more familiar with boarding schools.

David Stock recalled there being only one inspection in his 19 years at the school. He raised concerns about the ability of inspectors to identify problems when these existed.[676]

"Hunter" recalled two inspections "of all aspects of the school in which inspectors witnessed all aspects of the school's day, including in the houses in the evenings."[677]

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671 Written statement of "Alec" (former pupil, 1990-1999), paragraph 87, at WIT-1-000000462, p.22.
672 Written statement of "Alec" (former pupil, 1990-1999), paragraph 87, at WIT-1-000000462, p.22.
673 Written statement of "Gordon" (former pupil, 1989-1994), paragraph 92, at WIT-1-000005541, p.26.
674 Written statement of "Gordon" (former pupil, 1989-1994), paragraph 92, at WIT-1-000005541, p.26.
675 Transcript, day 224: "Jack" (former staff, 2008-2013), at TRN-8-000000015, pp.87-88.
676 Written statement of David Stock (former staff, 1972-1991), at WIT.001.001.7757.
677 Written statement of "Hunter" (former pupil, 1945-1955; former staff, 1967-1996), paragraph 74, at WIT-1-000000504, p.14.

During these inspections children were spoken to individually and in small groups, sometimes in the presence of staff.

Conclusions about inspections

Loretto has been inspected by various bodies over the last century. The frequency of inspection was at best occasional in the 1950s and early 1960s and was then followed by an unexplained, if not inexplicable, gap of 27 years until the next inspection in 1992. It seems significant that it was during this period that the most blatant abuse of children was taking place at the school.

It is undoubtedly the case that, over time, the focus of the reports has become increasingly pastoral. The methodology of inspection also evolved, and indeed continues to evolve: there is increasing input from non-staff figures, namely pupils, parents, Old Lorettonians, and Governors; inspectors attend meetings and activities; questionnaires are used to gather information; and school policies and procedures are reviewed.

The available inspection records provide solid evidence of the desire of Loretto to provide a good educational environment for its pupils, an environment motivated to producing well educated, well-rounded children.

The adequacy of inspection regimes generally is a topic that SCAI intends to consider at a later stage. It is sufficient for me to observe that the 27 years inspection gap identified here was wholly unsatisfactory and redolent of complacency on the part of inspectors. At Loretto, the absence of inspections and its associated prompt to engage in self-reflection, must have played a part in fostering the school's own complacency and serious abuse was able to occur unchallenged and without fear of being detected.

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.

To investigate the nature and extent of abuse of children whilst in care in Scotland, during the relevant time frame.

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.

To create a national public record and commentary on abuse of children in care in Scotland during the relevant time frame.

To examine how abuse affected and still affects these victims in the long term, and how in turn it affects their families.

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.

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.

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.

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 day-care; 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.[678] 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.[679] However, corporal punishment was only lawful, if "(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".[680] 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."[681] 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".[682]

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"[683] 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"[684] 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."[685]

678 See Alexander Birrell Wilkinson and Kenneth McK. Norrie, *The Law Relating to Parent and Child in Scotland*, 3rd ed. (2013), Edinburgh: W. Green. 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), at p.346.

679 See Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents (November 2017), at p.346.

680 See Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents (November 2017), at p.346.

681 See Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents (November 2017), at p.347.

682 See "How the tawse left its mark on Scottish pupils", BBC Scotland, 22 February 2017. Retrieved 5 September 2020.

683 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.349.

684 *Muckarsie v Dickson* (1848) 11 D 4, p.5.

685 *Ewart v Brown* (1882) 10 R 163, p.166.

Little changed for much of the 20th century. In Gray v Hawthorn,[686] in 1964, the 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 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."[687]

The child was eleven and was belted eight times in the space of two hours for being dirty, having an untidy school bag, performing poorly in school work, 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. He

> "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."[688]

I would not have considered it appropriate to belt a child for any of the reasons set out.

The reasoning in Gray v Hawthorn was followed in the 1980 case of Stewart v Thain,[689] which involved a head teacher smacking a fifteen 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 "[e]ach case must be considered in the light of the whole circumstances relevant to it."[690]

686 *Gray v Hawthorn* (1964) JC 69.
687 *Gray v Hawthorn* (1964) JC 69.
688 *Gray v Hawthorn* (1964) JC 69, p.72.
689 *Stewart v Thain* (1981) JC 13.
690 *Stewart v Thain* (1981) JC 13.

Corporal punishment in boarding schools

In the boarding sector, the use of the cane by both staff and senior pupils was common, as 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 s.37 of the Children Act, 1908 and ss.12(7) of the Children and Young Persons (Scotland) Act, 1937, both of which concerned cruelty to persons under sixteen. The 1937 provision, for example, which concerned behaviour of persons who had "attained the age of sixteen years" said "[n]othing 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."[691]

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 it was simply the way that things were done, and was often ill-considered and inadequately supervised. At worst there was no supervision.

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 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

691 Children and Young Persons (Scotland) Act, 1937, section 12 (7) as originally enacted.

> 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".[692]

This insightful message is one that boarding schools ought to have taken cognisance of because they housed children separated from their families, a separation that, in itself, especially for younger children, created a vulnerability. Had the committee addressed the punishment practices in the schools examined in this case study, 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."[693] 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."[694] Regulation 11 provided that corporal punishment may "exceptionally be administered".[695]

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 the boarding schools of the 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;
> (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."[696]

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692 *The Curtis Report*, (1946), p.xviii, para 493, at LEG.001.001.8889-8890.

693 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.

694 *The Administration of Children's Homes (Scotland) Regulations,* (1959), reg 1, at LEG.001.001.2719.

695 *The Administration of Children's Homes (Scotland) Regulations,* (1959), reg 11, at LEG.001.001.2723.

696 *Approved Schools (Scotland) Rules* (1961), rule 31, at LEG.001.001.2704-2705.

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 the pupils themselves during the 1960s,[697] there was often no oversight by the 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".[698] 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."[699]

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.

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.[700]

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.

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697 See for example Transcript, day 220: Kenneth Chapelle (former pupil, 1961-1966), at TRN-8-000000011, p.74.

698 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.

699 Liaison Committee on Education of Corporal Punishment in Schools: Statements of Principles and Code of Practice, paragraph 6 (1), 1968, at GLA.001.001.0706.

700 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.

Further developments

In 1977 the Pack Committee, chaired by Prof. D.C. Pack, and set up by the Secretary of State for Scotland, reported on indiscipline and truancy in Scottish schools. It reported "corporal punishment should, as was envisaged in 1968, disappear by a process of gradual elimination rather than by legislation".[701]

A working group appointed by the Convention of Scottish Local Authorities reviewed that process and produced a report "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 was is now open for progress leading to the elimination of corporal punishment in Scottish schools within the foreseeable future."[702]

Within three weeks, in the case of Campbell and Cosans v UK,[703] 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."[704]

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. S.48A(5)(a), provided that a "pupil" included a person for whom education was provided at

> "(i) a public school,
> (ii) at a grant-aided school, or
> (iii) at 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."

Specific provision was made to prescribe Queen Victoria School at Dunblane under s.48A(5)(iii) on 15 August 1987.[705]

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 punishments 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."[706]

Other than Queen Victoria School, the legislation did not prevent Scottish boarding schools from continuing with corporal punishment. However, consistent with the change in society, many independent boarding schools, as well as day schools, were either thinking of or had already abolished it.

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701 Scottish Council of Independent Schools, Corporal Punishment in Scottish Schools, at SCI-000000009, p.2.

702 Scottish Council of Independent Schools, Corporal Punishment Abolition In Scotland–Timeline, at SCI-000000007, p.1.

703 *Campbell and Cosans v United Kingdom* (1982) 4 EHRR 293.

704 Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents (November 2017), at p.354.

705 The Education (Abolition of Corporal Punishment: Prescription of Schools) (Scotland) Order 1987.

706 Scottish Council of Independent Schools, Corporal Punishment Files, at SCI-000000023, p.8.

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 junior school had stopped using corporal punishment. Keil, Loretto junior school, Merchiston, Morrison's, and Queen Victoria School retained it although were contemplating abolition, while Loretto senior school and Gordonstoun were not. Edinburgh Academy did not feature in that survey.[707]

A similar survey in October 1988 revealed that only five prep schools and two senior schools retained corporal punishment though four had either unofficially abolished it or were phasing it out. That included Edinburgh Academy. The only senior school to retain it was Loretto,[708] although by 1991 a further SCIS survey confirmed that it was no longer used by any of its member schools.[709] Loretto, it appears, had stopped the use of the cane in 1990.[710]

Finally, s.16 of the Standards in Scotland's Schools etc Act 2000 extended the prohibition against corporal punishment to all schools and repealed s.48A of the 1980 Act.

707 Independent Schools Information Service (Scotland), at SCI-000000038.

708 Independent Schools Information Service (Scotland), at SCI-000000039.

709 Scottish Council of Independent Schools, at SCI-000000025.

710 Loretto School, note on a comparison of witness' observations/recommendations with Loretto today, at LOR-000000771, p.6.

Appendix C: Pastoral Management Information System at Loretto

- "The Pastoral Management Information System is used to record a variety of pastoral information.
- It is in general use in the Senior School and under development in our Junior School.
- The system includes an embedded reporting section for Wellbeing and Child Protection Referrals.
- Information can be added by any member of staff and this can include low level observations, records of meetings, recording incidents and Behavioural Referrals.
- We can filter information according to the record reason. This enables us to report to external bodies on incidents such as racism, bullying, safety concerns and homophobic incidents, along with recording meetings, are plans and one to one Staff meetings with children.
- Records can also be filtered according to their importance.
- Tutors, Heads of Year and House Staff routinely search for records against a pupil's name to ensure that they have a broad overview of anything that may be impacting on an individual child.
- The Wellbeing referral system contains the GIRFEC (Getting it Right for Every Child) Wheel and provides staff with a user friendly way of triaging what may be impacting on a young person.
- Similarly, the Child Protection referral system provides a clear framework for staff to make a referral and for the Child protection Coordinator to record their response and subsequent actions.
- All records are date stamped.
- Additional documents and files can be uploaded to the system.
- The member of staff who is creating the record can select who can see their record. Some records are visible to all staff and some more sensitive records are visible to a group of individuals.
- The Medical Centre staff also have access to the system.
- Only [the Assistant Head (Pastoral and Compliance)] can delete a record."[711]

711 Loretto School, Assistant Head (Pastoral and Compliance), April 2021, at LOR-1000000047.

Appendix D: Inspection reports relating to Loretto School between 1924-2016

Scottish Education Department, Inspections: 1924-1965		
Date of inspection	**Focus of inspection**	**Key findings/conclusions**
7 July 1924	Mathematics department	The overall conclusion was positive where the students were praised for their engagement and grasp of mathematics. The teacher was praised for his nonconventional teaching style.[712]
19 July 1926	Preparatory school	Form I and II insufficient mathematics understanding.[713]
13 July 1926	Senior school (science)	There had been improvement in the boys' learning since the previous visit. The science lab was outdated and the rooms are cramped. The science curriculum was too advanced for the boys and there did not appear to be enough time to revise basic principles.[714]
8 July 1927	Preparatory school	The teaching was skilful and effective. There was a bright and healthy tone in the classroom.[715]
30 June 1927	Senior school	English and Latin were taught well.[716]
28 June 1928 & 12 July 1928	Senior school	Good knowledge of classical English literature.[717]
3 July 1928	Preparatory school	Classes were doing excellent work under excellent teachers.[718]

712 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 7 July 1924, at SGV-000000844, pp.16-17.
713 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 19 July 1926, at SGV-000000844, pp.18-19.
714 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 13 July 1926, at SGV-000000844, pp.20-22.
715 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 8 July 1927, at SGV-000000844, pp.23-24.
716 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 30 June 1927, at SGV-000000844 pp.25-28.
717 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 28 June 1928 & 12 July 1928, at SGV-000000844 pp.29-31.
718 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 3 July 1928, at SGV-000000844 pp.32-34.

Scottish Education Department, Inspections: 1924-1965		
Date of inspection	**Focus of inspection**	**Key findings/conclusions**
5 July 1929	Preparatory school	Children were healthy physically and scholastically.[719]
30 May 1929 & 31 May 1929	Senior school	Very good teaching in mathematics with a small class of 19 pupils. Science: two out of three laboratories are well-equipped, the third was outdated. Art was not part of the curriculum officially, but classes were provided for boys who wished to become architects.[720]
8 July 1930	Senior school	English and history: children showed genuine interest in literature and great grasp of the language. Latin: adequate accuracy in translation.[721]
27 June 1930	Preparatory and senior schools (modern languages)	"The tone of friendly frankness and spontaneity found throughout the classes of the Junior School is most refreshing." French: varying merit but a keenness to learn. German and Spanish: satisfactory progress.[722]
1 July 1931 & 3 July 1931	Senior school (mathematics)	Maths: pupils showed excellent common sense.[723]
1 July 1931	Senior school (modern languages)	French: the boys worked well individually but would have benefited from class work. German and Spanish: needed more work in the oral branch.[724]
2 July 1931	Preparatory school	The preparatory school was excellently staffed. Classes were small and thus each pupil got individual attention. The boys enjoyed school life and were on excellent terms with teachers.[725]

719 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 5 July 1929, at SGV-000000844 pp. 35-37.
720 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 30 May 1929 & 31 May 1929, at SGV-000000844, pp.38-41.
721 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 8 July 1930, at SGV-000000844, pp.42-43.
722 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 27 June 1930, at SGV-000000844, pp.44-45.
723 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 1 July 1931 & 3 July 1931, at SGV-000000844, pp.46-47.
724 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 1 July 1931, at SGV-000000844, pp.48-49.
725 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 2 July 1931, at SGV-000000844, pp.50-51.

Scottish Education Department, Inspections: 1924-1965		
Date of inspection	**Focus of inspection**	**Key findings/conclusions**
27 July 1932 & 28 July 1932	Senior school (science)	Science: instruction under excellent conditions. The pupils developed confidence and self-reliance.[726]
19 June 1933 & 20 June 1933	Preparatory and senior school (English)	Senior school: English was thorough in general aims and detailed contents which matches the requirements of pupils. Preparatory School: small classes allowed individual attention.[727]
25 June 1934	Preparatory school	In each form the pupils varied considerably in ability and attainments. However, the small class sizes were advantageous for the weaker boys. English, History and Geography were satisfactory.[728]
23 July 1934 & 24 July 1934	Mathematics	Maths: very satisfactory. The pace needed adjusted for weaker pupils.[729]
22 July 1935 & 23 July 1935	Senior school (modern languages)	French: tone of classes was admirable and boys were confident and keen. German: one hour a week was sufficient to provide boys with an introduction to the language. Spanish: boys had a very good command of the language.[730]
19 June 1935	Junior school	"The school is well housed and the material conditions in general leave nothing to be desired. The instruction given is sound and well-directed, and the small size of the classes makes it possible to give individual attention to pupils. Organised games and varied forms of recreative [sic] activity receive due attention, and the atmosphere of the school is a happy one." The youngest pupils were being taught by a "lady teacher" and "making good progress".[731]

726 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 27 July 1932 & 28 July 1932, at SGV-000000844, pp.52-53.
727 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 19 June 1933 & 20 June 1933, at SGV-000000844, pp.54-56.
728 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 25 June 1934, at SGV-000000844, p.57.
729 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 23 July 1934 & 24 July 1934, at SGV-000000844, pp.58-59.
730 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 22 July 1935 & 23 July 1935, at SGV-000000844, pp.60-62.
731 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 19 June 1935, at SGV-000000844, pp.63-64.

Scottish Education Department, Inspections: 1924-1965		
Date of inspection	**Focus of inspection**	**Key findings/conclusions**
20 July 1936 & 21 July 1936	Preparatory and senior school (classics)	The pupils could read Latin well but may have suffered from an "overdose of Hannibal".[732]
25 March 1937	Preparatory and senior schools (English, history, geography, Latin, French, mathematics)	"The school is suitably housed in two closely adjacent houses with well-lighted and airy class-rooms. The surrounding grounds, extending to several acres, provide amply facilities for fresh air and exercise at the breaks between school periods… In all respects the school is exceptionally fortunate in being well-staffed, and in being organised in classes of a size which permits of the pupils receiving individual attention… the atmosphere of the school is a pleasant one."[733]
6 July 1937	Biology	There was an introduction of biology in curriculum. It was botanical in nature but could have benefitted from an observation of animal life.[734]
6 July 1937	Chemistry, physics	Chemistry: teaching was in capable hands and the standard of pupil work deserved high commendation. Physics: was in good order and pupils were making progress.[735]

732 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 20 July 1936 & 21 July 1936, at SGV-000000844, pp.65-70.

733 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 25 March 1937, at SGV-000000844, pp.71-72.

734 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 6 July 1937, at SGV-000000844, pp.73-75.

735 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 6 July 1937, at SGV-000000844, pp.76-78.

Scottish Education Department, Inspections: 1924-1965		
Date of inspection	**Focus of inspection**	**Key findings/conclusions**
15 July 1938	Preparatory school (English, history, geography, Latin, French, mathematics)	"The favourable conditions under which the work of the school is carried on, as regards both accommodation and staff, have been commented on in previous reports, and it seems unnecessary to repeat here what has been said many times before. One innovation in the current session, however, calls for notice: in addition to an allowance for four periods for singing, every boy spends one period per week in the workshop and another in the art room, with provision for further instruction for any who may be specially attracted to either handwork or art. The experience has proved to be a successful one, and is very popular with the pupils."[736]
25 July 1938 & 26 July 1938	Senior school (mathematics)	The dividing up of classes allowed weaker boys to progress at their own pace. "On the whole the work of the mathematical department leaves an impression of sound teaching and supervision."[737]
31 March 1939 (Preparatory school) 13 & 14 July 1939 (Senior school)	Senior school (English, history) Preparatory school (English, history, geography, Latin, French, mathematics)	Senior school—English: teaching is stimulating and competent. History: well-taught. Preparatory school—healthy conditions of previous years was well-maintained. [738]

736 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 15 July 1938, at SGV-000000844, pp.79-80.

737 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 25 July 1938 & 26 July 1938, at SGV-000000844, pp.81-82.

738 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 31 March 1939 (Prep school); 13 & 14 July 1939 (Upper school), at SGV-000000844, pp.89-92.

Scottish Education Department, Inspections: 1924-1965		
Date of inspection	**Focus of inspection**	**Key findings/conclusions**
8 July 1941	Senior school (modern languages)	Staffing difficulties, due in large measure to emergency conditions, retarded the work of the modern language classes. All the classes in French, German and Spanish were then taken by two able and experienced masters (one resumed duty from retirement after many years of successful service at Loretto). They had to make special efforts to undo the effects of unsatisfactory teaching.[739]
18 July 1941	Preparatory school (English, history, geography, maths, Latin, French)	English: unsuitable Shakespeare plays, for example, Hamlet. Pupils' knowledge of grammar was vague and revision of written exercises was insufficient. Writing was untidy.[740]
2 & 3 June 1943	Classics	"The Classical Department is under capable and scholarly direction, and the school authorities have been fortunate in securing teachers of mature experience to fill the gaps occasioned by the war." [741]
27 & 28 June 1944	Mathematics	"War time conditions have been successfully faced and at the inspection an impression was readily formed of teamwork, goodwill, purpose, and variety of gifts and experience, and that this staff was a significant part of the whole life of the school."[742]

739 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 8 July 1941, at SGV-000000844, pp.105-106.

740 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 18 July 1941, at SGV-000000844, pp.107-108.

741 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 2 & 3 June 1943, at SGV-000000844, pp.115-117.

742 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 27 & 28 June 1944, at SGV-000000844, pp.118-119.

Scottish Education Department, Inspections: 1924-1965		
Date of inspection	**Focus of inspection**	**Key findings/conclusions**
13 & 14 June 1946	Science (chemistry, physics, biology)	"During the past few years changes of staff have occurred in two of the three departments; the many changes in the biological department have undoubtly [sic] retarded progress and left the senior boys with a number of gaps in their studies." "The present teaching method is based on a blending of lectures and individual experimental work; during the time devoted to the latter opportunity is taken to enter into discussion. It is suggested that discussion should play a part during the lecture period…an additional science room for the lectures is necessary. The lighting of the present lecture room could…be improved. The introduction of a science club would stimulate interest and encourage independent study."[743]
27 June 1947	English	"This department is well directed; the teaching has been thorough, and the general responsiveness of the pupils made a very pleasing impression. The strongest features noted were the detailed study of selected texts and the development of interpretation and precis. Language study, including grammar, was also good."[744]

743 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 13 & 14 June 1946, at SGV-000000844, pp.122-125.

744 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 27 June 1947, at SGV-000000844, pp.128-129.

Scottish Education Department, Inspections: 1924-1965		
Date of inspection	**Focus of inspection**	**Key findings/conclusions**
10 & 11 May 1949	Modern languages	"At the time of inspection the head of the department was absent on account of illness, and several of the forms were to some extent disorganized…In common with many other schools, Loretto suffered from severe staffing difficulties during the war. Two years ago, however, the present assistant masters were appointed; they have helped the head of the department to effect a marked improvement in the standard of work, and their efforts have been rewarded by good record of successes in recent external examination."[745]
26 May 1950	Classics	"The work of the department is carefully and competently directed."[746]

745 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 10 & 11 May 1949, at SGV-000000844, pp.132-133.

746 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 26 May 1950, at SGV-000000844, pp.138-139.

Scottish Education Department, Inspections: 1924-1965		
Date of inspection	**Focus of inspection**	**Key findings/conclusions**
23 & 26 February 1953; 2-5 & 10 March 1953	Junior school (English, History, geography, Latin, French, mathematics) and senior school (English, history, classics, modern languages, mathematics, sciences)	"The school contains 260 boys, of whom just over 200, aged 13 years and over, are in the upper school. The junior school is organised in four forms. In the upper school, classification is made carefully according to progress and age, and close attention is paid to the needs and abilities of individual boys…Arrangements for preparation of work and for prive [sic] study are in the main satisfactory, but the provision of separate studies for the older boys might be considered when circumstances permit…Accommodation in general is very good. Classrooms are specious enough for the numbers they contain…The bedrooms, common rooms and other domestic premises are very suitable, and the recent acquisition of the mansion and grounds of the nearby Pinkie House will provide very desirable additional accommodation of various kinds and will enable the roll of the upper school to be increased to about 225. Arrangements for the supervision of the boys' health are admirable. The school doctor visits daily, and the boys are medically examined at regular intervals. Cases of illness are treated by a trained staff in the modern and well equipped sick-house. The tone of the school is excellent, and the general atmosphere of happy co-operation among both staff and boys makes a very pleasing impression."[747]

747 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 23 & 26 February 1953; 2-5 & 10 March 1953, at SGV-000000844, pp.144-151.

Scottish Education Department, Inspections: 1924-1965		
Date of inspection	**Focus of inspection**	**Key findings/conclusions**
1 February 1965	Junior and senior schools	"At the time of the inspection the roll of the school numbered 295. A major programme of reconstruction and new building was in operation. Both in the junior school and in the upper school there was evidence of efficient teaching and a progressive outlook…adequate attention appears to be paid to the varying abilities and interests of the boys. Advantage is taken of the school's situation to provide a variety of interesting and challenging activities during school and leisure hours. Music plays an important part in the life of the school, and the physical well-being of the boys is carefully supervised."[748]

748 NRS ED32/302, Scottish Education Department, Inspection of Loretto, 1 February 1965, at SGV-000000845 p.44.

HMI of Schools/Education, Inspections: 1992-2014		
Date of inspection	**Focus/type of inspection**	**Key findings/conclusions**
September-November 1992	Senior and junior schools	Loretto was a warm and supportive community where all pupils were known and treated as individuals by a committed and caring staff. Teaching accommodation was generally good in all areas, with the exception of the temporary classroom used for music teaching in the junior school which was inadequate in terms of space and facilities. Accommodation in the school was generally well-maintained. In the senior school, whilst the residential provision was varied, all pupils were in satisfactory accommodation and many were well-housed. Recommendations for improvement included a review of the curriculum; a review of the personal and social education programme to include health education; departments to be more systematically monitored by senior staff; and a review of the school library and IT facilities.[749]

749 NRS ED64/1889, Loretto School, Musselburgh: A Report by HM Inspectors of Schools, 27 April 1993 (date of report), at SGV-000000857.

HMI of Schools/Education, Inspections: 1992-2014		
Date of inspection	**Focus/type of inspection**	**Key findings/conclusions**
February & March 1999	Focus on the pastoral care, support and supervision of pupils	Most boarders were satisfied with the quality of pastoral care and felt safe and well cared for. Students were dissatisfied with the quality of toilets, baths, and showers; meals; and security of belongings. Some were also dissatisfied with the quality of dormitories, medical care, lack of weekend activities, and facilities for games, hobbies and interests. The school had a clear and well-defined anti-bullying policy and all incidents were recorded centrally. Pupils were clear about what to do in the case of bullying. Overall the ethos of the school was pleasant and welcoming. Relationships between staff and pupils were positive. The headmaster and house staff were taking steps to stamp out the practice of 'scabbing', however, it existed residually.[750]
February 2001	Not a full inspection. HM inspectors visited the school to evaluate progress made in addressing issues raised in the 1999 report	It was observed that Loretto had made good progress in addressing most points for action. However, there remained some inconsistencies of practice and provision between houses that required further action.[751]
January 2005	Junior and senior schools	Accommodation was good overall. There was a strong community spirit. Pupils were polite, courteous and well-behaved. Relationships between teachers and pupils and amongst staff were positive and supportive.[752]

750 NRS ED64/1891, Inspection of The Care and Welfare of Residential Pupils, Loretto School, Musselburgh: A Report by HM Inspectors of Schools, 22 June 1999 (date of the report), at SGV-000000847.

751 NRS ED64/1891, Follow-up to the Care and Welfare Inspection of Loretto School, Musselburgh: A Report by HM Inspectors of Schools, 1 May 2001 (date of the report), at SGV-000000856.

752 HMIE, Loretto School, Musselburgh, 3 May 2005, at SGV-000008315.

HMI of Schools/Education, Inspections: 1992-2014		
Date of inspection	**Focus/type of inspection**	**Key findings/conclusions**
June 2006 [joint inspection with the Care Inspectorate]	Senior and junior schools	The relationships between pupils and staff were very good. Pupils and staff had a strong sense of community and each house had a warm and friendly atmosphere. Although Loretto had an appropriate child protection policy, a few staff members were not fully confident with its procedure. The school had an appropriate anti-bullying policy. Recommendations included addressing the weakness in accommodation and improve the security arrangements; involving pupils more in decision-making; and implementing a policy for missing pupils.[753]
18-20 April 2014	The quality of learning and teaching was observed	School leadership was effective in ensuring that there was a focus on improving outcomes for children and young people. The school should continue to develop the use of ICT as a medium for learning.[754]

753 Inspection of mainstream school care accommodation services: Loretto School, Musselburgh, A report by HM Inspectorate of Education and the Care Commission, 31 October 2006, at CIS.00.002.6651.

754 Record of Visit: Quality improvement and professional engagement (QUIPE) visit, Loretto School: Musselburgh, at SGV-000064482.

Care Commission, Inspections: 2006-2012		
Date of Inspection	**Focus/type of inspection**	**Key findings/conclusions**
June 2006 [joint inspection with HMIE]	The inspection was part of a programme of integrated inspections of mainstream school care accommodation services by the Care Commission and HM Inspectorate of Education.	Relationships between pupils and staff were very good. There was a strong sense of community and each house had a warm and friendly atmosphere. Nearly all of the pupils were courteous and well-behaved. Rules and guidelines concentrated on respecting others and keeping pupils safe. There was a requirement to ensure that the recommendations of the Lothian and Borders Fire Officers' reports were addressed as a matter of priority.[755]
1 February 2007	Unannounced inspection.	House arrangements had been reviewed. A missing person policy had been drafted, but it needed to be finalised. Pupils indicated they were being consulted more regularly. There were no areas for development identified as this time.[756] The school was in the process of meeting the recommendations made in the Lothian and Borders Fire Officers' report.
4-5 October 2007	Announced inspection.	Students reported that they were happy and felt safe at Loretto. They felt that house staff were very kind, supportive, and helpful and confirmed that they would feel able to go to staff if there were any problems or issues which were troubling them. Snacks were an issue in all the senior houses, and pupils stated that there had been a deterioration in the quality of snacks.[757]

755 Inspection of Mainstream School Care Accommodation Services: Loretto School, Musselburgh, A Report By HM Inspectorate of Education and the Care Commission, 31 October 2006, at CIS.001.002.6651.

756 Care Commission, Inspection report, Loretto School: School Care Accommodation Services, 1 February 2007, at CIS.001.002.6730.

757 Care Commission, Inspection Report, Loretto School: School Care Accommodation Services, 4 October 2007, at CIS.001.002.6737.

Care Commission, Inspections: 2006-2012		
Date of Inspection	**Focus/type of inspection**	**Key findings/conclusions**
5 June 2008	Unannounced inspection.	Following concerns regarding the lack of clarity about boarders' travel arrangements after breaks/holidays, the school had implemented a more robust system. They had contacted parents and asked that the school be notified about their children's travel arrangements by means of a simple form, which included details about the pupils' expected arrival time. A sample of this form was provided to the Care Commission.[758]
10-11 October 2008	Announced inspection.	Loretto had a range of effective systems for students to voice their feedback such as House Council Meetings, Messing Committee meetings (for issues about food), School Council Meetings, Prefect Meetings, and House Doubles. Also, Loretto developed a Parents Forum so that parents could have open communication with the school. Loretto planned to extend the programme of continuous professional development for all staff.[759]
17 February 2009	Unannounced inspection made to monitor progress following the inspection visit on 10 and 11 October 2008.	Loretto was making progress in taking the views of pupils and parents/carers into account in the decision-making processes. From examination of records it was observed that there was no method for verifying new staff members' qualifications.[760]

758 Care Commission, Inspection Report, Loretto School: School Care Accommodation Service, 5 June 2008, at CIS.001.002.6769.

759 Care Commission, Inspection Report, Loretto School: School Care Accommodation Service, 10 October 2008, at CIS.001.002.6776.

760 Care Commission, Inspection Report, Loretto School: School Care Accommodation Service, 17 February 2009, at CIS.001.002.6799.

Care Commission, Inspections: 2006-2012		
Date of Inspection	**Focus/type of inspection**	**Key findings/conclusions**
25 June 2010	Unannounced inspection. Focus on quality assurance for care at home and combined care at home and housing support services. Methodology: carried out discussions with staff and pupils, observed practice, and examined staff recruitment records.	Most of the children who were spoken to knew about Loretto's policy on child protection. Child protection concerns which had been raised with the Child Protection Coordinator had been addressed appropriately, and suitable records had been kept. But, it was not evident that all staff were confident in their knowledge about the procedures for child and adult protection. The school should ensure that Loretto's policies and procedures for child or adult protection are known and followed by all staff, and both parents and pupils are made aware of these policies and procedures.[761]
16-17 January 2012	Unannounced inspection. Methodology: met with house parents and housekeepers, as well as young people. Reviewed documents and records, including child protection records.	Loretto was making improvements to the premises. The school needed to get better at demonstrating how feedback from pupils and parents was welcomed and used. In the previous inspection the school was required to ensure that all staff had a clear understanding of the child and adult protection procedures and legal requirements. This requirement was met.[762]

761 Care Commission, Inspection Report, Loretto School: School Care Accommodation Service, 25 June 2010, at CIS.001.002.6841.

762 Care Commission, Inspection Report, Loretto School: School Care Accommodation Service, 19 January 2012, at CIS.001.002.6880.

Care Inspectorate, Inspections: 2013-2016		
Date of inspection	**Focus of inspection**	**Key findings/conclusions**
14-15 January 2013	Unannounced inspection. Methodology: discussion with staff, review of records and minutes of meetings, and discussions with pupils living in the boarding houses. Review of policies.	The requirement for there to be sufficiently skilled and experienced staff, in sufficient numbers, to provide safe care for the young people living at the school made in the previous inspection was not met. It was listed again as a requirement. It was required that the provider must ensure that there was an effective system in place to identify, act upon and properly record medication discrepancies. It was recommended that school reviews their policies and practice to ensure that staff and pupils were proactive in challenging any form of bullying, including by text messaging. It was required that the provider put in place effective management systems to ensure the health and wellbeing of service users.[763]
11-12 November 2013	See above.	Loretto needed to ensure improvements were made to the systems in the Medical Centre (per previous visit). Loretto needed to review the use of Guardians (by families) to make sure that they had confirmation of these individuals' suitability. There was a need to ensure that hot water in hand basins and showers complied with requirements. Loretto was required to adhere to conditions of registration regarding number of people accommodated in each house. The school had a requirement to ensure that there was sufficiently skilled and experienced staff to care for the young people (as prior two inspections had requested).[764]

763 Care Inspectorate, Inspection Report, Loretto School: School Care Accommodation Service, 14 & 15 January 2013, at CIS.001.002.6947.

764 Care Inspectorate, Inspection Report, Loretto School: School Care Accommodation Service, 11 & 12 November 2013, at CIS.001.002.6979.

Care Inspectorate, Inspections: 2013-2016		
Date of inspection	**Focus of inspection**	**Key findings/conclusions**
18 March 2015	Unannounced inspection.	Loretto provided a safe environment for boarding pupils who enjoyed the company of their friends. Staff worked hard to encourage and enable pupils to benefit from the range of facilities and opportunities available to them. Loretto was to ensure that food hygiene was properly prioritised in boarding house kitchens. Fire safety arrangements and the content of briefings for premises evacuations should be reviewed. Documentation for recording specific support for individual pupils should be reviewed, updated and properly used by all staff.[765]
12-15 January 2016	Unannounced inspection.	A recommendation was made where students can express their views of the catering arrangements in order to ensure that they meet the needs of pupils.[766]
14 December 2016	Unannounced inspection.	Loretto improved its systems for gathering, storing and sharing information about individual pupils and their care needs.[767]

765 Care Inspectorate, Inspection Report, Loretto School: School Care Accommodation Service, 18 March 2015, at LOR-1000000069.

766 Care Inspectorate, Inspection Report, Loretto School: School Care Accommodation Service, 12-15 January 2016, at LOR-1000000068.

767 Care Inspectorate, Inspection Report, Loretto School: School Care Accommodation Service, 14 December 2016, at LOR-1000000067.

Appendix E: Breakdown of numbers of children at Loretto School

From its inception in 1827, Loretto was a boys-only school with both day pupils and boarders aged twelve to eighteen. However, within two years all pupils were boarders. Loretto introduced day pupils again in around 1975.[768] The first female boarders were admitted in the Sixth Form (16-18 years) in 1981, and the school became fully co-educational in 1995.[769] Loretto is registered with the Care Inspectorate to provide boarding accommodation to a maximum of 289 children at any one time.[770]

Loretto does not hold accurate records of pupils pre-2009. However, the Loretto Register provides a non-exhaustive list of pupils who attended since 1827, and the pupil rolls list the number of boarders in the junior and senior schools from 1930 to 2014.[771] The Loretto Register indicates that approximately 5550 pupils have attended the school between 1930-2000.[772]

Numbers of pupils, 1930-1974

The below table shows the number of pupils in the junior and senior schools respectively, from 1930 until 1974.[773]

Date	Boarders		Total
	Junior School	Senior School	
1930	55	207	262
1931	53	211	264
1932	58	212	270
1933	57	210	267
1934	57	219	276
1935	56	211	267
1936	59	220	279
1937	62	217	279
1938	67	219	286
1939	69	223	292
1940	70	223	293

768 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0138.

769 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0138.

770 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0164.

771 Loretto School, The Loretto Register: 1825 to 2000, at LOR-000000019; Junior School roll, at LOR-000000004; Senior School roll, at LOR-000000006.

772 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0162.

773 Loretto School, Junior School roll, at LOR-000000004; Loretto School, Senior School roll, at LOR-000000006.

Date	Boarders		Total
	Junior School	Senior School	
1941	66	223	289
1942	66	231	297
1943	66	236	302
1944	68	232	300
1945	65	234	299
1946	61	238	299
1947	63	236	299
1948	71	243	314
1949	65	235	300
1950	66	242	308
1951	69	248	317
1952	69	245	314
1953	72	258	330
1954	64	271	335
1955	69	268	337
1956	63	280	343
1957	67	278	345
1958	70	281	351
1959	67	283	350
1960	69	282	351
1961	68	284	352
1962	68	283	351
1963	67	284	351
1964	64	286	350
1965	69	280	349
1966	69	287	356
1967	81	284	365
1968	92	282	374
1969	94	279	373
1970	93	287	380
1971	97	296	393
1972	95	293	388
1973	91	285	376
1974	96	293	389

Numbers of pupils, 1975-2008

The table below shows the numbers of students (day and boarding pupils) in the junior and senior schools respectively, from 1975 to 2008.[774] From 1975 onwards the pupil rolls show the total number of students—both boarders and day pupils combined.[775]

Since 1981, Loretto has admitted female boarders, but the pupil rolls do not provide the number of male and female pupils attending the school.

Date	Junior School	Senior School	Total
1975	104	300	404
1976	108	296	404
1977	120	310	430
1978	123	310	433
1979	123	321	444
1980	122	324	446
1981	122	334	456
1982	116	352	468
1983	113	366	479
1984	116	370	486
1985	121	381	502
1986	115	385	500
1987	105	390	495
1988	107	376	483
1989	113	381	494
1990	113	386	499
1991	109	393	502
1992	96	386	482
1993	95	390	485
1994	94	396	490
1995	103	392	495
1996	108	403	511
1997	117	404	521
1998	114	384	498

774 Loretto School, Junior School roll, at LOR-000000004; Loretto School, Senior School roll, at LOR-000000006.

775 Loretto School, Junior School roll, at LOR-000000004; Loretto School, Senior School roll, at LOR-000000006.

Date	Junior School	Senior School	Total
1999	122	368	490
2000	139	346	485
2001	155	321	476
2002	161	324	485
2003	182	289	471
2004	209	351	560
2005	235	354	589
2006	235	415	650
2007	229	433	662
2008	247	441	688
2009	241	455	696
2010	240	475	716
2011	249	525	774
2012	230	551	781
2013	196	525	721
2014	190	502	692

Numbers of pupils, 2009-2020

Loretto School's section 21 response provides the number of boarders in the junior and senior schools between 2009-2020.[776] The pupil rolls show the total number of pupils in the junior and senior schools up to 2014,[777] and from that the number of day pupils during that period can be deduced. Neither the pupil rolls or the Loretto School's section 21 response provide the number of male and female pupils attending the school.

Year	Boarders		Total boarders	Total day pupils	Total pupils
	Junior	Senior			
2009	10	232	242	454	696
2010	11	256	267	449	716
2011	12	274	286	488	774
2012	3	247	250	531	781
2013	2	255	257	464	721
2014	1	254	255[778]	437	692
2015	7	252	259		
2016	2	249	251		
2017	2	237	239		

776 Loretto School, Parts A and B response to section 21 notice: at LOR.001.001.0161, and LOR.001.001.0163-0165.

777 Loretto School, Junior School roll, at LOR-000000004; Loretto School, Senior School roll, at LOR-000000006.

778 Although 254 plus 1 is 255, the source (Loretto School, Parts A and B response to section 21 notice, at LOR.001.001.0161) says 256.

Appendix F: Number of complaints, civil actions, police investigations, criminal proceedings and applicants to SCAI

Number of complaints made to Loretto School relating to abuse or alleged abuse as at 19/05/20[779] a) against staff b) against pupils	 a) 22 b) 22
Number of civil actions raised against Loretto School relating to abuse or alleged abuse at Loretto School as at 19/05/20	2
Number of police investigations relating to abuse or alleged abuse at Loretto School of which the school was aware as at 19/05/20 a) against staff b) against pupils	 a) 2 b) 2
Number of criminal proceedings resulting in conviction relating to abuse at Loretto School of which the school was aware as at 19/05/20	0

Number of SCAI applicants relating to Loretto School	28

779 See Loretto School, Sections C and D response to section 21 notice, at LOR.001.001.0001, pp.129-133; additional information relating to complainers, at LOR-000000009; and potential peer abuse cases, at LOR-000000021. As there was some uncertainty about the number of complaints received by Loretto an update was requested and Loretto provided this on 23 September 2022. See, response to specific questions, 23 September 2022, at LOR-1000000082, p.3.

Appendix G: Charges against Guy Ray-Hills

Following the disclosure of Ray-Hills's abusive behaviour by a former pupil in 2001 in the Observer newspaper, Ray-Hills was charged by police as follows:

(1): "between 1 January 1957 and 1 January 1961 at Loretto School, Musselburgh, East Lothian, you GUY ANTHONY RAY-HILLS, did use lewd, indecent, and libidinous practices and behaviour towards XXXXX then aged between 10 and 12 years…and did place your hands inside his pants, handle his private parts, undo the front of his trousers and place his naked private member in your mouth;

(2): between 1 January 1957 and 1 January 1961 at Loretto School, Musselburgh, East Lothian, you GUY ANTHONY RAY-HILLS, did use lewd, indecent, and libidinous practices and behaviour towards XXXXX then aged between 10 and 12 years…and did expose your naked private member in his presence, push him onto a bed, pull up his kilt, pull down his pants and handle his naked private member;

(3): between 2 January 1963 and 1 January 1964 at Loretto School, Musselburgh, East Lothian, you GUY ANTHONY RAY-HILLS, did use lewd, indecent, and libidinous practices and behaviour towards YYYYY , then aged 15…and did kiss him on the mouth, place his naked private member in your mouth and did expose your naked private member and handle same in the presence of the said YYYYY."[780]

Petition and later indictment proceedings were raised at Haddington Sheriff Court. At a First Diet on 4 July 2003 a medical certificate by Guy Ray-Hills's physician was presented by the defence which stated, on soul and conscience, that the accused was not fit to stand trial. The case was continued and a medical report by a consultant psychiatrist was passed to the Crown by the defence in October 2003. On 8 December 2003, Crown Counsel instructed that there should be no further proceedings.

Consistent with COPFS retention policy records in respect of the prosecution of Guy Ray-Hills have not been retained. It is understood, however, that the indictment contained three charges of lewd, libidinous and indecent practices, reflecting the behaviour set out in the police charges.

780 Police Report, at PSS-000007178, pp.1-2.

Appendix H: "A suitable boy"[781]

The Observer

A suitable boy

Until now it has been assumed that paedophiles mainly prey on the lost children of our care homes and council estates. But as this harrowing memoir demonstrates, they can also operate at the heart of Britain's ruling elite. Here, after a silence of more than 30 years, filmmaker Don Boyd confronts his pain and articulates the shameful excitement of being sexually abused at one of the country's leading public schools

Don Boyd

Sun 19 Aug 2001 01.02 BST

Clad only in my uniform blue serge shorts, open-necked shirt and ridiculously long red stockings, I was cold as I sneaked into North Esk Lodge, the grounds of a small preparatory school on the out skirts of the small Edinburgh suburb of Musselburgh. I was always petrified that this gateway to my secret garden - across the footbridge from my dormitory at Loretto's Upper School where I now lived - would be locked and I would have to slink back, shivering and unrequited. But I knew that someone in this garden was expecting me and that his rooms were warm and seductive. And he always made sure that I could avail myself of his peculiar variety of Pandora's box.

Guy Anthony Ray-Hills' bedroom in North Esk Lodge looked out on to what the boys called the Ash Court. Guy had first entered my life on the Ash Court where Loretto's prep school boys, or 'nippers' as we were called, would play shinty and soccer during our free periods. He supervised the school's outdoor PT exercises in the mornings. Fifty of us, ranging from eight years to 13, innocently playing 'O'Grady Says' in front of him, or clapping our hands above our nubile bodies in time to commands from his authoritative voice. Now, though, hurrying across the Ash Court, I was trembling with excitement and desire at the thought he was going to have sex with me.

781 Don Boyd, "A suitable boy", *The Observer*, August 2001, at INQ-0000000369.

Musselburgh is known principally for its racecourse, an ice-cream maker called Lucca's and for Loretto, the Scottish boarding school which I attended between 1958 and 1965. We called Musselburgh's other schoolchildren 'keelies' and were taught to ignore them. Any contact was forbidden, and would have been a beatable offence. A cane would be administered by prefects in the school bathrooms known as Big Tubrooms. Spartam Nactus Es Hanc Exorna is Loretto's school motto: 'You inherit Sparta, rise up to it'. Like the Spartans, we were supposed to be superior. We were the ruling elite. And yet there I was, one of the more f ted specimens of this special Scottish institution, trussed up like a grouse hen in my weekday uniform of tweed jacket, shorts and stockings or, on Sundays, in my Royal Stuart kilt or tartan trews, and formal black dress jacket, a stiff-studded Eton collar piercing my neck. Superior? Elite? Privileged? The fancy dress we were forced to wear summed up the notions of our special status.

I had been sent to North Esk Lodge aged 10 from my home in East Africa and, even now, nearly 40 years on, my name appears on the list of head boys alongside that of Michael Mavor, the current headmaster. Michael evoked me in his address to the school at the memorial service held at Loretto's chapel when our headmaster Rab Bruce-Lockhart died. I wonder if Rab, a famous Scottish rugby centre three-quarter, had known that Loretto's prep school had been harbouring a paedophile for 16 years and that my time at Loretto had been characterised by years of serious, secret child abuse. A secret so shameful I would harbour it from everybody I knew for 30 years. From my parents, from my siblings, from my wife, from everybody - until finally, after the death of my father in 1995, I bleated it out in a moment of emotional vulnerability.

Guy was loved by the boys he taught. French classes were like street theatre, with him as a brilliant leading man. We could only speak French in class - a strict rule. We all had French names: animal

names. I was Le Singe (the monkey). As soon as he rounded the corner of the building adjacent to his classroom, each form would burst into song, which heralded the beginning of our favourite lesson of the week. The ditty started with the lyrics 'Bonjour Monsieur' and we would elongate these syllables to coincide with his majestic and charismatic entrance into the class. His open tweed jacket would sweep by our tiny wooden desks, his red neck-scarf would swish by and our song would continue. 'L'emporeur et des petits princes' were subject and object in the song - all that I can remember now, although I could hum the tune as I type this.

The first task of the day was a ritual known as 'les renseignements' (the news or information of the day), which we would prepare in French on the blackboard before he came into the room. We would write in French the date, the weather and occasional nuggets of pre-adolescent interest: 'Le Singe est dans la peine' would signal that I was in trouble and would be due a beating that day. All of us eagerly anticipated the ritual Guy would perform every French lesson. On getting to the top of the classroom, hands rooted suggestively in his pockets, our tall, elegant professeur would summon up one of the boys and help him very slowly and sensually to rub out les renseignements, leaving certain letters on the board which would precipitate hoots of laughter among us.

As the blackboard was lowered to eradicate these infantile transgressions, a long piece of wood propped there deliberately would fall to the floor for our leading man and superhero to scoop up. This was 'Caroline', a naked woman with breasts, red lips and a bushy vagina which had been clumsily sculpted on to the plank of wood with a penknife and coloured chalk. We were 10 and 11 years old. We laughed ignorantly and yet we caught the gist of this overtly sexual innuendo. The first act of Guy's performance would end with the boy who had been 'naughty' enough to leave the suggestive letters on the board receiving a very tame spanking in front of the highly entertained

form. He would be hugged for his spanking before walking proudly and glowingly back to his desk - one of our handsome leading man's chosen few. Guy was good-looking, almost effeminate. So witty. So worldly. Which lonely, impressionable, vulnerable, pre-pubescent boy would not want to be one of his special boys? Especially because he was simply the best prep-school French teacher in Britain bar none.

Le Singe was certainly lonely, precocious, vulnerable, pre-pubescent and more. Le Singe was also brilliant at French - 100 percent in Common Entrance French A and B papers. Le Singe's parents were thousands of miles away in Kenya. Unlike les autres animaux, he didn't hear from his parents by telephone; he couldn't take advantage of Sundays out with Mum or Dad. Le Singe hardly received any letters - our mail was distributed on a table in the common room every morning after breakfast and I would scour the envelopes for a sign of the telltale aerogramme from Kenya, where my father and mother lived. No luck. Le Singe was luckily pretty good at games - this kept him apart from the bullied boys. He was as good at arithmetic as he was at French and English and history. And he was desperate to be liked. Le Singe wanted a mother, a father, and a playmate. He wanted to be singled out. And so, of course, he wanted desperately to become one of Guy's special boys.

I pushed myself towards this important goal. Not only did I get to rub out les renseignements, but I would be favoured with Guy's special jar of garlic salt at table in the dining room. I was the first to get invited to listen to Edith Piaf, Charles Trenet and Maurice Chevalier in my hero's shadowy study. I would win the prizes he doled out for perfect French lessons. Quarter-pound boxes of Black Magic chocolates. I would win the bottle of Kia-Ora orange squash for the best-kept cricket-scoring book in the summer (a way to keep us watching the school match more seriously than the quality of Scottish prep- school cricket deserved), and I was always the quickest to conjugate the French verbs.

But in the early stages of my hero worship for Guy, I had absolutely no inkling of what was in store for me beyond some innocent and well-deserved attention. I laughed, as all of us did, at the sexual innuendoes, without really understanding their true relevance. We even joked about our hero's love affair with one of the female teachers. We were, after all, beginning to approach puberty. Some of us were masturbating. Sex was rearing its seductive head. We were shown 'naughty' mags in his study: Men Only and Titbits. This made our visits there even more exciting. He was popular. We all loved him. I loved him unconditionally.

And I couldn't help beginning to notice the favouritism. For instance, I didn't get the cane properly on one occasion: Guy pretended to beat me when I knew that the other boys really had been caned by seeing the stripes on their bums in the tubroom. The anticipatory thrill of pain was superseded by an overwhelming sensation of sexual excitement when he hugged me instead of caning me. I was standing in his study in thin, white games shorts and a flimsy rugby jersey. My French teacher was holding me tight, close to his body. I could feel his penis. It was hard. Gradually, I began to get a message, which made me realise that there was more to the 'special' relationship than just a brilliant teacher/pupil rapport. A new dynamic crept into our relationship. Repeated, subtle allusions to his bedroom emerged which seemed to come secretly from other boys who had heard through the bush telegraph that a visit to his bedroom was the ultimate accolade for 'special friends'.

These rumours were compounded by the occasional, almost casual hint from my hero that I might like to visit him 'upstairs' one evening for a 'session'. What was a session? Very secret, he said smiling lasciviously as he raised his long finger up to the ruby lips of his louche face. I had to find out more. I asked around and got blanks. Extra tuition it wasn't. A beating - no. Sex education,

possibly? Titters of ignorance greeted my use of the word, although I didn't let on who the session might be with.

I finally made a decision and, one evening in his study, told him that I would be interested in the prospect of such a session. I had been told that I was to become head boy the following term. I was old enough. He explained that I had now become a 'special friend'. He emphasised secrecy. 'Discreet' was one of his favourite words. He embellished the invitation with a hint of the dangers of being caught. He played on a sense of trust. He relied on the knowledge that to become part of this special club implied that those dangers were as great for an initiate as they were for him. And so he fixed a time for my induction.

I knew that this was going to be my first proper sexual experience. I was 12 years old. I had fallen into Guy's deliberately orchestrated trap. I was about to visit his lair. And what is horrifying in retrospect is that I wanted this more than anything in the world. I had been primed as a victim of one man's determined campaign to seduce me into his world of illicit, homosexual sex. I was about to become a victim of one of the most serious crimes anybody could possibly commit: the sexual rape of a child. Guy was a paedophile. I was his prey.

I hardly remember my first visit to his bedroom, although I can remember many distinct aspects of these sessions over the four years they spanned. The putrid smell of semen. The whiff of the gelatine cream which he used to make entry easier. The awkward fumbling. And his gentle encouragement as I was introduced to each new facet of sex between a man and a young boy. I will never forget seeing his erect penis for the first time and gasping with fear. He asked me to fondle it and put my mouth over it.

I never quite understood, and still don't to this day, what it was that got him so excited about me. I wear glasses and was hardly a

classical beauty in the way that the Greeks might have characterised youthful homosexual allure. I found the homosexual act itself fairly revolting, although I enjoyed my climaxes in the way you might imagine a young sexual initiate might. I hated the taste of his semen. I loathed the pain. And yet I became a regular member of his highly secret club. My initiation into this sophisticated and exotic world compounded my need to be one of Guy's 'special friends'. I was at last getting proper attention from an adult I admired. It was exciting. I felt privileged. And so one session become two, and two became...

When I moved in the winter term from the prep school to the Upper School at Loretto, I assumed our 'sessions' would have to stop. I had enjoyed my term as head boy and my Common Entrance results had been good enough to put me into the A-stream class, which meant taking my first O levels while I was 13 with boys who were nearly two years older. This required adjusting to a new, more competitive environment at Loretto's main school. And so my newfound promiscuity would have to be curtailed. There was a permanent culture of homosexuality at Loretto, probably in line with all boarding schools of that time. This was 1962, the era of Profumo, Burgess and MacLean.

And so I began to nurse the secret of my relationship with Guy and get on with life in the senior school's atmosphere of repression and fear as best as I could. Cold baths. Beatings from prefects. And mild flirtations with pretty boys - every public-schoolboy's substitute for teenage sexual experiment. Loretto had a system called the 'Top 10' - the favoured creatures who provided fantasies for the rest of the mostly heterosexual schoolboys. I fell in love with a peaches-and-cream boy then, like everybody else. I even had the occasional masturbatory homoerotic experience with fellow Lorettonians. But out of school I began a long career of rampantly heterosexual experiences. I thought Guy was firmly in my past. A very, very secret

rite of passage. But I was soon to discover that 'special friendships' didn't have to stop.

Guy rounded on me after chapel at the beginning of my second week in Loretto's senior school. He invited me for a 'session' the following Thursday after prep. The ease with which he explained how I could wangle this illicit excursion without getting caught suggested he had organised similar visits. This was clearly not a club for one member. All week I would be excited at the prospect of seeing him again. From the seconds after our short, cryptic exchange outside Loretto's beautiful chapel, while the rest of its kilted pupils filed meekly out of Sunday church services, to that millisecond of my cry of pain as his penis entered me, I would nurse a sexy, exciting, all-enveloping sensation which would not go away until after I had clandestinely crept out of his small bedroom close to the tubroom on the top floor of North Esk Lodge and walked the 10-minute walk back to the gates of Loretto School.

I now realise that, for all my protestations that 'it has done me no harm' and that what occurred was 'one of life's rich experiences', what Guy did to me was appallingly cynical and inexcusable. But is my secret unique? Are there other men who would have had similar sexual experiences? Are there similar predators around who are just as culpable as Guy? Is he as guilty as the men serving sentences for abusing children in the 'care' homes of our social-welfare system? Has the public-school system mysteriously protected itself from a terrible history of child abuse for too long and, if so, why has it done so?

I am still living with the consequences of Guy's behaviour, and have only just begun to analyse its impact on my life and my relationships. For this I find it very difficult to forgive him. At the time, I completely underplayed its significance, and because I had so effectively disguised the true nature of my relationship with him,

I was manoeuvred into out-of-school activities that would allow Guy to continue sexually abusing me.

My brother and I went on holiday in Austria with him during my last summer at Loretto - my parents' marriage had become intolerably alcoholic and abusive. Dad thought we would be better off away from home on that holiday. We stayed in St Gilgen on the Wolfgangsee and in Salzburg during the music festival in 1964. Between bouts of Mozart and the Marionetten Theatre, between rubbers of bridge and visits across the lake, Guy engineered two or three sessions for old time's sake. I went along with these very reluctantly. By now I realised I was heterosexual and that Guy was something completely different. And yet our friendship thrived. He liked my company. Was this the early stages of some sort of careful monitoring process? Had he gone too far with me?

When I finally began my foray into the world of cinema and theatre in London, Guy arranged an apartment for me. But I had made it clear that there would never be any more sex with him. He seemed less interested and was happy to take me along to the races at Goodwood - horseracing was his other great passion. His paper of choice was The Sporting Life. During this era of my life, Guy became Tony. I had graduated from pupil to 'friend'. It seemed that at school he needed to have these two identities. But in the real world, I was no longer Le Singe; and he was no longer Guy the entertainer.

Soon after this, Tony's paedophile's paradise in Musselburgh came to an abrupt end. He rang me distraught one day to tell me he had finally been fired from Loretto and was working at Prince Charles's old prep school, Cheam. This didn't last: the headmaster at Cheam, who had been 'sympathetic' to his cause, had been pressurised to fire him, too - largely as a result of the scandal following Tony around. Apparently a boy at Loretto had written a letter to his parents tracing his sexual experiences at school to sex education

gleaned by a friend from Tony. He explained to me he was innocent; that the boys in question were not 'special friends'. But the cat had been yanked out of the bag and Loretto's governors decided this was enough excuse to rid the prep school of the Sword of Damocles, which must have hung over North Esk Lodge for the 16 years Tony had been in residence.

If they had known the full truth, Tony would probably have been hung, drawn and quartered. As it was, he limped down to London to a training job in schools television, which he hated. I only saw him sporadically, while he suffered the realities of teaching in a comprehensive as his qualifying experience for this new career. But, within a few months, he was applying for jobs in the public-school system again and I heard no more from Tony for nearly 20 years.

Every day for the next three decades was a day complicated by the consequences of my relationship with Tony Ray-Hills. It is easy to rationalise your behaviour when you are still a teenager at boarding school. Without girls around, how else to deal with all the testosterone thrashing about in massive playing fields all over the country? It seemed OK to condone corporal punishment - a lad needs some discipline, for God's sake. Why not cut his bum up so that it bleeds for having dirty shoes? Bullying: why not let dog eat dog? Surely the prefect's study is no different to the boardroom, where everybody has to fight his or her own corner. There are bullies in the real world, too. And then homosexuality: no harm in it. Pretty boys are just a substitute. Having a pretty boy kiss you behind the bike shed and then jerk you off a couple of times so that you feel good about it hardly demonstrates a denial of heterosexual instinct.

But child abuse? Does this come into a similar category? Even if you buy into the myth that corporal punishment, bullying and sex between consenting teenagers is OK as long as it stays within the

dormitory, nobody could seriously argue the same for the cynical, deliberate sexual manipulation of a child by an adult charged with that child's spiritual, educational and physical welfare. We have never talked about the paedophiles in the public-school system because I suspect that, like me, those who have been harmed by them were firstly too scared and ashamed to admit that anything took place at all and, secondly, wanted to bury the memory so aggressively that the psychological wound it caused would not be blamed for the consequential behaviour and anguish. And because these crimes have been so repressed and denied, nobody has really assessed what damage they did to their victims. I can only guess at the damage it has done to me and the misery I have experienced living with the impact.

I have never trusted any man. I have regularly equated sexual conquest and promiscuity with a desperate need for emotional approbation. I have always romanticised deception and secrecy. I have always thought it was normal for people to lie and cheat. I refused to admit that I was wronged by Ray-Hills and consequently have a ludicrously forgiving attitude towards other paedophiles, rapists and pederasts.

I have lived a peculiar double life with my wife and children over the past 30 years. A duplicitous, mendacious, adulterous, selfish life which only began to change when I was forced to realise that my destructive, unsociable behaviour stemmed from the psychological wounds caused by the experience of my relationship with dear old Guy and the secret I had kept from everybody for so long. So, how did it slip out?

An eccentric architect obsessed with 17th-century artefacts invited me to dinner shortly after my father died. I was going through serious marital turmoil and was living away from home at the time. At the end of the evening - we were all drunk - I challenged him to

load his antique blunderbuss or demonstrate an explosion with gunpowder caused by one of his precious 17th-century muskets. His bravado amazed us and the explosion triggered an emotional explosion in my brain, which led to a public confession. Within minutes, I was bleating out the story of Ray-Hills. Until then, whenever he cropped up, I would eulogise about his amazing brilliance as a teacher. I would get everybody to laugh about his pantomime-like French lessons. I would tell them about visits to the races and his infectious, high-pitched laughter. I promoted his sainthood. But at this dinner party, I decided to tell all. I described the real nature of my relationship with him. The impact was devastating.

Like all abused children, I had no idea how horrified other people were about paedophilia. Like all other victims of adolescent rape, I found it impossible to see the experience as anything other than my fault. I was appalled when, after the dinner, as the guests realised that it wasn't some sort of sick joke, one of them said in all seriousness that I should go to the police immediately and get Ray-Hills arrested. I laughed. I couldn't see it in those seemingly hysterical terms. Years of the secret, years of ignoring the impact and consequences of his behaviour all conspired towards a sanguine, forgiving attitude to what he had done. How could I possibly want him to go to jail for it? 'How would you feel if you learnt that your teenage daughter had been abused by her French master?' a voice said. I had three in their teens at the time. The penny dropped as loudly as my friend's explosion had erupted round his dining room.

Then came the reverberations of this public 'outing' of my secret. I began to spill out various snippets of my dinner-party revelations to some members of my family and to my best friends. I delayed telling my wife Hilary, but at last I also felt I had the emotional strength to tell her the whole story in detail - something I had feared

from the day I'd begun to love her, almost 25 years earlier. I had been convinced then that she would dump me on the spot.

I knew she suspected something weird had happened with Ray-Hills. He had come to lunch once at our flat in Chelsea soon after I mentioned him (favourably) in an interview I gave to The Independent some three years or so earlier. Hilary had refused to stay. She didn't like him at all. I remember being petrified that she had picked something up about the real nature of our relationship from this brief encounter. When I finally told her the whole story, she began to understand the true, horrifying complexity of my secret and the effect it had had on our marriage. And, of course, she made me realise that if my secret could have come out when we had met, our love affair and 25-year marriage would have been considerably easier to deal with.

Our only contact with him after this had been a chance meeting in a Dorset restaurant. He looked sheepish - he was with two older women who were clearly hanging on all his witticisms and charm. He oozed all of this over to Hilly at our table and her response must have told him that she knew something about our secret. He took me aside and, holding my arm, told me in a whisper how good it was to see one of his 'special friends' again, and that we should be in touch soon. Hilary threw him a look, which must have got to him because he all but ran back to his table.

Confused and emotionally wrought by all of this, I had even told the story to a professional journalist. I wrote to Ray-Hills telling him that because of this, he was probably going to be publicly exposed. I received a barrage of phone messages and three begging and apologetic letters. Amazingly, he accepted all my accusations. He knew it would be futile to deny them. More importantly, he wanted to see me and wanted desperately to prevent public exposure. We arranged to meet at the Hyde Park Hotel at 7pm one cold January evening.

He arrived early to check out the degree to which I might have been following him. He had wandered around Harrods petrified that a camera crew had pursued him - he knew that I directed documentary films to supplement my career in the cinema. And there he was. Tall, ruddy, charming, pathetic and sporting the same seductive, manipulative spirit he'd used when I had been an innocent young boy, 10 years old. Determined to have my say, I told him, as we swigged at our champagne cocktails, that he had committed a crime and that in different circumstances he would be in jail. I told him of the harm he had caused me. How disgusted I was. How ashamed I had felt. I reminded him of my vulnerability - thousands of miles away from my parents, no relations to see regularly, frightened, lonely, trusting, innocent, sexually ignorant.

I was angry. He listened and apologised. He used all the standard defences: 'But surely it didn't really harm you. It was all good, clean fun. You were a special friend. It happened so many years ago. There is no need to bring it all up now. I don't have relationships with boys now.' As I sat in the luxurious faux Victoriana of one of the hotel's salons, time stopped. His charm was working again. He implied he would not be able to live through any scandal. He took me through the history of his sacking from Loretto and the years that followed. He had loved his job there, teaching French to young boys like me. He told me about a reunion at which he had been a speaker, a memorial after the death of one of his Loretto teaching colleagues. Oddly enough, I had known about this event because I had bumped into another ex-Nipper who had told me how funny 'Guy's speech' had been at the memorial. Guy is a very, very funny raconteur and knows how to entertain.

I asked what life was like for him now. He explained his rather solitary existence in a small flat in Twickenham. He emphasised time and again that he'd had no inkling of the harm he was accused of doing over so many years. He made some revolting reference

to homoerotic pornography he had come across in a Twickenham adult bookshop. I laughed hypocritically. Old habits die hard. And slowly but surely I was coaxed into taking pity and told him I would prevent the publication of my interview. Let bygones be bygones.

So, what has changed? Why do I want to deal with this saga publicly now? My only answer is that if all children have the right to be protected from sick, manipulative sexual abuse, surely we must do everything to inhibit their predators by drawing attention to all the arenas in which they have operated before, and might still be operating. Why does the public-school community hide away and deny the emotional scars it causes? Should all paedophiles be held accountable for their crimes? Why are so many public-schoolboys so repressed? Is it right we should separate a tiny percentage of our children and educate them away from home, isolated from the rest of society for half of their adolescence?

On a deeply personal level, writing about 'Guy' has been therapeutic and cathartic. In talking about him to my wife, my daughters, to close friends, to a psychiatrist and to Tony himself, I have arrived at the moment when I feel that I want to tell the story in public. I am prepared to deal with the consequences of this article. I don't feel ashamed any more. I don't feel any need to hide it all away. I want to air it all so that somebody might learn from it. I want to move on in life without a horrible, unresolved secret. I want to cry about it. I want to hate 'Guy' and cry for 'Tony'. I want to rid myself of 'Le Singe'. I want to love without the feeling that I have to get and give good sex to be loved. I want to enjoy my men friends without feeling that I mistrust them. And I want to believe that what happened between 'Guy' and 'Le Singe' was not my fault.

Appendix I: Notice of draft findings

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 their response before finalising my findings.